



Annual Report 2012/13



Providing
high quality and
accessible justice,
legal, registry,
guardianship and
trustee services
which meet the **needs**
of the **community**
and **government.**

Department of the Attorney General

Statement of Compliance

For the year ended 30 June 2013

Hon Michael Mischin MLC

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 2013.

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

20 September 2013

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Overview of the Agency

Executive Summary

The Year in Review

Throughout 2012/13 increased community demand for services and improved service delivery through the use of technology were key focal points for the Department.

The State's Supreme Court completed two high-profile cases, aided by the use of enhanced court technologies. These cases changed the way the Court approaches large-scale hearings and took the e-trial concept to a new level of advancement. Advances in technology allowed a high-profile matter before the Court to be conducted using a dedicated media room (separate to the Court) which streamed live audio-visual recordings of the proceedings. The Department undertook a state-wide roll out of new digital video recording equipment replacing the old VHS video recording equipment.

The median time to trial for criminal matters in the Supreme Court was 26 weeks, two weeks under the target of 28 weeks. Similarly the same indicator in the District Court was at 25 weeks, seven weeks under target, as a result of changes in listing procedures. The Magistrates Court was also under target with the median time to trial for criminal and civil matters two weeks better than the target of 19 weeks.

Changes to the *Juries Act 1957* made in 2011 allowed for greater efficiency and savings for taxpayers because fewer summonses have to be issued to amass enough jurors. In 2012/13 the excusal rate was only 27 per cent from the 48,542 jurors summonsed. This compares to an excusal rate of 72 per cent with 54,309 jurors excused prior to the introduction of the changes.

The Mental Health Diversion and Support Program, known as the Specialist Treatment and Referral Team (START), began operating in March 2013. The \$6.7 million joint program between the Department and the Mental Health Commission is funded by the State Government. The Program uses a clinical team which provides assessments and reports to the Court, makes referrals to appropriate services and provides some clinical intervention. A total of 138 people appeared before the Court between March and the end of the financial year. Since April 2013, the Children's Court also had access to a team of mental health specialists.

The State Government continued to provide additional resources to the Coroner's Court in 2012/13. There was a significant reduction in the number of backlog coronial cases, from a high of 938 in September 2011 to 425 in June 2013. More than half of the existing backlog cases were waiting on external agencies to provide information to the Coroner.

In 2012/13 the State Government provided additional funding to the Family Court of Western Australia for a temporary family law magistrate and two support staff for a period of two years. This was to assist in reducing the backlog of de facto financial matters and to reduce the time separating de facto couples wait for a court hearing. Trial matters involving separating de facto couples accounted for 36.6 per cent of all de facto final order trial commencements in 2012/13, compared with 29.1 per cent in the previous financial year. The number of matters awaiting trial in the defended list dropped from 1,006 in December 2011 to 736 in June 2013, a reduction of 26.8 per cent and the court's final order clearance rate has reached 118.4 per cent compared to just 73.4 per cent in 2009/10.

The State Administrative Tribunal was given oversight over a number of new jurisdictions, the most significant being disciplinary matters referred under the newly-proclaimed *Teachers Registration Act 2012*. There was also a five per cent increase in the number of guardianship and administration matters during the year.

Overview of the Agency - Executive Summary

The Office of the Public Advocate continued to run an innovative program which matches volunteers from the community with adults who are under the guardianship of the Public Advocate. The aim of this matching is to have the volunteer eventually become the person's guardian, if a suitable relationship develops. When this occurs, the level of contact which is provided to the represented person is much closer and personal in nature.

At 30 June 2013, the Public Advocate was guardian of last resort for 1,065 people, an increase of 15 per cent compared to the number at 30 June 2012. In recognition of the need to meet the growing demand for advocacy and investigation, and guardianship services, four additional staff members were employed to meet current demand.

The Office of the Public Advocate also handled almost 5,000 enquiries via its telephone advisory service. A significant change for the Office was its relocation to International House at 26 St Georges Terrace in June 2013. This location is closer to the State Administrative Tribunal, the Public Trustee's Office and courts in the Perth CBD.

The Public Trustee worked jointly with the Office of the Public Advocate to provide training sessions for private administrators. The Public Trustee also concentrated on improving client awareness and access to its services. It achieved this through delivering information sessions and bulletins to community groups and professional service providers on topics including Wills education, aiming to reduce intestacy and family conflict across the State.

The Aboriginal Justice Program undertook extensive engagement with Aboriginal communities through its Open Day process. The Open Days provide a one-stop shop, designed around the schedule of the community, for people to access services such as obtaining birth certificates, driver's licence testing, fines enforcement resolution and face-to-face dealings with other Government agencies.

During the year, 39 Open Days were held, mainly in the high-priority locations of Derby West-Kimberley, Halls Creek and Laverton/Leonora. They assisted more than 1,200 people link in to a range of government services. More than 100 people took driver theory tests and 92 people did their practical assessments. Approximately \$900,000 in outstanding fines were settled by almost 400 people, allowing their licence suspensions to be lifted at the Fines Enforcement Registry.

The Registry of Births, Deaths and Marriages continued its involvement with the Open Days and processed nearly 500 birth certificate applications. This service benefits people in regional and remote areas of Western Australia. Without valid identification such as a birth certificate, accessing other government services for these people can be impossible.

The Department continued to provide sound and comprehensive policy and legal advice to the Attorney General on a range of law reforms, coupled with legislative drafting services delivered to a high standard. Examples included the introduction of a number of pieces of legislation strengthening fines enforcement sanctions, measures to outlaw certain organisations and prevent the association of criminal members, and the introduction of an R18+ category for computer games.

The Parliamentary Counsel's Office continued to provide legislative drafting services for Government and to private members of State Parliament. The Office also completed the extensive drafting of more than 400 pieces of subsidiary legislation. Similarly, the State Solicitor's Office continued to provide high-quality legal advice to the State Government on a broad range of matters including native title claims.

The Department continued its \$138 million investment in regional justice infrastructure. New courthouses are under construction in Kalgoorlie, Kununurra and Carnarvon. Following extensive consultation with Aboriginal stakeholders, plans were devised for the replacement courthouse for Kununurra. The two-storey building will comprise a jury courtroom, magistrate's courtroom, remote and vulnerable witness facilities plus associated amenities. The construction of the \$43 million project, funded by Royalties for Regions, began in early 2013 and is scheduled for completion by late 2014. While the replacement courthouse is being built, a temporary courthouse commenced operation in late October 2012 in the grounds of the local hospital.

Overview of the Agency - Executive Summary

The Department's Corporate Services Division continued its essential work supporting the Department's operations. Without this support it would not be possible for frontline Departmental staff to deliver services to the community.

The Department worked with the Attorney General, the Hon Michael Mischin MLC, this financial year and I thank him for his strategic direction and support of the Department.

I would also like to thank the management and staff for their ongoing dedication and hard work in continuing to improve and deliver services both to the State Government and the community.



Cheryl Gwilliam

DIRECTOR GENERAL

DEPARTMENT OF THE ATTORNEY GENERAL

Operational Structure

The Department of the Attorney General manages critical aspects of the Western Australian justice system and various State Government legal responsibilities.

The Department, headed by Director General, Cheryl Gwilliam, reports to the Attorney General, the Hon Michael Mischin MLC.

The key services of the Department are:

- the administration of courts, tribunals and boards
- the registration of births, deaths, marriages and changes of name
- advocacy, guardianship and administration services
- trustee services
- legal, legislative drafting, policy and multi-agency co-ordination for government.

Court and Tribunal Services

The Department provides administrative support to the State's judicial system through its Court and Tribunal Services division. This includes processing and finalising civil and criminal cases, services to victims of crime, court security, enforcement and recovery of court fines and infringements, jury services, and the appointment and training of Justices of the Peace. The Department also provides administrative support to the Mentally Impaired Accused Review Board, Prisoners Review Board and Supervised Release Review Board.

Births, Deaths and Marriages

The Department, through the Registry of Births, Deaths and Marriages, is responsible for creating and permanently storing birth, death, marriage and change of name records, enabling the public to obtain documentary proof of important life events. The Department also provides facilities for marriages in the Perth Registry office.

Advocacy, Guardianship and Administration Services

The Department includes the Office of the Public Advocate, which promotes and protects the human rights of adults with a decision-making disability to reduce their risk of exploitation, abuse and neglect. The statutory functions of the Public Advocate, which are set out in the *Guardianship and Administration Act 1990*, include advocacy and investigation, guardianship services and community education.

Trustee Services

The Public Trustee is a statutory authority administered by the Department of the Attorney General. The Public Trustee provides a comprehensive range of affordable, professional and impartial Will, deceased estate administration and trustee services to all Western Australians. It offers a range of fee-based and free community services which include preparing and storing Wills, enduring powers of attorney, managing nominated deceased estates and overseeing the financial and legal affairs of vulnerable people.

Legal, Legislative Drafting, Policy and Agency Co-ordination for Government

The Department makes a significant contribution to policy development, law-making, legal services and the co-ordination of justice-related services, especially to Aboriginal communities through a dedicated Policy and Aboriginal Services Directorate.

The State Solicitor's Office delivers legal services to Government and Government clients.

The Parliamentary Counsel's Office ensures policies are put into legislative form and the public is given access to, and information about, existing and historical legislation. It provides comprehensive drafting and related services to Government, its departments and agencies. The office also makes its legislative drafting services available to private members of State Parliament and to facilitate the work of parliamentary committees.

Overview of the Agency - Operational Structure

The Department also provides some corporate support to the following agencies:

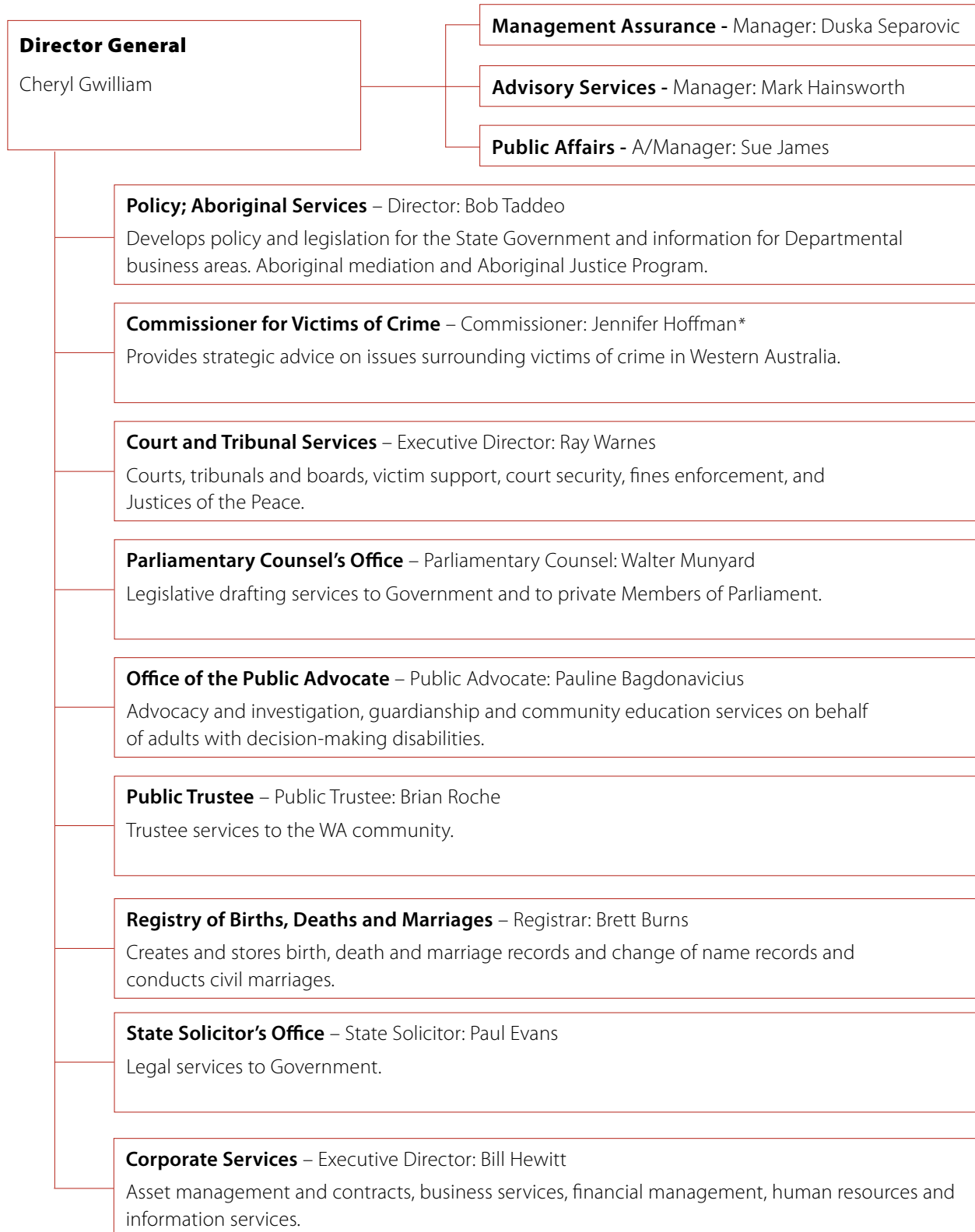
- Department of Corrective Services
- Law Reform Commission
- Parliamentary Inspector of the Corruption and Crime Commission
- Legal Aid Commission
- Legal Costs Committee
- Professional Standards Council
- Solicitor General.

In accordance with its Strategic Framework, 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

As at 30 June 2013



* Commenced 23 July 2013.

Performance Management Framework

Government Goal

The work of the Department of the Attorney General reflects the State Government goal of:

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

Outcomes and Services

The Department delivers the six high-level services listed below, in order to achieve the desired outcomes.

The Department's Desired Outcomes	Services
1. An efficient and accessible court and tribunal system.	1. Court and tribunal services.
2. Trustee, guardianship and administration services are accessible to all Western Australians.	2. Advocacy, guardianship and administration services. 3. Trustee Services.
3. Western Australian birth, death and marriage certificates are accurate and accessible.	4. Births, deaths and marriages.
4. Government receives quality and timely legal and legislative drafting services.	5. Services to Government.
5. Equitable access to legal services and information.*	6. Legal Aid Assistance.*

**This outcome and service is delivered by the Legal Aid Commission. The Legal Aid Commission is partly funded through the Department of the Attorney General but prepares a separate annual report, including reporting against its own Key Performance Indicators.*

The Department's Outcome Based Management Framework was unchanged this year and the reporting structure for performance indicators reflects the list of services above.

Agency Performance

Financial Summary

Services	Budget 2012/13 \$000	Actual Expenditure 2012/13 \$000
1. Court and Tribunal Services	359,839	338,313
2. Advocacy, Guardianship and Administration Services	5,689	5,933
3. Trustee Services	23,297	23,591
4. Births, Deaths and Marriages	8,436	7,590
5. Services to Government	73,031	82,339
6. Legal Aid Assistance	35,334	36,013
Contribution to Responsible Financial Management	(4,586)	
Total Cost of Services	501,040	493,779

Financial Targets

	Target 2012/13 \$000	Actual 2012/13 \$000	Variation	Comment
Total Cost of Services (i.e. endorsed expense limit)	501,040	493,779	-1%	The reduced expenditure was largely due to a lower than expected actuarial assessment of the judicial pension liability.
Net Cost of Services (details in the Income Statement)	370,426	364,045	-2%	The target variance is explained above.
Net Assets (details in the Statement of Financial Position)	526,211	501,935	-5%	The total equity decrease is due to the delayed commencement of regional capital works projects.
Net Increase/(Decrease) in Cash Held (details in Cash Flow Statement)	(2,096)	27,092	14%	The increase in cash is mainly due to a cash equity injection of \$15 million to rectify the Department's cash balance deficiency and unspent money from the Royalties for Regions Program.

Further comments and explanatory statements for variances are shown in the financial statements in this report.

Key Performance Indicators

The key performance indicator results showed that the Department continued to meet or surpass more than half of the targets set in the 2012/13 budget statements.

Supreme Court median time to trial for criminal cases remained at 26 weeks, two weeks better than the target of 28 weeks.

Improvement was particularly apparent in the District Court criminal jurisdiction, and the criminal and civil jurisdictions of the Magistrates Court. In the District Court, the median time between initial committal and the first trial date was seven weeks better than the target of 32 weeks.

In the Magistrates Court, the median time between lodgement and the first trial date of 17 weeks was two weeks better than the target of 19 weeks.

The percentage of fines and costs satisfied by the Sheriff's Office within the time standard of 52 weeks also presented a better than target result by 11 per cent.

The Registry of Births, Deaths and Marriages continues to benefit from converting its paper-based records to an electronic format by performing better than its target for both the accuracy of its source records and timeliness of the delivery of certificates. More than 106,000 certificates were issued during the year and around 101,000 or 96 per cent were issued within two days. This is six per cent better than the target set in the 2012/13 budget statements.

The Parliamentary Counsel's Office indicator on the extent to which legislation is drafted in a timely manner showed that the drafting of legislation was eight per cent better than the target.

The complete details of key performance indicators are provided in the Disclosures and Legal Compliance - Key Performance Indicators section on page 103.

Court and Tribunal Services

Notable Outcomes for 2012/13

Court Performance

The Department's key performance indicators (KPIs) emphasise the effectiveness and efficiency of the State's court system. The Department continues to ensure the timely and fair delivery of justice to all court users.

The State's Supreme Court completed two high-profile cases, aided by the use of enhanced court technologies. These cases changed the way the Court approaches large-scale hearings and took the e-trial concept to a new level of advancement. Advances in technology allowed a matter before the court to be conducted using a dedicated media room (separate to the Court) which streamed live audio-visual recordings of the proceedings.



The District Court Building in the heart of Perth.

The Supreme Court median time to trial for criminal matters remained at 26 weeks, two weeks better than the target of 28 weeks. In the Court of Appeal, early disposition of matters that had no merit resulted in an increase in civil appeal finalisations and a better than target result in the median time to finalisation.

The District Court continued to meet its target, or performance indicator, for median time to trial for criminal cases, with changes in listing procedures resulting in median time to trial for criminal cases being at 25 weeks compared to the target of 32 weeks. Despite a reduction in people-smuggling matters before the Court, the provision of interpreters remained high due to a number of drug and violence-related matters involving many people from a range of ethnic backgrounds.

Time to trial in the Family Court was affected by a focus on finalising older matters. While it is important for separating families to have their matters finalised as quickly as possible, the median time to trial for matters seeking final orders from the Family Court increased from 96 weeks in 2011/12 to 107 weeks in 2012/13.

The Court's time to finalisation indicators continue to be affected by a range of

factors. The Family Court has focused considerable effort on improving access to justice for the community, using State funding for an additional magistrate and support staff to hear de facto financial matters and additional Commonwealth funding for an acting judge, temporary magistrate and support staff to cover the additional workload and illness of judicial officers. These additional resources allowed the Court to increase its final order finalisations and achieve significant and sustained improvements to its final order clearance ratio, reaching 118.4 per cent in 2012/13, compared to 73.4 per cent in 2009/10.

facts

Supreme Court

Supreme Court of Appeal finalised 168 civil and 279 criminal matters in 2012/13.

General Division of the Supreme Court finalised 3,256 civil matters, 27 civil appeals, 169 criminal appeals and 264 criminal matters in 2012/13.

Probate Office finalised 6,588 probate matters in 2012/13.

District Court

Total number of trials in 2012/13: 61 civil, 427 criminal (333 metro and 94 heard by circuit courts).

Family Court

Total number of matters on the defended trial list (as at end 2012/13): 736.

State Administrative Tribunal

Total number of lodgements in 2012/13: 7,356

Median time to finalise matters: 13 weeks (excluding guardianship and administration).

Criminal lodgements in the Magistrates Court of Western Australia for 2012/13 were 2.3 per cent lower than in 2011/12. This meant that fewer criminal charges came before the courts. This fall is attributed to fewer traffic and vehicle-related charges being laid, with police activity focussing more on low-volume, serious crimes. These crimes include illicit drug offences, theft and related offences, public order offences and offences against justice procedures. With many traffic offences now being increasingly dealt with by traffic infringement notices rather than court summons, the Court was able to turn its resources to more serious offences that fall within its jurisdiction.

facts

What is time to trial?

The length of time between the date when a criminal charge against someone is first lodged at a court and the first date of the resulting trial.

The median time to trial for criminal and civil trials in the Magistrates Court of Western Australia fell from 19 weeks in 2011/12 to 17 weeks in 2012/13.

This reduction is partly attributed to the reduction in lodgements, but also to various methods which were adopted by courts to ensure the time to trial was kept within reasonable limits.

While the number of criminal cases in the Children's Court declined by 5.8 per cent, from 7,657 in 2011/12 to 7,210 in 2012/13, civil lodgements increased by 65.1 per cent from 1,856 in 2011/12 to 3,065 in 2012/13.

Court Security

The Department's Court Security Directorate provides a co-ordinated response to all security matters relating to the operation of the State's courts and tribunals, as well as co-ordinating security arrangements for members of the judiciary. The Directorate has developed strong relationships with law enforcement and security agencies and devised proactive strategies designed to protect the Department's assets and its staff.

During the year the Directorate took a lead role in managing and co-ordinating the security needs of many high-profile trials. There is a significant security risk associated with such trials due to increased public interest, large numbers of onlookers attending the court, media attention and the appearance of protected and vulnerable witnesses in the same building. If there has been a history of conflict, or there is the potential for there to be conflict between opposing sides of a case, Court Security has developed a comprehensive security framework that can be scaled up or down depending on what is required in a particular case.

The Directorate also works with WA Police and court security and custodial services contractors Serco and G4S who also have responsibility for the provision of security for courts.

Mental Health Diversion and Support Program

The pilot Mental Health Diversion and Support Program at the Central Law Courts, known as the Specialist Treatment and Referral Team (START) Court, began operating in the 2012/13 financial year as a result of Government funding of \$6.7 million. The project was jointly implemented by the Department of the Attorney General and the Mental Health Commission. The Court sits five days per week and is supported by a dedicated clinical team and magistrate. A total of 138 accused persons appeared before the START Court between 18 March 2013 and 30 June 2013.

Young people who appear in the Perth Children's Court also have access to on-site mental health support which became available in April 2013. The Mental Health Diversion and Support pilot project, known as Links, gives the President and magistrates of the Children's Court access to a team of mental health specialists, including a clinical psychologist, a consultant psychiatrist, mental health nurses and support workers.

The clinical teams provide assessments and reports to the court, make referrals to appropriate services, and offer some clinical intervention. The programs aim to divert offenders from the criminal justice system and ensure they receive necessary treatment, as well as providing alternative sentencing options for those whose offences are the result of mental illness.

Drug Treatment and Diversion for Offenders

A series of diversion programs are delivered within the Magistrates Court which specifically address problematic substance use. This year, 1,123 offenders with underlying substance use problems accessed drug treatment programs through the Western Australian Diversion Program. These programs are jointly delivered by the Drug and Alcohol Office and the Department of the Attorney General. Participants in these programs are able to access treatment and counselling aimed at assisting them to break their cycle of substance use and offending.

During the same period, a further 687 offenders were referred to the Perth Adult Drug Court for assessment to be included within an intensive treatment case management regime for their substance problems. This represents a 72 per cent increase in comparison to the previous year. The Drug Court diverts more serious offenders who have more complex substance use problems into highly intensive and supervised treatment programs. Participants who successfully complete a Drug Court program will have addressed their offending behaviour and will generally avert a term of imprisonment in order to continue their rehabilitation in the community.

Office of the State Coroner

The Office of the State Coroner dealt with 2,830 reportable deaths (including 675 death certificates) in 2012/13 compared to 2,679 in 2011/12, and finalised a total of 2,217 matters compared to 2,129 matters reported for the previous year. The Coronial Counselling Service made 9,144 contacts with families, up by 18.4 per cent on the previous year. Overall the number of reportable deaths continued to increase in line with Western Australia's population growth. The Coroner's Court sat for 257 days in 2012/13 and finalised 56 inquest cases.

There has been a significant reduction in the number of backlog Coronial cases, from a high of 938 in September 2011 to 425 in June 2013. In addition, the total number of cases on hand also reached a high of 2,460 in September 2011 and was down to 1,926 as at June 2013. More than half the backlog cases were waiting on external agencies to supply information before the Coroner could make a determination on the matters.

The Government continued to provide additional resources for the Court which supplemented existing temporary funding and increased staffing levels to 23 FTE (full-time equivalent) and four coroners.

State Administrative Tribunal

Time to finalise matters (excluding guardianship and administration) at the State Administrative Tribunal met the KPI target of 15 weeks, with a median figure of 13 weeks for 2012/13. This is a leading indicator of the Tribunal's efficiency in providing the community with an accessible and timely service.

In its second year dealing with the building complaints jurisdiction, overall lodgements decreased by one per cent which was mainly due to a reduced number of building complaint applications after clearing a backlog in 2011/12. This reduced number is considered more representative of a typical year.

There was a five per cent increase in guardianship and administration matters, with a total of 4,729 applications in 2012/13 compared with 4,525 in the previous year. This accounted for 64 per cent of total workload in 2012/13. Most applications were finalised within 10 weeks. The Tribunal also received conferral of jurisdiction, or responsibility, over a number of new matters, the most significant being disciplinary matters referred under the newly proclaimed *Teachers Registration Act 2012*.

Review Boards

During the reporting year the Prisoners Review Board undertook a number of initiatives under the guidance of the Chairperson, His Honour Judge Robert Cock.

The Board re-introduced, on a trial basis, the use of video conferencing for prisoners managed under the *Offenders Community Corrections Act 1963*. In total there were three matters dealt with via the video conferencing link.

His Honour as the Chairman of the Mentally Impaired and Accused Review Board also actively encouraged legal representatives of the accused to attend Board meetings. This initiative improved the Board's transparency of both information and performance.

During the reporting year, legal representatives from the Mental Health Law Commission and Legal Aid Commission attended meetings representing a number of the accused.

Pursuant to Section 33 of the *Criminal Law (Mentally Impaired Accused) Act 1996* the Board is required to provide to the Minister a written report about an accused at least once in every year. In 2012/13 the Board prepared 40 statutory reports for 37 clients. Each statutory report critically analysed information pertaining to an accused's criminal and medical history, substance abuse issues, treatment needs, criminogenic factors, social background, protective factors and victim issues.

Under section 12A of the *Sentence Administration Act 2003*, the Board is required to provide the Minister with a written report about prisoners serving life terms or indefinite imprisonment. Each report deals with the release considerations relating to a prisoner and recommends whether or not the Governor should exercise the power to release the prisoner and on what conditions. In 2012/13 the Board prepared 81 statutory reports for 79 clients.

During the reporting year, 980 cases were granted an early release order; denied an early release order on 1,805 occasions and suspended or cancelled an early release order on 382 occasions. The Board is required to consider all prisoners eligible for parole prior to their earliest eligible date for release. During the reporting year, 2,892 people became eligible to be released under a parole order.

Jury Service

Since July 2011, changes to the *Juries Act 1957* stipulate that jurors who cannot attend for jury duty on the day they are summonsed to appear, must defer their service to a future date. Previously, these people would have been excused from attendance at all. The impact of this change has flowed into 2012/13. From the 48,542 jurors who were summonsed, only 13,003 were excused (an excusal rate of 27 per cent) and 10,304 were deferred from jury duty. This compares to 54,309 jurors excused (an excusal rate of 72 per cent) and zero deferred (because the option was not available) when the changes were first introduced.

The new laws have allowed for greater efficiency and savings for taxpayers because fewer summonses have to be issued to amass enough jurors. In 2011/12, an average of 97 summonses were issued for each trial which went ahead. In 2012/13, this fell to 85.

These changes have resulted in juries becoming more representative of the wider community they serve, as previously those in certain occupations and professions may have been excused from doing jury duty.

Criminal Injuries Compensation

The number of criminal injuries compensation applications accepted this year increased from 1,872 in 2011/12 to 2,154, an increase of 15 per cent. The past five years have seen a continuing trend (38 per cent) of rising numbers of applications, together with the applications increasing in complexity.

In 2012/13, a total of \$32.66 million was awarded to 1,675 victims of crime who made applications for criminal injuries compensation and another 222 applications were refused or discontinued. A total of \$1.65 million was recovered from offenders on behalf of the State.

Justices of the Peace

Justices of the Peace (JPs) are volunteers who undertake a range of administrative duties in the community including swearing, affirming and declaring documents. At many court locations throughout the State (predominantly in regional areas), Justices of the Peace are also able to perform judicial duties, including presiding in the Magistrates Court. Only JPs who complete annual training in court sentencing/procedures are eligible to do so. There were 54 new JP appointments in 2012/13, bringing the total number of JPs in WA to 2,923.

These JPs continued to receive increased training opportunities throughout 2012/13 with a particular focus on the 295 JPs who are eligible and make themselves available to sit as judicial officers in the State's regional courts. Of the 295 JPs available to preside over court hearings, 259 (88 per cent) of them did so.

In 2012/13, JPs provided assistance in 61 of the more than 90 court locations across country and metropolitan areas. Training workshops were conducted throughout the year and included 40 in the metropolitan area and 61 in regional locations.

Aboriginal Liaison Officers

The Department continued to provide guidance to Aboriginal people attending courts in Albany, Broome, Carnarvon, Kununurra, South Hedland and Perth. There is widespread agreement among clients, Aboriginal stakeholders, judicial officers and justice system stakeholders that the work of the Liaison Officer is highly valuable. There is a strong significance to Aboriginal people having a well-informed Aboriginal court officer, with deep cultural connections, available to provide them information and assistance.

Fines Enforcement

The Fines Enforcement Registry (FER) collected \$88.6 million from fine defaulters in the 2012/13 financial year, which was an increase of \$4 million on the previous year.

In 2011/12 an amendment to the existing *Fines, Penalties and Infringement Notices Enforcement (FPINE) Act* allowed for court fines to be immediately registered with FER and for those clients to enter into a time-to-pay arrangement. The impact of this change contributed to an increase in matters resolved from 98,137 in 2011/12 to 111,603 in 2012/13. This represents a 14 per cent increase in outstanding fines money being returned to the State.

Currently 20 per cent of all matters are being managed by time-to-pay arrangements and FER is always working actively to increase this amount and also recover the other funds outstanding.

FER continued to work with remote Western Australian communities in 2012/13 through the Department's Aboriginal Justice Program (AJP). The AJP aims to reduce the involvement of Aboriginal people with the criminal justice system and holds Open Days in regional and remote areas where local people can attend and receive services from many different State Government agencies at the same time. In 2012/13 FER visited 22 remote communities to help local people pay or make time-to-pay arrangements for their fines - 388 offenders with outstanding fines to the value of \$876,961 signed up on time-to-pay arrangements during these visits. Since signing up to these arrangements, these offenders have paid \$129,000 of their outstanding debts and FER has lifted licence suspension orders for 209 people.

Victim Support Service

The Victim Support Service (VSS) provides a range of specialist services to the community to assist their understanding of, and interaction with, the criminal justice system through Department websites, a dedicated phone line and direct services. Specialist services include court support, counselling and assistance with victim impact statements.

The service implemented the recommendations of the Auditor General's Review of the Victims of Crime Service during 2012/13. One recommendation resulted in the WA Police automating their referral system from April 2013. This means that eligible victims of crime are automatically referred to the VSS, increasing the number of people who are offered services.

In 2012/13 the Victim Support Service provided counselling and support to more than 6,000 victims of crime. Approximately 4,500 of those people were new victims of crime. Almost 20 per cent of these clients were Aboriginal. The service has also seen an increase in the complexity of cases it deals with.

The service provides assistance to families of people who have died as a result of homicide or other crimes. In 2012/13, there was a 19 per cent increase in the number of clients from this category who the service assisted. The rise partly reflects an increase in referrals of crime related road deaths.

Child Witness Service

Since the Child Witness Service (CWS) started operating in June 1995, it has supported more than 11,000 children who have been required to give evidence in court. The service operates in every court jurisdiction in the State and enlists the help of volunteers to provide support to families.

In 2012/13 the CWS assisted 942 newly-referred children as well as young people mostly aged under 18. Many of these cases were complex and required intensive management.

The children referred to the service in 2012/13 included 452 referred in relation to crimes of a sexual nature, 298 in relation to physical harm and 46 related to family violence.

Of the 942 new children referred in 2012/13, three per cent were under five years of age, 14 per cent were five to nine, 38 per cent were 10 to 14 and 45 per cent were 15 to 18 years old.

The 'My Court Book' is a much-used, free booklet to assist children understand court processes in a non-threatening way. It is used to help child witnesses to be prepared to give evidence in court. It was updated and reprinted in 2012/13.

Child Witness Service staff conducted workshops to enhance their support to children with disabilities who require more specialised and intensive support. The service continued to provide training on the needs of child witnesses in the justice system to police, police prosecutors and the Office of the Director of Public Prosecutions.

Family Violence Service

The Family Violence Service (FVS) provides services to victims of family violence, including support with violence restraining order applications and victim impact statements, victim risk and safety assessments, information about court procedures and outcomes, court support, advocacy and referrals to other specialist family violence and support agencies. During 2012/13 there were 4,242 victims of family and domestic violence who received services from the family violence service.

The FVS gave assistance to more than 1,257 people of Aboriginal and culturally diverse backgrounds. There was also an increase in the use of interpreters in court, reflecting the more diverse range of victims seeking assistance with family violence matters.

Specialist Family Violence Courts operate in Magistrates Courts in the metropolitan area and Geraldton, supporting victims of family violence while the perpetrator is required to participate in an intervention program before sentencing. The program has dual objectives which are accountability for perpetrators and safety for victims. In 2012/13 more than 2,000 family violence court services were provided to victims.

Victim Support and Child Witness Service Volunteers

Volunteers have been essential to the Department's ability to deliver services to people who are victims of crime for over 20 years. The number of volunteers who support the Department's Victim Support Service, Child Witness Service and Family Violence Service decreased from 159 in June 2012 to 121 at June 2013. There is an ongoing fluctuation in numbers and an ongoing need to recruit people to this program.

Volunteers provide a range of services including information related to courts, in-court support, assistance with violence restraining order applications, and liaison with specialist external agencies to support the referral of people to other necessary services.

Volunteers provide a high quality service to victims of crime to assist them through court and the legal system. This is an extremely valuable service and the Department continues to acknowledge and value the immense contribution volunteers have made in supporting community members who are victims of crime.

Victims of Crime Reference Group

The first Victims of Crime Reference Group was established in October 2006 to address a range of victim related issues, improve the delivery of justice services to victims of crime in Western Australia and provide advice to the Attorney General. The group's terms of reference are to:

- advise the Attorney General on policies about how victims are to be treated, support services for victims and entitlements of victims
- consult victims, community victim groups and State Government agencies on issues and policies concerning victims
- promote legislative, administrative or other reforms to meet the needs of victims.

The group consists of six members who are victims of crime, and representatives from the Department of the Attorney General, Office of the Director of Public Prosecutions, WA Police, the Department of Corrective Services, Department of Health and the Office of the Attorney General.

The group has raised issues including legislative and administrative problems in regard to restraining orders, criminal injuries compensation, cross-examination of children in court and a number of other key areas affecting victims of crime in WA.

The Hon Cheryl Edwardes resigned from her role as Chairperson of this group in April 2013 after serving in the role for seven years. Her advocacy and work with this group was of great value.

The State Government's ongoing commitment to supporting victims of crime was illustrated in February 2013, when it announced the establishment of a Commissioner for Victims of Crime.

Victim Support and Child Witness Service Case Study: The Vital Role of Volunteers

The Department's Victim Support and Child Witness Service (VSCWS) provides free, confidential support to victims of crime.

Volunteers play a vital role in augmenting the important work of the Department's VSCWS staff. One such volunteer, whose years of dedicated, unpaid service have enriched the Department and the community, is John O'Mahony.

John has spent 17 years with the VSCWS and is one of its longest-serving volunteers.

John has attended court hearings, assisted people in writing victim impact statements, helped them obtain information about ongoing police investigations and court proceedings, gathered information about relevant support services and referred victims to other services.

It takes a special person to make a long-term commitment to volunteering, especially when dealing with people who are often stressed, angry, emotional or confused.

John is well-known within the Department for his compassionate and respectful approach and his fantastic sense of humour.

He is especially valued for his work with vulnerable women applying for violence restraining orders.

John's contribution means there are many more direct victims of crime who are supported. This has a positive impact on not only them, but also their family and friends around the State.

As well as delivering critical services to victims of crime in Western Australia for 17 years, John has taken it upon himself to champion the service.

Using his public speaking skills, John has co-ordinated and delivered over a hundred presentations to community groups across Western Australia to raise the profile of the Department's Victim Support and Child Witness Service.

This is outside of the scope of a VSCWS volunteer's role, but John's passion for the Service is such that he feels compelled to spread the word.

His tireless efforts as an advocate for the VSCWS have raised the awareness of the Service across the State, which has had a two-fold effect.

Improved awareness of the VSCWS has reached a greater pool of potential volunteers, thereby creating opportunities for the Department of the Attorney General to recruit additional volunteers.

Through these presentations, victims of crime and their family and friends have become aware of the existence of the VSCWS. As a result, more victims of crime have been able to engage the Service.

John's dedication and that of the hundred or so other VSCWS volunteers makes an enormous difference to many community members who are victims of crime.

Advocacy, Investigation and Guardianship

Notable Outcomes for 2012/13

Protecting the Rights of People with a Decision-Making Disability

The Office of the Public Advocate protects and promotes the human rights of adults with a decision-making disability to reduce their risk of exploitation, abuse and neglect. The statutory functions of the Public Advocate, which are set out in the *Guardianship and Administration Act 1990*, include advocacy and investigation, guardianship services and community education.

In 2012/13, the Office of the Public Advocate's main objectives were to:

- meet the growing demand to provide quality advocacy, investigation and guardianship services to adults with a decision-making disability, using previously-allocated funding for additional staff members
- continue the successful community guardianship volunteer program which matches volunteers from the community, with adults who need a guardian and who are currently represented by the Public Advocate
- complete the three-year, awareness-raising, community education program around enduring powers of guardianship and advance health directives.

facts

An **enduring power of attorney** is a legal document that an adult can use to appoint someone to make property and financial decisions for them.

An **enduring power of guardianship** is a legal document that an adult can use to appoint someone to make personal, lifestyle and health treatment decisions for them if they lose capacity to make those decisions.

An **advance health directive** is a legal document that an adult can use to make their own medical and health care decisions ahead of time.

The Office of the Public Advocate has continued to experience an increase in demand for its statutory services, driven by an ageing population and an increase in the number of people with dementia. This trend is expected to continue, as it is predicted that the number of Western Australians diagnosed with dementia will grow to around 125,000 by 2050¹. The Public Advocate is also being appointed as guardian for a smaller, but growing number of people with a mental illness. The number of people with a mental illness for whom the Public Advocate is guardian has risen over the past four years, from 86 in June 2009 to 251 in June 2013.

In response to the growing demand for advocacy, investigation and guardianship services, the State Government provided extra funding totalling almost \$5 million to increase the number of permanent staff employed by the Office. The \$5 million funding, enabled 14 additional staff to be employed over four years for these services. This continued during 2012/13.

In 2012/13, new investigations into the personal or financial welfare of people with a decision-making disability numbered 1,016, of which 91 per cent, or 923 cases, were referred to the office by the State Administrative Tribunal. In addition, 469 preliminary investigations were carried out by the Public Advocate's liaison officers based at the State Administrative Tribunal, which assisted the Tribunal to determine if vulnerable adults needed a guardian and/or an administrator appointed.

¹ *Keeping dementia front of mind: incidence and prevalence, Access Economics (2009), p.76.*

Agency Performance - Advocacy, Investigation and Guardianship

At 30 June 2013, the Public Advocate was the guardian for 1,065 people, compared to 928 people at the same time last year, an increase of 15 per cent. During 2012/13, 371 new appointments of the Public Advocate as guardian were made, up by 24 on the 347 new appointments in 2011/12. Over the year the Public Advocate made personal, lifestyle and treatment decisions for a total of 1,593 people, compared to 1,351 in the previous financial year.

Working in and with the Community

Community Guardianship

The Community Guardianship Program matches adults who currently have the Public Advocate appointed as their guardian with volunteers from the community who are willing and able to take over that guardianship role. Community guardian volunteers are able to provide a more personal level of involvement in the represented persons' lives, often developing long-lasting friendships. At 30 June 2013, the program had 19 volunteer community guardians. Of these, 15 had been appointed by the State Administrative Tribunal.

Community Education

Following the changes to the *Guardianship and Administration Act 1990*, which introduced enduring powers of guardianship and advance health directives into Western Australia in 2010, the Office of the Public Advocate received State Government funding to promote awareness of these documents which people can use to plan for their future decision-making. This funding was limited to four years and ended on 30 June 2013.

The Office of the Public Advocate continued to promote and deliver community education on these topics throughout 2012/13. More than 90 seminars were delivered around the State, and staff also responded to 690 enquiries about enduring powers of guardianship and advance health directives during the year.

In addition, the Office provided community education on enduring powers of attorney, the guardianship and administration system, and the prevention of elder abuse. Training sessions for private administrators were also held jointly with the Public Trustee.

In 2012/13, the Office of the Public Advocate handled a total of 4,945 enquiries via its telephone advisory service (TAS), by written correspondence or face-to-face interviews.



Friendships are developed between volunteer community guardians and the person they represent.

Office of the Public Advocate Case Study: Working with colleagues in Western Australia and overseas agencies

A young Western Australian woman with a decision-making disability met a man online and went to live with him overseas without the knowledge of her family and friends.

Family members were very concerned as they believed that the woman was the victim of domestic violence, neglect and attempted financial exploitation. The family made an application to the State Administrative Tribunal for the appointment of a guardian and administrator, as they were finding it difficult to pursue action with overseas agencies.

The State Administrative Tribunal made a referral to the Public Advocate, and an investigator-advocate from the office researched the woman's circumstances and provided a report to the Tribunal.

After taking into account the wishes of the woman, and hearing from all relevant parties including the investigator-advocate, the Tribunal appointed the Public Advocate as her guardian with additional powers to liaise with police, immigration and other relevant authorities in the overseas country as well as Australia. The Tribunal also appointed the Public Trustee as the woman's administrator.

The woman's guardian immediately contacted welfare services overseas in order for them to make contact with the woman and assess her safety. At that time she was reluctant to engage with their service. It was not possible for the welfare service to act on behalf of the Public Advocate and remove her without her consent. The service was however, able to ensure that she knew how to contact them.

When the woman later indicated that she wanted to leave and return to Australia, the woman's guardian from the Office of the Public Advocate was able to work with colleagues from the Public Trustee and a local service provider, to arrange her travel and accommodation. The guardian also liaised with the relevant police and welfare agencies to enable the woman's safe departure from the house she shared with the man, to commence her return journey to Australia.

On her arrival in Western Australia, the woman was met by a worker from a relevant service provider. The woman has very happy to be back in Australia and receiving support from appropriate services, and her family have been very relieved at the outcome.

While this was a particularly challenging case for the Office of the Public Advocate, the office collaborated with colleagues both locally and internationally to work in the woman's best interests.

Trustee Services

Notable Outcomes for 2012/13

The Public Trustee provides funds management, trustee and financial administrator services for individuals as ordered by courts or tribunals. It also prepares Wills and enduring powers of attorney, manages deceased estates and examines the accounts of private administrators.

Strong Demand for Services

There continues to be increased demand for Public Trustee services in both number and complexity. In 2012/13, 842 new trust management clients emerged, an increase of 8.7 per cent over the previous year, mostly from appointments made by the State Administrative Tribunal.

The Public Trustee has continued to develop its business to become self-funding and finished a business process review of the investments area to improve its capacity to meet demand.

In an uncertain global financial environment, the Public Trustee's Common Account performed well and exceeded most comparable benchmarks, such as other common funds and cash management accounts.

At 30 June 2013, the Public Trustee's investment funds contained 298 individual accounts with a value of \$152 million.

Improving client awareness and access continued through activities such as:

- information sessions and bulletins to community groups, professional service providers and government agencies
- Wills education aimed at reducing intestacy and family conflict through the WA Wills Week events and other metropolitan and regional activities
- reaching out to other cultural and religious groups.

facts

Will Bank grows

The Public Trustee's Will storage facility is continuing to grow in popularity with the general public as a free, safe way to store their Wills. More than 107,700 Western Australians' Wills are now safely stored in the Public Trustee's fire-proof WA Will Bank.



Public Trustee Case Study: Forensic Accountant

Approximately 80 per cent of the cases referred to the Public Trustee's Forensic Accountant involve the removal of money from bank accounts belonging to clients.

One case recently investigated showed \$50,000 had been withdrawn from a man's bank account in a nine-month period.

It appears that his son accompanied him to the bank and established an authority to allow access to his father's bank account. The man, who was in his late 70s, knew his memory was failing and obviously trusted his son. Shortly after the bank authority was put in place, the man was placed in permanent low-level care in an aged-care facility.

About nine months later the aged care facility applied to the State Administrative Tribunal for an administrator for the man because the accommodation bond had not been paid and outstanding fees had reached more than \$10,000, despite many requests for payment to the son.

The Public Trustee was appointed and also directed to investigate the man's bank account after the Tribunal was advised of non-payment of accounts but had been assured by the man that he had plenty of money.

As it turned out the man had more than \$250,000 in the bank but the balance was dwindling fast. Activity on the bank account was frozen by the Public Trustee as soon as it was appointed.

The Public Trustee's authority is recognised by all banks and other businesses and organisations. While production of some documents, transactions and records may take some time, they are provided to the Public Trustee as they provide crucial information in investigation/recovery actions.

Investigation showed that while the man was confined to an aged-care facility, his bank debit card had been used at the casino on most weekends, late at night and in the early hours of the morning, and at numerous liquor outlets, hotels and service stations all over the city. Clearly none of the transactions were of any benefit to the man in the aged-care facility.

The challenge for the Public Trustee is recovery of the money – sometimes (as in this case) referral to WA Police is necessary. In other cases where the amount stolen has been less than \$5,000, full restitution is made or an agreed repayment process commenced.

With these bank account cases there is a 'moment of truth', which happens when the Forensic Accountant place either the bank statements or a photocopy of the withdrawal forms in front of the family member who has taken the money - they obviously don't think they will ever be caught out. In this case the stolen money was repaid by the son.

Registry of Births, Deaths and Marriages

Notable Outcomes for 2012/13

Accurate, permanent and confidential records of the three major life events, as well as name changes, are managed by the Registry of Births, Deaths and Marriages.

facts

In 2012/13, the Registry issued 138,303 birth, death and marriage certificates.

In the 12 months of the 2012/13 financial year, the Registry's four most popular website pages had more than four million hits.

Accessibility, Security and Accuracy of Records

In March 2009 the Department started converting two million paper-based records into an electronic format. These records date back to when records were first kept in Western Australia in 1841.

To date, more than 1.3 million records have been converted. Birth and adoption records from 1973 to 1923, marriage records from 1983 to 1940 and death records from 1983 to 1940 have been converted and are now available electronically to Registry staff. The conversion project is expected to be completed in 2014/15.

The conversion of historical records will continue to provide a faster, more efficient birth, death and marriage certificate issuing service for Registry clients. The new system also enables regional clients to access certificate services directly from a number of regional courthouses, rather than having their application forwarded to the Perth Registry, which takes a longer time to process.

Apart from making it faster and easier for staff to access records for customers, this large-scale conversion project also preserves these vital records and increases the ability of the Registry to take part in national identity security initiatives. This means that the Registry and other Government agencies are better able to authenticate documents which are provided for the purpose of identity and other official purposes.

The protection of personal information and the prevention and detection of identity fraud and theft is a growing priority for agencies responsible for issuing identity documents and the community. More than 184,000 Western Australian birth, death, marriage and change of name certificates were validated against Registry information during 2012/13. This is an increase of eight per cent from last year.

WA remains a key participant in the National Identity Security Strategy (NISS), a Council of Australian Governments' initiative to better protect the identities of Australians by strengthening the integrity and security of identity credentials such as birth certificates.

The National Document Verification Service (DVS), a component of NISS, provides a secure online system where subscriber agencies verify the accuracy of Government-issued identifying documents presented by applicants for benefits or services. The DVS allows Government agencies across all jurisdictions to improve their registration procedures, to improve the quality of their identity data and support their customer interactions. For example, when applying for a passport, the applicant must provide their birth certificate. The Department of Foreign Affairs and Trade use the DVS system to verify the authenticity of that birth certificate with birth registration information provided by the Registry, before progressing the passport application.



Heston and Christina were one couple who held their marriage ceremony at the Registry.

Demand for Registrations and Certificates

The Department recorded a five per cent increase in the number of registrations of births, deaths, marriages and changes of name in 2012/13.

In 2012/13, the Registry continued its involvement in the Department's Open Day program, co-ordinated by the Policy and Aboriginal Services Directorate.

Registry staff visited regional and remote Aboriginal communities with other Departmental staff and key stakeholders to help Aboriginal people obtain birth certificates, register births, and apply for drivers licences.

This service benefited people in regional and remote areas of Western Australia who have more limited access to Government services. Tasks that are deemed simple in the city, such as obtaining a birth certificate and registering the birth of a child, are often difficult to do in remote WA. Without valid identification, accessing other Government services such as Centrelink is not possible.

Since the Registry's involvement with the program, which began in 2011/12, the Registry has issued more than 900 birth certificates, registered 423 previously unregistered Aboriginal births and issued more than 800 confirmation of birth letters.

facts

Most popular Girls names as collated by the Registry in 2012

Position in 2012	Name	Occurrence	Position in 2011	Position in 2010	Position in 2009
1	Charlotte	193	4	9	8
2	Olivia	192	5	6	2
3	Ruby	185	3	1	10
4	Emily	183	8	3	6
5	Sophie	176	7	7	7
6	Chloe	175	6	2	5
7	Ella	174	1	5	3
8	Amelia	173	11	12	13
9	Ava	171	9	11	11
10	Mia	160	1	10	1

Most popular Boys names as collated by the Registry in 2012

Position in 2012	Name	Occurrence	Position in 2011	Position in 2010	Position in 2009
1	Noah	207	12	5	10
2	Jack	201	3	1	1
3	William	198	11	9	4
4	Ethan	196	1	6	9
5	James	186	2	4	11
6	Lucas	181	4	3	7
7	Jacob	174	9	8	9
8	Liam	173	13	12	16
9	Oliver	171	5	2	6
10	Thomas	157	7	6	5

Services to Government

Notable Outcomes for 2012/13

Policy and Legislative Advice to Government

In 2012/13 the Department continued to work to progress the State Government's law and order agenda by facilitating the introduction of a number of new pieces of legislation, including:

- The *Sentencing Amendment Act 2012* received Royal assent on 22 November 2012. The Act amends the *Sentencing Act 1995* to establish a maximum discount of 25 per cent for a plea of guilty, and to require a sentencing magistrate or judge to openly state the percentage discount given for an early plea of guilty.
- The *Criminal Organisations Control Act 2012* received Royal assent on 29 November 2012. The Act introduces new measures to outlaw certain organisations and to prevent the association of members of criminal organisations.
- The *Fines, Penalties and Infringement Notices Amendment Act 2012* received Royal assent on 29 November 2012. The Act introduces new fines enforcement measures including the ability to place clamps on vehicles, remove number plates and seize goods in relation to infringements and fines. Sections 39, 40 41(3) and 42 were separately proclaimed on 1 May 2013 ensuring that certain enforcement fees are legally valid.



Sheriff of WA John Klarich is prepared for the new fines enforcement laws to roll out.

In addition, the Department was responsible for preparing a number of pieces of legislation which, as at 30 June 2013, were still being drafted or under consideration by State Parliament. These include:

- The *Restraining Orders Amendment Act 2011* came into effect on 5 May 2012. Since then, interpretational issues have arisen in the courts, meaning that in some cases children who need to be protected were being advised to make a separate application in the Children's Court. This was taken up as an election commitment of the current State Government and the Department has progressed the necessary amendments to clarify the situation.
- Amendments to the *Criminal Code (WA)* in response to the new Commonwealth child sex tourism legislative regime, and requests by WA Police. The Department prepared appropriate amendments to enable WA Police to more readily identify and deal with persons in Western Australia who are convicted of Commonwealth offences. The various amendments to Western Australia's criminal laws will afford the widest possible protection to children from sexual predators, both within and outside of Western Australia.

The Department is conducting a statutory review of the operation and effectiveness of amendments to sections 297 and 318 of the *Criminal Code (WA)* which were made in 2009 and which prescribe mandatory sentences for assaults on police officers, prison officers and public transport security officers in prescribed circumstances.

Parliamentary Drafting Services

The Parliamentary Counsel's Office completed several significant legislative drafting tasks in 2012/13 to facilitate key State Government policy objectives.

They included:

- Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 to address the issues of out of control parties, gatherings or events and to strengthen police powers in responding to them.
- Fire and Emergency Services Legislation Amendment Bill 2012 to give effect to the recommendations of the Keely Review in the wake of the Perth Hills bushfires. The Bill facilitated the restructure of the Fire and Emergency Services Authority.
- Retail Trading Hours Amendment Bill 2012 to expand Sunday trading and abolish special trading precincts.
- Fines Penalties and Infringement Notices Enforcement Amendment Bill 2012 to provide greater powers to enforce unpaid fines and infringements, including wheel clamping, the removal of vehicle number plates and 'naming and shaming' on a State Government website, and to boost State Government revenue.
- Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012 to amend existing law to help introduce an R18+ computer game category.

The Parliamentary Counsel's Office continued to provide legislative drafting services to private members of Parliament and completed the drafting of nine private member's Bills.

The office also completed extensive drafting of subsidiary legislation, with 413 drafted pieces of subsidiary legislation published in the Government Gazette in 2012/13.

Copyright

The State, through the Department, signed an agreement with Audio-Visual Copyright Society Limited (trading as Screenrights), which resulted in a payment of \$2.29 million to pay for the State's retrospective liability for the copying of sound and television broadcasts for the period 1 January 2000 to 30 June 2012. The agreement covers the period 1 July 2012 to 30 June 2016, with regular surveys being conducted in agencies to determine the State's liability.

Legal Services

The State Solicitor's Office (SSO) continued to deliver quality legal services to the State Government and a broad range of State Government clients over the course of the financial year.

Significant legal matters dealt with by the SSO during 2012/13 included:

James Point

James Point Pty Ltd (JPPL) started an action against the State in November 2011 in relation to the development of a private port at James Point in Kwinana. The litigation is highly complex, raising a number of contractual and statutory issues. The State is represented by the Solicitor General, instructed by the State Solicitor. If the matter goes to trial, it will be lengthy and expensive to defend.

The Collard "Stolen Generation" case

The SSO continued to represent the State of WA as the named defendant in the 'Stolen Generations' test case in which the plaintiffs seek damages in connection with the alleged removal of children from their parents by the State of WA in 1958 and 1961. The matter proceeded to a five-week long trial in February/March 2013 in the Supreme Court. The Court has reserved its decision.

The Bell Group Ltd (in Liq) v Westpac Banking Corporation

During 2013, the SSO was retained to assist the Insurance Commission of Western Australia (ICWA) in relation to the resolution of the "Bell proceedings", Western Australia's largest and longest running civil case. The SSO assisted ICWA achieve a conditional settlement of the litigation. The litigation is the last dispute to be resolved arising out of the WA Inc period, and follows on from the SSO's previous work in such cases as Tipperary Developments Pty Ltd v Western Australia. The SSO will continue to support ICWA in relation to satisfaction of the conditions to the settlement and subsequent legal issues in relation to the distribution of moneys arising from the settlement.

Native Title Claims

The SSO has continued to assist Government in the mediation of native title claims, providing legal advice, assisting in drafting Indigenous Land Use Agreements and representing the State in a variety of stakeholder forums involving native title issues.

The SSO represents the State in native title claim mediation and litigation in the Federal Court and in National Native Title Tribunal arbitrations involving the grant of mining tenements and *Land Administration Act 1997* grants. It advises on native title policies and possible law changes.

Significant matters in 2012/13 included:

- a Federal Court consent determination in the Central Desert region in resolving the Martu (Part B), Martu #2 and Kamapyrri native title claims
- the continuation of the negotiation of a comprehensive settlement with the Noongar People to resolve all claims in the South West of WA
- assisting with the negotiation, drafting and implementation of major native title agreements in the Pilbara and Kimberley regions of WA
- representing the State in a native title compensation application lodged by the traditional owners of the Gibson Desert Nature Reserve.

Commercial Work

In recent years the State Solicitors Office has been responsible for delivering the State's legal resources on a number of key social and economic infrastructure projects, including:

The New Perth Stadium

The new Perth Stadium is to be constructed on the Burswood Peninsula. The procurement models which have been employed to ensure its delivery for the 2018 AFL season are a pre-works ground works design and contract package, followed by a DBFM (design, build, finance and maintain) Public Private Partnership (PPP), with approximately \$800 million being contributed by the State of Western Australia.

The SSO and an external legal service provider have provided legal advice to the State in respect to all the procurement documentation and the suite of documents required for the PPP.

Cathedral Square Redevelopment Project

The Cathedral Square Redevelopment Project involves not only the redevelopment of the Old Treasury building into a five-star hotel, but also a 33-storey office tower building (on the footprint immediately north of the Old Treasury Building) which, when completed, will accommodate not only the Supreme Court of Western Australia (Civil Division), but also other Government agencies including DotAG. The SSO and an external legal service provider have provided all the legal advice to the State in respect of the development.

New Children's Hospital

The New Children's Hospital, estimated at approximately \$1.2 billion, is being delivered at the QEII site in Nedlands. The facility will replace the existing Princess Margaret Hospital. It is being delivered using a two-stage managing contract model, which during stage two was transformed into a traditional design and construct contract. The SSO has provided legal advice to the State in respect of all the procurement documentation and the documents required for the contracts.

Elizabeth Quay

Elizabeth Quay is a \$440 million city riverfront redevelopment project. The project has been delivered through the use of a pre-works ground works design and contract package, followed by a two-stage managing contract. The SSO and an external legal service provider have provided legal advice to the State in respect of all the procurement documentation and the suite of documents required for the two stage managing contract.

The Wheatstone LNG Project

The Wheatstone LNG (liquefied natural gas) project is a \$29 billion-dollar LNG project which will deliver significant benefits for the local community in and around Onslow. The SSO, in conjunction with the Department of State Development, negotiated a State Development Agreement with the proponents of the project, Chevron and its joint venture partners Apache, KUFPEC and Shell.

Fiona Stanley Hospital

The Fiona Stanley Hospital is a 830-bed tertiary hospital which is being constructed at Murdoch. The construction project alone has an estimated value of approximately \$1.7 billion. When completed it will be the State's flagship tertiary hospital facility. The hospital itself was procured through a design and construct contract. Operational facilities management will be delivered by a private sector partner. The SSO not only oversaw, reviewed and managed the external law firm responsible for drafting the project documentation, but was also involved in the negotiation of the deal with the preferred proponent.

Oakajee Project

The Oakajee Project, estimated at approximately \$6.5 billion, involves the development of a multi-user port, a new railway from the mines in the Mid-West and an industrial precinct. The SSO provided advice to the State in relation to land tenure issues, environmental, Aboriginal heritage and native title approvals, the various transactions involved in the project and financing options. The SSO was also involved in the drafting of various agreements to give effect to the project.

Merger of Verve Energy and Synergy

The State Government has resolved to implement a merger of the Electricity Generation Corporation (trading as Verve Energy) and the Electricity Retail Corporation (trading as Synergy). The corporations' own assets are valued at more than \$3 billion. The SSO has been involved, and continues to be involved, in providing advice to the State Government about the options to effect the merger, assisting in the preparation of drafting instructions for the legislation to effect the merger and drafting of various agreements.

Services to Aboriginal Communities and Individuals

Aboriginal Mediation Service

The Aboriginal Mediation Service (AMS) provides culturally-appropriate conflict and dispute resolution services to Aboriginal and Torres Strait Islander people in a range of areas, including disputes involving families, neighbours and multi-party community issues, as well as burial and coronial matters. Family, neighbour, community, housing, burial and multi-party disputes may be suitable for referral and consideration by the Aboriginal Mediation Service. Each matter is individually assessed and if it is not suitable for mediation, referrals to other appropriate support services may be considered.

The AMS is only able to help if both parties wish to participate in the mediation process. The AMS cannot help if one party is not a willing participant, or if there is a risk or threat of violence, or when there are serious charges of violence currently in the courts. The AMS handled 151 enquiries during the reporting period, which resulted in 37 matters being considered for pre-mediation, mediation or other alternative dispute resolution processes.

The Aboriginal Mediation Service also provided 22 community education workshops and information sessions to assist clients and referrers to more effectively deal with conflict in their communities using a culturally-appropriate form of dispute resolution.

Aboriginal Justice Program

The Department's Aboriginal Justice Program (AJP) targets the over-representation of Aboriginal people in the criminal justice system. Some of the most common reasons for this are issues with motor drivers' licensing and unpaid fines and infringements.

The AJP activities are currently focussed in three high-priority local government areas, Derby-West Kimberley, Halls Creek and Laverton/Leonora, which are remote, and where there are large Aboriginal populations and high levels of drivers' licence suspensions and unpaid fines. A key response to these issues is a concept known as Open Days.

The Open Days bring government and non-government agencies face to face with local Aboriginal people in an accessible central location to run a "one-stop-shop".

Agency representatives work with Aboriginal people to resolve matters such as identity documents, theory and practical driving tests, reissuing of licences, arrangements to pay fines, exploring employment opportunities and assisting with access to other community support services.

During the reporting period there were 39 Open Days state-wide, mostly in the priority locations. Approximately 1,270 community members attended.

Outcomes from the Open Days During 2012/13

Driving and licensing

Driver theory tests	122
Driver practical assessments	92

Fines Enforcement

Outstanding fines - time to pay or work order conversion (approximately \$900k)	388
---	-----

Personal Identification

Birth certificate applications	491
Confirmation of birth letters	322
Proof of age cards	109
Unregistered births recorded	192

The outcomes achieved during the reporting period will enable Aboriginal people to increase their employment opportunities, to travel to other towns and communities safely and legally, and to better access community support services.

Not having a drivers licence is often a barrier to employment for someone in a remote community. By obtaining a licence and then employment, people can then afford a roadworthy vehicle, purchase household essentials and extra food. This also leads to improved security, dignity and pride that they are earning an income other than being a recipient of welfare payments.

Without Open Days, many community members would be unable to find employment outside their communities and unlicensed drivers would continue to receive fines which would result in more Aboriginal people in prison.

Aboriginal Mediation Service Case Study: Helping families stop the violence

The Aboriginal Mediation Service received a referral for two families involved in ongoing family violence.

This was occurring mostly between the teenagers of the respective families, although aunts and uncles, parents and grandparents had all been drawn into the conflict.

Some of the elders were sceptical about whether a resolution could be found, but agreed to speak with one of the mediation case officers to find out more about mediation.

Contact was made with the elders of both families who were concerned about the escalating violence, particularly between their teenage grandsons. Both families said they were keen to stop the violence before something really bad happened. They also both felt that comments written on Facebook by the younger people were fuelling the disputes and dragging other family members into the conflict.

A mediator was appointed and arranged to meet separately with the people each family had nominated. Following these meetings, representatives from the two groups were brought together to talk about how they could work together to stop the young people from fighting and abusing each other on Facebook.

Since the mediation, both families have said that things are much calmer between the young people. They don't necessarily like each other and the situation could flare up again, but for the moment they are ignoring each other and getting on with their lives. The families know that the Aboriginal Mediation Service is available in the future if they want to meet to discuss other strategies that might help to reduce the conflict between them.

Royalties for Regions

The Department's Aboriginal Justice Program (AJP) has been allocated Royalties for Regions funding for two focus areas. The first is driver training and education, (\$5.5 million over four years) and the second provides support services for victims of crime (\$3 million over three years).

The funding is used to establish a grant scheme to fund primarily not-for-profit non-government organisations to deliver driver training and education for Aboriginal people in contact with the justice system and services to victims of family and domestic violence in the program's priority regions. During the reporting period suitable organisations were identified to do this important work with the projects starting from June 2013.



The Department provides a range of services to Aboriginal communities and individuals.



The 2013 Community Service Law Award recipient David Jenaway with the Hon Michael Mischin MLC.

Grants and Awards

The Department administers a grants program on behalf of the Attorney General, drawing on funds collected under the *Criminal Property Confiscation Act 2000*. Money and property is seized from criminals by the WA Police and the Director of Public Prosecutions, and after costs are met for these authorities, the balance of the funds is distributed to the community through grants. During 2012/13 grants worth \$1.94 million were awarded for 12 projects run by applicants such as the David Wirrpanda Foundation, Zonta Womens Refuge, Palmerston Association Incorporated and The Centre for Cerebral Palsy.

The Attorney General's Community Service Law Award is presented annually to a local legal practitioner performing pro bono work for the community. This year it was won by David Jenaway from law firm Herbert Smith Freehills. Mr Jenaway is a dedicated legal practitioner who provides pro bono legal services, including promoting Aboriginal interests and fighting animal cruelty. The finalists for 2013 were Catherine Eagle of the Welfare Rights and Advocacy Service and sole practitioner Stephen Walker.

Managing Our Assets

Notable Outcomes for 2012/13

Capital Works

The Department is managing the Government's \$138 million investment in regional justice infrastructure. New courthouses are under construction in Kalgoorlie, Kununurra and Carnarvon.

Kalgoorlie

External restoration of the heritage Kalgoorlie Government Offices and Post Office buildings, which will be transformed into the region's new courthouse, was completed in late 2011. The main construction contract was awarded in July 2011 and work started in the second half of the year. The new courthouse will comprise a jury courtroom, three magistrates' courtrooms, and provision for a future fifth courtroom. The project includes an upgrade of the adjacent police lockup for shared use as a court custody centre. The \$41.7 million project is due for completion and occupation in late 2013.



The former main Post Office hall will become the new Registry area at Kalgoorlie Court.

Carnarvon

Design of the Carnarvon Police and Justice Complex progressed during 2012/13. Community and Aboriginal stakeholder groups provided valuable input to the building's design which combines a new police station, youth justice office and courthouse on the corner of Robinson Street and Babbage Island Road. This single-storey courthouse comprises a jury courtroom, magistrate's courtroom and remote and vulnerable witness facilities plus associated public facilities. Site construction began in early 2013 and will be finished in late 2014. The \$52 million project is partly funded by Royalties for Regions.

Kununurra

Following extensive consultation with community and Aboriginal stakeholders, plans were devised for a replacement courthouse for Kununurra on the existing courthouse site at the corner of Coolibah Drive and Messmate Way. The two-storey building will comprise a jury courtroom, magistrate's courtroom, remote and vulnerable witness facilities plus associated public facilities. The site construction began in early 2013 and this project is scheduled for completion by late 2014. The \$43 million project is completely funded by Royalties for Regions. A temporary courthouse has been built in the grounds of the local hospital to provide court services while the construction progresses and opened in late October 2012.

Technology

The Department's video-conferencing network links prisons and other designated places into the courtroom, reducing the need for prisoners, witnesses and magistrates to physically attend court. This makes accessing justice across the State easier, safer, cheaper and faster.

Video-conferencing systems are installed in courts throughout WA, providing interactive and real-time video and audio links between local, regional and remote sites. The systems are flexible enough to be used for other purposes, including receiving evidence from witnesses in other areas of WA, interstate or overseas. As well as being used in courtrooms, the systems also link in with WA's prisons, community-based services offices, juvenile detention and remand centres as well as some police stations.

In 2012/13, the video-conference facilities which link prisons and courts were used to make more than 17,000 video conference calls, totalling more than 2,800 hours of court hearing time. Courts throughout the State used the facilities to make approximately 27,000 video links in total during the year.

Work to upgrade the audio-visual systems at the Supreme Court, the Bidadanga Multi-Functional Police Facility (MFPF), Northam Court and Warburton MFPF was completed in 2012/13. New audio-visual systems were installed in one of the courtrooms at Perth Children's Court, the new Perth Police Complex, the premises of the Prisoners Review Board, the new premises of the Office of the Public Advocate and the new MFPF's at Burringurrah and Looma.

A state-wide roll-out of new digital video recording equipment occurred, replacing the existing old analogue VHS video recording equipment.

A new video-conferencing gateway was installed to enable connection between the Department's data network and the telephone data network, allowing video-conference calls between the new West Kimberley Regional Prison and Hakea Prison's temporary juvenile facility with the rest of the video-conference network.

Information Management

Computing

The Department continued to work on maintaining and upgrading its shared information and communications technology (ICT) network, particularly in respect to those essential and critical components that were coming to the end of their useful life.

The Department successfully upgraded its electronic recordkeeping system, Total Records Information Management (TRIM), from Version 6.2 to Version 7.1. Work began during the 2012/13 financial year to upgrade the Standard Operating Environment (SOE) of Departmental computers from Microsoft Windows XP to Microsoft Windows 7 and Microsoft Office 2003 to Microsoft Office 2010.

As part of the Government's \$10 million budget allocation to ICMS, work on extending criminal case management software for Magistrates Courts started in 2011/12. The project includes eight separate software releases over a three-year period. To date, four releases have been implemented, all of which have been on time and on budget.

Agency Performance - Managing Our Assets

The primary focus of this development is the replacement of the old criminal case management systems which are critical to the operation of courts and tribunals in Western Australia and are now outdated.

The replacement of these criminal systems in magistrates courts gives the Department an opportunity to make its IT system as a whole more efficient, through integrating the new system across the whole of the justice system. For example, the implementation of the new system into magistrates courts will mean that prosecution notices and bail information will be managed electronically, for the first time. This will reduce a number of labour intensive, manual processes and allow for a faster dissemination of information to other justice agencies.

Records and Compliance

The Department has put in place various measures to improve control over business records from their creation to their disposal. To determine the useful and necessary lifespan of a corporate record, an updated retention and disposal schedule was submitted to the State Records Office and the updated record-keeping plan was approved in January 2013. A compliance program started in February 2013 to ensure Departmental policy and procedures are continued to be adhered to by all business areas. Regular communication, including workshops and training sessions are being held to raise staff awareness about records management.

Records and Compliance Branch has developed benchmarks against the best practices set out in the *State Records Act 2000*. The Records and Compliance Branch will do regular client assessments, report on feedback received and ensure that the Department meets these benchmarks.

Library and Information Services

The Department successfully re-negotiated contracts with its three major suppliers of legal information resources. These are three-year contracts and cover all courts, tribunals and legal programs.

The Department awarded a new contract to provide the Department's applications system support and project services.

Work continued on the integration of the Law Library at the Supreme Court with the Department's judicial and legal library collections.

Managing Our People

Notable Outcomes for 2012/13

Staff Development

More than 80 per cent of the Department's staff took part in the Employee Development System (EDS) during 2012/13. The EDS program monitors performance and sets work goals and training objectives for each staff member.

Approximately 13 per cent of staff completed corporate training programs in 2012/13, taking the total percentage of staff who have completed this training to 94 per cent. Subjects covered include accountable and ethical decision-making, health and safety, record-keeping awareness and information security.

Training programs relating to leadership and management were accessed by 419 employees.

The Department's mentoring program helps develop the capability and potential of its employees. The 2012/2013 program had 32 participants.

The 'guest speaker' and 'real issues, simple explanations' sessions have been replaced by strategic human resources information sessions which go beyond responding to specific issues by addressing broader human resource themes that affect Department staff.

The ASCEND management development program allows managers, and aspiring managers, the opportunity to develop and consolidate their managerial abilities while obtaining a nationally recognised Diploma of Management qualification. In August 2012, 26 participants from the inaugural program were presented with their qualifications.

The Strategic Human Resources directorate has developed an 'onboarding' program which was launched in May 2013. The program is designed to assist the process of orienting, training, socialising and retaining a new employee during their first year of employment. A step-by-step guide takes managers, and new employees, through the process of joining the Department.

Aboriginal Training

The Department introduced an Aboriginal traineeship program in 2008. The program provides a 12-month, structured workplace-based traineeship in Certificate II and III in Government. At 30 June 2013, of the fifteen trainees in the 2012/13 intake, fourteen were progressing through the course. Since the trainee program began in 2008, 32 trainees have graduated.

Reconciliation Action Plan

The Department's Reconciliation Action Plan (RAP) is designed to ensure the Department's services are provided in a culturally-appropriate manner. The RAP was reviewed in April 2013. It provides for a more targeted approach to Aboriginal employment with a focus on youth traineeships, and also Aboriginal economic development through workforce participation and improved access to Government contracts for Aboriginal businesses.

During the 2012/13 financial year the Department held NAIDOC Week celebrations, facilitated a joint art exhibition by Aboriginal prisoners and held WA Public Sector workshops to provide a focus on Aboriginal youth employment.

The Department continues to develop relationships with metropolitan and regional registered training organisations, TAFE colleges and accredited service providers to further enhance our RAP outcomes. These relationships have also strengthened the Aboriginal Traineeship Program.

Health and Wellness Programs

Free Influenza Vaccinations

As part of the Department's health and wellness program, staff are encouraged to take steps to maintain good health and guard against influenza. The Department offers free flu vaccinations to all staff. Approximately 800 staff received the vaccinations.

Global Corporate Challenge

More than 650 staff enrolled in the Global Corporate Challenge health and fitness program which set daily physical activity targets for 94 teams of employees over a four-month period.



Shynekwa Joseph successfully graduated from the Department's Aboriginal Traineeship Program and is now a Reception Officer at the Registry of Births, Deaths and Marriages.

Significant Issues Impacting on the Agency

Current and Emerging Issues Including Economic and Social Trends or Legal Changes

The Department needs to remain innovative in delivering its services so it can continue to meet community needs while operating in an environment of fiscal restraint and responsibility.

The Department continues to develop legislation to implement the Government's law and order policy agenda which includes proposed laws relating to post-sentence supervision orders including GPS tracking, improved access to violence restraining orders, foetal homicide and 'truth in sentencing' reforms to reflect community expectations.

There is a strong emphasis on providing additional services to victims of crime as well as improving the standards of services available. The establishment of the Commissioner for Victims of Crime will play a major role ensuring good practice in the treatment of victims across Government as well as ensuring that legislative impacts on victims are addressed.

Changes in the State's population profile, including ageing and an increase in the prevalence of dementia and cases of mental illness will continue to have a significant impact on the Public Advocate's advocacy, investigation and guardianship services. Demand for statutory services to vulnerable people with decision-making disabilities will continue to increase. This is reflected in the five per cent increase in the number guardianship and administration matters at the State Administrative Tribunal.

The statutory review of the operation and effectiveness of the *Guardianship and Administration Act 1990* begun by the Department this financial year will undoubtedly assist in determining the future directions in supporting effective guardianship and administration operations.

Population changes will also result in more Western Australians requiring the Trust Management services of the Public Trustee. Over the last year there was an 8.7 per cent increase in new trust management clients, largely driven by appointments by the State Administrative Tribunal.

Continued conversion of the two million paper-based records at the Registry of Births, Deaths and Marriages into electronic format will bring substantial benefits. It will make it faster and easier for staff to access records for customers but also increases the ability of the Registry to take part in national security initiatives to stop identity fraud.

Enhancement to computer systems and increased use of online lodgement facilities along with the replacement of older criminal case management systems will increase the efficiency of courts and enable the provision of contemporary, high quality services to the community. The replacement of these older systems provides opportunity to create an integrated system across the whole of the justice system, allowing for prosecution and bail information to be managed electronically in the Magistrates Courts for the first time.

Enhanced fine enforcement legislation comes into effect in 2013/14 and will address the high value and quantity of outstanding fines by targeting those with unpaid court fines or with infringements with a value greater than \$2,000. The new laws empower the Sheriff to wheel clamp and seize number plates, and empower the Registrar of the Fines Enforcement Registry to name and shame defaulters on a Departmental website.

A more targeted approach to the over-representation of Aboriginal people in the justice system will be taken. The 'Open Day' concept of the Aboriginal Justice Program will be taken into additional locations and provide more opportunities for Aboriginal people to obtain a driver's licence, settle outstanding fines and obtain a birth certificate.

Significant Issues Impacting on the Agency

The State Government continues to develop a number of key economic and social infrastructure projects such as the new Perth stadium, Elizabeth Quay and the Fiona Stanley and New Children's Hospital. The State Solicitor's Office will expand in the forthcoming year to take on a greater role in legal work associated with such projects to ensure better infrastructure is built at a reduced risk and cost to the State.

Parliamentary Counsel's Office will also continue to work on the State Government's legislation agenda as well as drafting private member's Bills.

The Department will continue to progress its capital works program in regional areas. Improvement to service delivery will occur with the new Kalgoorlie Courthouse opening in late 2013 and the courthouses at Kununurra and Carnarvon scheduled for completion in late 2014.



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

DEPARTMENT OF THE ATTORNEY GENERAL

Report on the Financial Statements

I have audited the accounts and financial statements of the Department of the Attorney General.

The financial statements comprise the Statement of Financial Position as at 30 June 2013, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information, including Administered transactions and balances.

Director General's Responsibility for the Financial Statements

The Director General is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Director General determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Department's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Director General, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Department of the Attorney General at 30 June 2013 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

Report on Controls

I have audited the controls exercised by the Department of the Attorney General during the year ended 30 June 2013.

Controls exercised by the Department of the Attorney General are those policies and procedures established by the Director General to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

Director General's Responsibility for Controls

The Director General is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Department of the Attorney General based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Department complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the controls exercised by the Department of the Attorney General are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2013.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Department of the Attorney General for the year ended 30 June 2013.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

Director General's Responsibility for the Key Performance Indicators

The Director General is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Director General determines necessary to ensure that the key performance indicators fairly represent indicated performance.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Director General's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the key performance indicators of the Department of the Attorney General are relevant and appropriate to assist users to assess the Department's performance and fairly represent indicated performance for the year ended 30 June 2013.

Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and Australian Auditing and Assurance Standards, and other relevant ethical requirements.

Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators

This auditor's report relates to the financial statements and key performance indicators of the Department of the Attorney General for the year ended 30 June 2013 included on the Department's website. The Department's management is responsible for the integrity of the Department's website. This audit does not provide assurance on the integrity of the Department's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



COLIN MURPHY
AUDITOR GENERAL
FOR WESTERN AUSTRALIA
Perth, Western Australia
5 September 2013

Certification of Financial Statements

For the year ended 30 June 2013

The accompanying financial statements of the Department of the Attorney General have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2013 and the financial position as at 30 June 2013.

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



Cheryl Gwilliam
DIRECTOR GENERAL
4 September 2013



Alan Andersson
CHIEF FINANCE OFFICER
4 September 2013

Statement of Comprehensive Income

For the year ended 30 June 2013

	Note	2013 \$'000	2012 \$'000
COST OF SERVICES			
Expenses			
Employee benefits expense	6	214,538	329,250
Supplies and services	7	87,513	83,163
Depreciation and amortisation expense	8	17,744	18,783
Finance costs	9	18,063	17,296
Accommodation expenses	10	30,200	28,028
Grants and subsidies	11	74,382	75,974
Other expenses	12	51,339	43,529
Total cost of services		493,779	596,023
Income			
<i>Revenue</i>			
User charges and fees	13	79,935	76,456
Commonwealth grants and contributions	14	18,853	20,571
Other revenue	15	30,941	36,799
Total Revenue		129,729	133,826
<i>Gains</i>			
Gain on disposal of non-current assets		5	11
Total gains		5	11
Total income other than income from State Government		129,734	133,837
NET COST OF SERVICES		364,045	462,186
Income from State Government	16		
Service appropriation		332,544	349,181
Liabilities assumed by the treasurer		-	118,743
Resources received free of charge		20,562	6,547
Royalties for Regions Fund		1,652	512
Total income from State Government		354,758	474,983
SURPLUS/(DEFICIT) FOR THE PERIOD		(9,287)	12,797
OTHER COMPREHENSIVE INCOME			
Items not reclassified subsequently to profit or loss			
Changes in asset revaluation surplus		22,857	(7,083)
Total other comprehensive income/(loss)		22,857	(7,083)
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		13,570	5,714

See also the 'Schedule of Income and Expenses by Service'.

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

Statement of Financial Position

as at 30 June 2013

	Note	2013 \$000	2012 \$000
ASSETS			
Current Assets			
Cash and cash equivalents	29	18,411	3,257
Restricted cash and cash equivalents	17	3,934	1,904
Receivables	18	7,818	12,841
Amounts receivable for services	19	2,652	2,582
Other current assets	20	3,655	1,153
Non-current assets held for distribution to owner	21	2,451	-
Total Current Assets		38,921	21,737
Non-Current Assets			
Restricted cash and cash equivalents	17	4,747	4,180
Amounts receivable for services	19	129,061	113,905
Property, plant and equipment	22	621,519	577,264
Intangible assets	23	3,935	9,976
Total Non-Current Assets		759,262	705,325
TOTAL ASSETS		798,183	727,062
LIABILITIES			
Current Liabilities			
Payables	25	20,155	25,363
Borrowings	26	3,632	3,196
Provisions	27	47,869	45,848
Total Current Liabilities		71,656	74,407
Non-Current Liabilities			
Borrowings	26	215,884	215,279
Provisions	27	8,708	8,782
Total Non-Current Liabilities		224,592	224,061
TOTAL LIABILITIES		296,248	298,468
NET ASSETS		501,935	428,594
EQUITY			
Contributed equity	28	172,695	112,924
Reserves		268,810	245,953
Accumulated surplus		60,430	69,717
TOTAL EQUITY		501,935	428,594

See also the 'Schedule of Assets and Liabilities by Service'.

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

For the year ended 30 June 2013

	Note	Contributed equity \$000	Reserves \$000	Accumulated surplus \$000	Total equity \$000
Balance at 1 July 2011	28	83,479	253,036	56,920	393,435
Surplus for the period		-	-	12,797	12,797
Other comprehensive income		-	(7,083)	-	(7,083)
Total comprehensive income for the period		-	(7,083)	12,797	5,714
Transactions with owners in their capacity as owners:					
Capital appropriations		17,531	-	-	17,531
Other contributions by owners		11,914	-	-	11,914
Total		29,445	-	-	29,445
Balance at 30 June 2012		112,924	245,953	69,717	428,594
Balance at 1 July 2012		112,924	245,953	69,717	428,594
Deficit for the period		-	-	(9,287)	(9,287)
Other comprehensive income		-	22,857	-	22,857
Total comprehensive income for the period		-	22,857	(9,287)	13,570
Transactions with owners in their capacity as owners:					
Capital appropriations		30,555	-	-	30,555
Other contributions by owners		29,216	-	-	29,216
Total		59,771	-	-	59,771
Balance at 30 June 2013		172,695	268,810	60,430	501,935

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows

For the year ended 30 June 2013

	Note	2013 \$000	2012 \$000
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		314,736	329,098
Capital appropriations		30,555	17,531
Equity contribution to finance working capital deficiency		15,000	-
Holding account drawdown		2,582	2,460
Royalties for Regions Fund	29	15,868	9,656
Net cash provided by State Government		378,741	358,745
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(214,518)	(187,016)
Supplies and services		(192,612)	(218,326)
Finance costs		(17,774)	(17,299)
Accommodation		(25,038)	(28,028)
GST payments on purchases		(19,001)	(20,244)
GST payments to taxation authority		(3,190)	(2,667)
Receipts			
Receipts from services		112,772	108,110
Commonwealth grants and contributions		13,691	20,571
GST receipts on sales		2,768	3,081
GST receipts from taxation authority		19,480	19,463
Net cash used in operating activities	29	(323,422)	(322,355)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current physical assets		(34,959)	(29,517)
Receipts			
Proceeds from sale of non-current physical assets		7	11
Net cash used in investing activities		(34,952)	(29,506)
CASH FLOWS FROM FINANCING ACTIVITIES			
Payments			
Finance lease payments		(2,616)	(2,919)
Net cash used in financing activities		(2,616)	(2,919)
Net increase in cash and cash equivalents		17,751	3,965
Cash and cash equivalents at the beginning of the period		9,341	5,376
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	29	27,092	9,341

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

Schedule of Income and Expenses by Service

For the year ended 30 June 2013

	Court and Tribunal Services		Advocacy, Guardianship and Administration Services	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
COST OF SERVICES				
Expenses				
Employee benefits expense	136,047	254,027	4,207	4,009
Depreciation and amortisation expense	13,438	14,280	15	17
Finance costs	18,063	17,296	-	-
Other expenses	143,103	138,983	919	859
Corporate overheads reallocated to services	27,662	24,997	792	597
Total cost of services	338,313	449,583	5,933	5,482
Income				
Revenue	77,966	77,665	20	13
Gain on sale of assets	5	11	-	-
Corporate overheads reallocated to services	966	4,530	37	159
Total income other than income from State Government	78,937	82,206	57	172
NET COST OF SERVICES	259,376	367,377	5,876	5,310
INCOME FROM STATE GOVERNMENT				
Service appropriation	208,331	227,265	4,923	4,394
Liabilities assumed by Treasurer	-	118,743	-	-
Royalties for Regions Fund	873	512	-	-
Resources received free of charge	19,636	5,567	14	6
Corporate overheads reallocated to services	15,652	21,874	418	629
Total income from State Government	244,492	373,961	5,355	5,029
SURPLUS/(DEFICIT) FOR THE PERIOD	(14,884)	6,584	(521)	(281)

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

Schedule of Income and Expenses by Service

For the year ended 30 June 2013

	Trustee Services		Births, Deaths and Marriages	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
COST OF SERVICES				
Expenses				
Employee benefits expense	13,899	13,456	3,083	3,097
Depreciation and amortisation expense	1,463	1,030	34	48
Finance costs	-	-	-	-
Other expenses	5,861	6,084	3,307	3,188
Corporate overheads reallocated to services	2,368	1,989	1,166	854
Total cost of services	23,591	22,559	7,590	7,187
Income				
Revenue	23,993	20,360	7,866	8,008
Gain on sale of assets	-	-	-	-
Corporate overheads reallocated to services	179	627	40	186
Total income other than income from State Government	24,172	20,987	7,906	8,194
NET COST OF SERVICES	(581)	1,572	(316)	(1,007)
INCOME FROM STATE GOVERNMENT				
Service appropriation	(889)	(572)	(1,086)	(727)
Liabilities assumed by Treasurer	-	-	-	-
Royalties for Regions Fund	-	-	-	-
Resources received free of charge	15	14	9	8
Corporate overheads reallocated to services	1,324	1,714	419	955
Total income from State Government	450	1,156	(658)	236
SURPLUS/(DEFICIT) FOR THE PERIOD	1,031	(416)	(342)	1,243

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

Schedule of Income and Expenses by Service

For the year ended 30 June 2013

	Services to Government		Legal Aid Assistance	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
COST OF SERVICES				
Expenses				
Employee benefits expense	30,420	28,931	-	-
Depreciation and amortisation expense	150	206	-	-
Finance costs	-	-	-	-
Other expenses	8,195	8,343	36,013	35,516
Corporate overheads reallocated to services	43,574	38,216	-	-
Total cost of services	82,339	75,696	36,013	35,516
Income				
Revenue	5,549	5,519	-	-
Gain on sale of assets	-	-	-	-
Corporate overheads reallocated to services	13,113	16,759	-	-
Total income other than income from State Government	18,662	22,278	-	-
NET COST OF SERVICES	63,677	53,418	36,013	35,516
INCOME FROM STATE GOVERNMENT				
Service appropriation	31,556	32,564	36,666	34,871
Liabilities assumed by Treasurer	-	-	-	-
Royalties for Regions Fund	-	-	-	-
Resources received free of charge	67	60	-	-
Corporate overheads reallocated to services	36,830	27,106	-	-
Total income from State Government	68,453	59,730	36,666	34,871
SURPLUS/(DEFICIT) FOR THE PERIOD	4,776	6,312	653	(645)

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

Schedule of Income and Expenses by Service

For the year ended 30 June 2013

	Corporate Overheads		Total	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
COST OF SERVICES				
Expenses				
Employee benefits expense	26,882	25,730	214,538	329,250
Depreciation and amortisation expense	2,644	3,202	17,744	18,783
Finance costs	-	-	18,063	17,296
Other expenses	46,036	37,721	243,434	230,694
Corporate overheads reallocated to services	(75,562)	(66,653)	-	-
Total cost of services	-	-	493,779	596,023
Income				
Revenue	14,335	22,261	129,729	133,826
Gain on sale of assets	-	-	5	11
Corporate overheads reallocated to services	(14,335)	(22,261)	-	-
Total income other than income from State Government	-	-	129,734	133,837
NET COST OF SERVICES	-	-	364,045	462,186
INCOME FROM STATE GOVERNMENT				
Service appropriation	53,043	51,386	332,544	349,181
Liabilities assumed by Treasurer	-	-	-	118,743
Royalties for Regions Fund	779	-	1,652	512
Resources received free of charge	821	892	20,562	6,547
Corporate overheads reallocated to services	(54,643)	(52,278)	-	-
Total income from State Government	-	-	354,758	474,983
SURPLUS/(DEFICIT) FOR THE PERIOD	-	-	(9,287)	12,797

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

Schedule of Assets and Liabilities by Service

For the year ended 30 June 2013

	Court and Tribunal Services		Advocacy, Guardianship and Administration Services	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
ASSETS				
Current assets	7,705	10,031	4	18
Non-current assets	749,509	693,784	125	102
Total assets	757,214	703,815	129	120
LIABILITIES				
Current liabilities	55,482	58,446	1,032	978
Non-current liabilities	221,698	221,297	189	175
Total liabilities	277,180	279,743	1,221	1,153
NET ASSETS	480,034	424,072	(1,092)	(1,033)

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

Schedule of Assets and Liabilities by Service

For the year ended 30 June 2013

	Trustee Services		Birth, Death and Marriages	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
ASSETS				
Current assets	21	6	124	236
Non-current assets	9,313	10,997	76	94
Total assets	9,334	11,003	200	330
LIABILITIES				
Current liabilities	3,886	4,191	1,021	1,101
Non-current liabilities	694	667	163	142
Total liabilities	4,580	4,858	1,184	1,243
NET ASSETS	4,754	6,145	(984)	(913)

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

Schedule of Assets and Liabilities by Service

For the year ended 30 June 2013

	Services to Government		Total	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000
ASSETS				
Current assets	31,067	11,446	38,921	21,737
Non-current assets	239	348	759,262	705,325
Total assets	31,306	11,794	798,183	727,062
LIABILITIES				
Current liabilities	10,235	9,691	71,656	74,407
Non-current liabilities	1,848	1,780	224,592	224,061
Total liabilities	12,083	11,471	296,248	298,468
NET ASSETS	19,223	323	501,935	428,594

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

Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2013

	2013 Estimate \$000	2013 Actual \$000	Variance \$000	2013 Actual \$000	2012 Actual \$000	Variance \$000
DELIVERY OF SERVICES						
Item 50 Net amount appropriated to deliver services	240,675	245,827	5,152	245,827	261,251	(15,424)
Amount Authorised by Other Statues						
<i>Salaries and Allowances Act 1975</i>	28,469	29,190	721	29,190	27,230	1,960
<i>District Court of Western Australia Act 1969</i>	10,698	11,076	378	11,076	10,300	776
<i>Judges' Salaries and Pensions Act 1950</i>	10,364	10,298	(66)	10,298	11,700	(1,402)
<i>Children's Court of Western Australia Act 1988</i>	394	380	(14)	380	406	(26)
<i>State Administrative Tribunal Act 2004</i>	5,107	5,179	72	5,179	5,500	(321)
<i>Criminal Injuries Compensations Act 2003</i>	26,397	30,132	3,735	30,132	32,333	(2,201)
<i>Solicitor General Act 1969</i>	448	433	(15)	433	432	1
<i>Suitors' Fund Act 1964</i>	29	29	-	29	29	-
Total appropriations provided to deliver services	322,581	332,544	9,963	332,544	349,181	(16,637)
Capital						
Item 158 Capital appropriations	50,459	30,555	(19,904)	30,555	17,531	13,024
Equity contribution	-	15,000	15,000	15,000	-	15,000
Grand total	373,040	378,099	5,059	378,099	366,712	11,387

Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2013

	2013 Estimate \$000	2013 Actual \$000	Variance \$000	2013 Actual \$000	2012 Actual \$000	Variance \$000
DETAILS OF EXPENSES BY SERVICE						
Court and Tribunal Services	359,839	338,313	(21,526)	338,313	449,583	(111,270)
Advocacy, Guardianship and Administration Services	5,689	5,933	244	5,933	5,482	451
Trustee Services	23,297	23,591	294	23,591	22,559	1,032
Births, Deaths and Marriages	8,436	7,590	(846)	7,590	7,187	403
Services to Government	73,031	82,339	9,308	82,339	75,696	6,643
Legal Aid Assistance	35,334	36,013	679	36,013	35,516	497
Contribution to responsible financial management	(4,586)	-	4,586	-	-	-
Total Cost of Services	501,040	493,779	(7,261)	493,779	596,023	(102,244)
Less Total Income	(130,614)	(129,734)	880	(129,734)	(133,837)	4,103
Net Cost of Services	370,426	364,045	(6,381)	364,045	462,186	(98,141)
Adjustments (a)	(47,845)	(31,501)	16,344	(31,501)	(113,005)	81,504
Total appropriations provided to deliver services	322,581	332,544	9,963	332,544	349,181	(16,637)
CAPITAL EXPENDITURE						
Purchase of non-current physical assets	75,106	36,047	(39,059)	36,047	29,517	6,530
Adjustments for other funding sources	(24,647)	(5,492)	19,155	(5,492)	(11,986)	6,494
Capital appropriations	50,459	30,555	(19,904)	30,555	17,531	13,024
DETAILS OF INCOME ESTIMATES						
Income disclosed as Administered Income	76,285	70,825	(5,460)	70,825	70,191	634

(a) 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 result are set out in Note 34.

Notes to the Financial Statements

For the year ended 30 June 2013

1. Australian Accounting Standards

General

The Department's financial statements for the year ended 30 June 2013 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' refers to Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

The Department has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

Early Adoption of Standards

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements.

There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Department for the annual reporting period ended 30 June 2013.

2. Summary of Significant Accounting Policies

(a) General Statement

The Department is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act* and the Treasurer's instructions impose legislative provisions that govern 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 had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

(b) Basis of Preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, except for 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).

Note 3 'Judgements made by management in applying accounting policies' discloses judgements that have been made in the process of applying the Department's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

Notwithstanding the Department's working capital deficiency, the financial statements have been prepared on the going concern basis. This basis has been adopted as the Department is a State Government agency funded by Parliamentary appropriation from the Consolidated Account.

Notes to the Financial Statements

For the year ended 30 June 2013

(c) Reporting Entity

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

Mission

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

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

Services

The Department provides the following services:

- Court and Tribunal Services
- Advocacy, Guardianship and Administration Services
- Trustee Services
- Births, Death and Marriages
- Services to Government
- Legal Aid Assistance

(d) Administered Items

The Department administers assets, liabilities, income and expenses on behalf of Government which are neither controlled by, nor integral to the Department in carrying out its functions and are disclosed in the notes to the financial statements (Note 42 and 43), 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 statement of the Department. The administered assets, liability, income and expenses 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. The income and expenses are not attributable to the Department.

As the administered assets, liabilities, income and expenses 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 items.

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

- Supreme and District Court fines and forfeitures; and
- Magistrates Courts criminal fines,

Outstanding fines and costs include:

- (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 2013; and
- (b) Magistrates Courts criminal fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2013.

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

Notes to the Financial Statements

For the year ended 30 June 2013

(e) **Provision for Unrecoverable Debts - Administered Items**

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

(f) **Contributed Equity**

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

The transfers of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

(g) **Income**

Revenue Recognition

Revenue is recognised and measured at the fair value of consideration received or receivable. However, where there is not an established pattern of income flow, revenue is recognised on a cash receipts basis. Revenue is recognised for the major business activities as follows:

Provision of Services

Revenue for provision of services is recognised by reference to the stage of completion of the transaction.

Criminal Injuries Revenue

Criminal injuries revenue is recognised at the time payment is received. Outstanding criminal injuries recoveries are not recognised as debts, as the future economic benefits are minimal and cannot be reliably measured. Criminal injuries recoveries include awards pursuant to the *Criminal Injuries Compensation Acts of 1970, 1982 and 1985* together with amounts recorded under the *Criminal Injuries Compensation Act 2003*.

Interest

Revenue is recognised as the interest accrues.

Service Appropriations

Service Appropriations are recognised as revenues at fair value in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury. Refer to note 16 for further commentary on Service Appropriations.

Net Appropriation Determination

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

Notes to the Financial Statements

For the year ended 30 June 2013

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Department. In accordance with the determination specified in the 2012-13 Budget Statements, the Department retained \$129.729 million in 2013 (\$133.826 million in 2012) from the following:

- Proceeds from fees and charges of \$79.935 million in 2013 (\$76.456 million in 2012);
- Commonwealth specific purpose grants and contributions of \$18.853 million in 2013 (\$20.57 million in 2012); and
- Other Departmental revenue of \$30.941 million in 2013 (\$36.80 million in 2012).

Grants, Donations, Gifts and Other Non-Reciprocal Contributions

Revenue is recognised at fair value when the Department obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Royalties for Regions funds are recognised as revenue at fair value in the period in which the Department obtains control over the funds. The Department obtains control of the funds at the time the funds are deposited into the Department's bank account.

Gains

Realised and unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(h) Borrowing Costs

Borrowing costs are expensed when incurred.

(i) Property, Plant and Equipment

Capitalisation/Expensing of Assets

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

Initial Recognition and Measurement

Property, plant and equipment are initially recognised at cost.

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

Subsequent Measurement

Subsequent to initial recognition of an asset, the revaluation model is used for the measurement of land and buildings and historical cost for all other property, plant and equipment. Land and buildings are carried at fair value less accumulated depreciation on buildings and accumulated impairment losses. All other items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Notes to the Financial Statements

For the year ended 30 June 2013

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

In the absence of market-based evidence, fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the depreciated replacement cost. Where the fair value of buildings is determined on the depreciated replacement cost basis, the gross carrying amount and the accumulated depreciation are restated proportionately.

Land and buildings are independently valued annually by the Western Australian Land Information Authority (Valuation Services) and recognised annually to ensure that the carrying amount does not differ materially from the asset's fair value at the end of the reporting period.

The most significant assumptions in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated useful life. Professional judgement by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

Derecognition

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

Asset Revaluation Surplus

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets as described in note 22 'Property, plant and equipment'.

Depreciation

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

Depreciation is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable asset are:

- Buildings 50 years
- Leasehold improvements 10 years
- Furniture, fittings and equipment 5 to 10 years

Building and information technology projects are reported as 'Works In Progress' until commissioned.

Land is not depreciated.

(j) Intangible Assets

Capitalisation/Expensing of Assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful lives. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

Notes to the Financial Statements

For the year ended 30 June 2013

Intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

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

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

The expected useful lives for each class of intangible assets are:

- Software^(a) 5 years

(a) Software that is not integral to the operation of any related hardware.

Computer Software

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

(k) Impairment of Assets

Property, plant and equipment and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. Where an asset measured at cost is written down to recoverable amount, an impairment loss is recognised in profit or loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. 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 the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

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

(l) Non-Current Assets Held for Distribution to Owner

A non-current asset is classified as held for distribution to owner when the Department is committed to distribute the asset to the owner, the distribution is highly probable and the asset is available for immediate distribution in its present condition.

Notes to the Financial Statements

For the year ended 30 June 2013

Non-current assets held for distribution to owner are recognised at the lower of carrying amount and fair value less costs to sell, and are disclosed separately from other assets in the Statement of Financial Position. Assets held for distribution to owner are not depreciated or amortised.

All Crown land holdings are vested in the Department by the state Government (the Owner). The Department of Regional Development and Lands (DRDL) is the only agency with the power to sell Crown land. The Department transfers the Crown land and any attached buildings to DRDL when the land becomes available for sale.

(m) Leases

Finance lease rights and obligations are initially recognised, at the commencement of the lease term, as assets and liabilities equal in amount to the fair value of the leased item or, if lower, the present value of the minimum lease payments, determined at the inception of the lease. The assets are disclosed as leased land and buildings, (note 22) and are depreciated over the period during which the Department is expected to benefit from their use (buildings only). Minimum lease payments are apportioned between the finance charge and the reduction of the outstanding lease liability, according to the interest rate implicit in the lease.

Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(n) Financial Instruments

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

- Loans and receivables
- Financial liabilities measured at amortised cost

Financial instruments have been disaggregated into the following classes:

- Financial Assets
 - Cash and cash equivalents
 - Restricted cash and cash equivalents
 - Receivables
 - Amounts receivable for services
- Financial Liabilities
 - Payables
 - Finance lease liabilities

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

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

(o) Cash and Cash Equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

Notes to the Financial Statements

For the year ended 30 June 2013

(p) Accrued Salaries

Accrued salaries (see note 25 'Payables') represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to its fair value. The last pay day in 2012-13 was 20 June 2013, therefore an accrual of six days was brought to account this financial year.

The accrued salaries suspense account (See note 17 'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

(q) Amounts Receivable for Services (Holding Account)

The Department receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The accrued amount receivable is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(r) Receivables

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

(s) Payables

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

(t) Borrowings

All loans payable are initially recognised at fair value, being the net proceeds received. Subsequent measurement is at amortised cost using the effective interest method.

(u) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal 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 the end of each reporting period.

Provisions - Employee Benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

Annual Leave and Long Service Leave

The liability for annual leave and long service leave expected to be settled within 12 months after the end of the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave and long service leave that is not expected to be settled within 12 months after the end of the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Notes to the Financial Statements

For the year ended 30 June 2013

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The provision for annual leave and unconditional long service leave provisions are classified as current liabilities as the Department does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period, regardless of when the actual settlement is expected to occur.

Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the Department has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Purchased Leave

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional 10 weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the nominal amounts expected to be paid when the liabilities are settled. This liability is measured on the same basis as annual leave.

Superannuation

The Government Employees Superannuation Board (GESB) and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS 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). From 30 March 2012, existing members of the WSS or GESBS and new employees have been able to choose their preferred superannuation fund provider. The Department makes contributions to GESB or other fund providers on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Department's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

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

The Department has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Department to the GESB.

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

Notes to the Financial Statements

For the year ended 30 June 2013

Provisions – Other

Employment on-costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Department's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'. Refer to Note 27.

(v) Superannuation Expense

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBS, or other superannuation funds. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

(w) Judges' Pensions

All Judges' pension benefits are met by the Treasurer. Judges are entitled to pensions of 60 per cent of their final salary after ten years of service and proportionate pensions for lesser service. Spouses of Judges are entitled to pensions of five-eighths of the Judge's pension entitlement on the Judge's death. The liability for Judges' pensions as at 30 June 2013 was calculated by independent external 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 Account (Department of Treasury). 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.

(x) 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 at the fair value of the assets and/or the fair value of those services that the Department would otherwise pay for. A corresponding expense is recognised for services received. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(y) Comparative Figures

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

3. Judgements Made by Management in Applying Accounting Policies

The preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Department evaluates these judgements regularly.

Operating Lease Commitments

The Department has entered into a number of leases for buildings for branch office accommodation. Some of these leases relate to buildings of a temporary nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases.

Notes to the Financial Statements

For the year ended 30 June 2013

4. Key Sources of Estimation Uncertainty

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Long Service Leave

Several estimations and assumptions used in calculating the Department's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

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 effective for annual reporting periods beginning on or after 1 July 2012 that impacted on the Department.

AASB 2011-9 **Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]**

This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). There is no financial impact.

Future Impact of Australian Accounting Standards Not Yet Operative

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

AASB 9 **Financial Instruments**
Operative for reporting periods beginning on/after 1 Jan 2015.

This Standard supersedes AASB 139 *Financial Instruments: Recognition and Measurement*, introducing a number of changes to accounting treatments.

AASB 2012-6 *Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures* amended the mandatory application date of this Standard to 1 January 2015. The Department has not yet determined the application or the potential impact of the Standard.

AASB 13 **Fair Value Measurement**
Operative for reporting periods beginning on/after 1 Jan 2013.

This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. The Department has liaised with the Western Australian Land Information Authority (Valuation Services) to ensure that sufficient information will be provided to meet the disclosure requirements of this Standard. There is no financial impact.

Notes to the Financial Statements

For the year ended 30 June 2013

AASB 119

Employee Benefits

Operative for reporting periods beginning on/after 1 Jan 2013

This Standard supersedes AASB 119 (October 2010), making changes to the recognition, presentation and disclosure requirements. The Department does not have any defined benefit plans, and therefore the financial impact will be limited to the effect of discounting annual leave and long service leave liabilities that were previously measured at the undiscounted amounts. The financial impact will be immaterial.

AASB 2010-7

Amendments to Australian Accounting Standards arising from AASB 9 (Dec 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Int 2, 5, 10, 12, 19 & 127]

Operative for reporting periods beginning on/after 1 Jan 2015.

This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. AASB 2012-6 amended the mandatory application date of this Standard to 1 January 2015. The Department has not yet determined the application or the potential impact of the Standard.

AASB 2011-8

Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 & 132]

Operative for reporting periods beginning on/after 1 Jan 2013

This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact.

AASB 2011-10

Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Int 14]

Operative for reporting periods beginning on/after 1 Jan 2013

This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 in September 2011. There is limited financial impact.

AASB 2012-2

Amendments to Australian Accounting Standards – Disclosures – Offsetting Financial Assets and Financial Liabilities [AASB 7 & 132]

Operative for reporting periods beginning on/after 1 Jan 2013.

This Standard amends the required disclosures in AASB 7 to include information that will enable users of an entity's financial statements to evaluate the effect or potential effect of netting arrangements, including rights of set-off associated with the entity's recognised financial assets and recognised financial liabilities, on the entity's financial position. There is no financial impact.

AASB 2012-3

Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]

Operative for reporting periods beginning on/after 1 Jan 2014

This Standard adds application guidance to AASB 132 to address inconsistencies identified in applying some of the offsetting criteria, including clarifying the meaning of "currently has a legally enforceable right of set-off" and that some gross settlement systems may be considered equivalent to net settlement. There is no financial impact.

AASB 2012-5

Amendments to Australian Accounting Standards arising from Annual Improvements 2009-11 Cycle [AASB 1, 101, 116, 132 & 134 and Int 2]

Operative for reporting periods beginning on/after 1 Jan 2013

This Standard makes amendments to the Australian Accounting Standards and Interpretations as a consequence of the annual improvements process. There is no financial impact.

Notes to the Financial Statements

For the year ended 30 June 2013

6. Employee Benefits Expense

Wages and salaries ^(a)	173,324	169,803
Annual leave	18,649	17,655
Superannuation – defined contribution plans ^(b)	17,305	16,822
Long service leave	5,260	6,227
Judges' pensions-liability assumed by the Treasurer	-	118,743

2013 \$000	2012 \$000
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173,324	169,803
18,649	17,655
17,305	16,822
5,260	6,227
-	118,743
214,538	329,250

(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.

(b) Defined contribution plans include West State, Gold State, GESB and other eligible funds.

Employment on-costs expenses, such as workers' compensation insurance, are included at note 12 'Other expenses'.

Employment on-costs liability is included at note 27 'Provisions'.

7. Supplies and Services

Consultants and contractors	59,607	55,285
Computing services	18,706	17,087
Materials	2,749	2,727
Building maintenance contracts	2,077	2,122
Consumables	1,743	2,054
Minor equipment	1,575	2,316
Other	1,056	1,572
87,513	83,163	

8. Depreciation and Amortisation Expense

Depreciation

Buildings	4,289	4,532
Plant and equipment	2,127	1,436
Total depreciation	6,416	5,968

Amortisation

Information technology systems	4,526	6,194
Leased buildings	4,242	4,506
Leasehold improvement	2,560	2,115
Total amortisation	11,328	12,815
Total depreciation and amortisation	17,744	18,783

Notes to the Financial Statements

For the year ended 30 June 2013

9. Finance Costs

Finance lease charges
Finance costs expensed

10. Accommodation Expenses

Lease rentals^(a)

(a) Includes \$5,162,000 of accommodation provided free of charge by the Commonwealth as non-cash contribution for the Family Court of Western Australia (See Note 14).

11. Grants and Subsidies

Recurrent

Legal Aid
Criminal injuries
Other grants and subsidies

12. Other Expenses

Building and infrastructure maintenance
Other staff costs^(a)
Computing licences
Copyright, communication and licence
Communication expenses
Jurors' expense
Electricity and water
Doubtful debts expense
Motor vehicle and office equipment operating lease expenses
Vehicle hire, fuel, registration and management fees
Insurance
Council and water rates
Printing, binding and photocopying charges
State pay-roll tax
Other expenses

(a) Includes travel and accommodation, rental subsidies and workers compensation insurance.

	2013 \$000	2012 \$000
	18,063	17,296
	18,063	17,296
	30,200	28,028
	30,200	28,028
	36,013	35,516
	30,775	31,434
	7,594	9,024
	74,382	75,974
	8,494	7,560
	8,090	8,133
	5,235	4,745
	4,055	840
	4,032	3,861
	3,853	4,163
	3,809	3,781
	3,116	21
	2,045	2,233
	2,014	1,503
	1,106	843
	983	1,131
	902	919
	773	699
	2,832	3,097
	51,339	43,529

Notes to the Financial Statements

For the year ended 30 June 2013

13. User Charges and Fees

Court fees	51,987	49,827
Public Trustee fees	15,485	14,194
Births, deaths and marriages fees	7,862	7,992
Legal services-State Solicitor's Office	4,405	4,221
Licences	117	118
Miscellaneous fees and charges	79	104

2013 \$000	2012 \$000
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79,935	76,456
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14. Commonwealth Grants and Contributions

Recurrent

Commonwealth recoup for Family Court and court fees	12,907	19,474
Commonwealth accommodation for Family Court (non-cash contribution)	5,162	-
Commonwealth recoup for Christmas and Cocos Island	384	697
Commonwealth recoup other	400	400

18,853	20,571
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15. Other Revenue

Shared Information Services Technology revenue	12,714	15,436
Public Trustee - common fund surplus	5,700	8,786
Recoup of costs - Building Disputes Tribunal	2,840	2,771
Residential recoveries	2,300	2,145
Criminal injuries - recoups	1,657	1,700
Recoup of salaries and workers' compensation	1,182	1,273
Other miscellaneous revenue ^(*)	4,548	4,688

30,941	36,799
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**Includes unclaimed moneys and other miscellaneous income.*

Notes to the Financial Statements

For the year ended 30 June 2013

16. Income from State Government

Appropriation received during the period

Service appropriation^(a)

2013 \$000	2012 \$000
332,544	349,181
332,544	349,181

Liabilities assumed by the Treasurer during the period

Judges' pensions^(b)

Total liabilities assumed

-	118,743
-	118,743

Resources received free of charge from other state government agencies during the period^(c)

Western Australian Land Information Authority (Landgate)

- Services for valuation services, land registration and information

114	80
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Department of Finance

- Provision of integrated procurement services
- Notional management fee
- Building and Management Works (Capital Projects)
- Building and Management Works Maintenance Work

337	326
137	121
595	985
646	372

Department of Health

- Forensic Pathology Services

-	50
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Department of Corrective Services

- Provision of contract management services (court security and custodial services)

18,733	4,613
20,562	6,547

Royalties for Regions Fund

Regional infrastructure and headworks account^(d)

1,652	512
1,652	512

Total Income from State Government

354,758	474,983
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(a) Service appropriations fund the net costs of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the budgeted depreciation expense for the year and any agreed increase in leave liabilities during the year.

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

(c) Where assets or services have been received free of charge or for nominal cost, the Department recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if they were not donated, and those fair values shall be recognised as assets or expenses, as applicable. The value of resources received free of charge recognised during the period was calculated based on estimates and information provided by agencies. During the financial year ended 30 June 2013, resources received free of charge amounting to \$595,000 (2012: \$985,000) were capitalised in the statement of financial position.

(d) This is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in WA regional areas.

Notes to the Financial Statements

For the year ended 30 June 2013

17. Restricted Cash and Cash Equivalents

Current

Royalties for Regions Fund ^(a)	3,567	590
Systems upgrade for registry of births, deaths and marriages	367	-
Cash received from Commonwealth in advance	-	1,314
	3,934	1,904

Non-current

Accrued salaries suspense account ^(b)	4,747	4,180
	4,747	4,180

(a) Unspent funds are committed to projects and programs in WA regional areas.

(b) Funds held in the suspense account for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

18. Receivables

Current

Receivables	8,743	10,639
Allowance for impairment of receivables	(3,113)	(43)
GST receivable	2,188	2,245
	7,818	12,841

Movements in the allowance for impairment of receivables

Balance at start of period	43	42
Doubtful debts expense recognised during the period	3,118	21
Receivables written off during the period as uncollectible	(46)	(4)
Unused amount reversed	(2)	(16)
Balance at end of period	3,113	43

The creation and release of the allowance for impaired receivables has been included in 'other expenses' in profit or loss (Note 12). Amounts charged to the allowance account are generally written off when there is no expectation of recovering additional cash. The Department does not hold any collateral or other credit enhancements as security for receivables.

19. Amounts Receivable for Services

(Holding Account)

Current	2,652	2,582
Non-current	129,061	113,905
	131,713	116,487

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.

Notes to the Financial Statements

For the year ended 30 June 2013

20. Other Current Assets

Prepayments
Total current

21. Non-Current Assets Held for Distribution to Owner

Land
Buildings

Non-current assets held for distribution to Owner consist of land and buildings currently employed by the Kalgoorlie courthouse. The courthouse will be relocated to a new building (currently under construction) during annual 2013/14. The Department has agreed to transfer these assets to the Department of Treasury upon relocation.

22. Property, Plant and Equipment

Land

At fair value^(a)

Buildings

At fair value^(a)

Leased land and buildings

At fair value^(a)

Leasehold improvement

At cost

Accumulated depreciation

Furniture, fittings and equipment

At cost

Accumulated depreciation

Work in progress

Buildings

Information technology systems

Total property, plant and equipment

	2013 \$000	2012 \$000
	3,655	1,153
	3,655	1,153
	950	-
	1,501	-
	2,451	-
	96,614	97,172
	96,614	97,172
	235,626	210,890
	235,626	210,890
	209,548	217,158
	209,548	217,158
	34,130	33,723
	(17,512)	(14,952)
	16,618	18,771
	22,823	17,470
	(17,129)	(12,646)
	5,694	4,824
	49,115	25,543
	8,304	2,906
	57,419	28,449
	621,519	577,264

Notes to the Financial Statements

For the year ended 30 June 2013

- (a) Land and buildings were revalued as at 1 July 2012 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2013 and recognised at 30 June 2013. In undertaking the revaluation, fair value was determined by reference to market values for land: Nil (2012: \$2,182,763) and buildings: Nil (2012: \$1,500,000). For the remaining balance, fair value of land and buildings was determined on the basis of depreciated replacement cost.

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the reporting period are set out in the table below.

	Land	Buildings	Leased land and buildings	Leasehold improvements	Furniture, fittings & equipment	Work in progress	Total
2013	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Carrying amount at start of period	97,172	210,890	217,158	18,771	4,824	28,449	577,264
Additions ^(a)	-	1,248	-	287	1,484	33,028	36,047
Transfers ^(b)	-	3,445	-	120	1,515	(3,576)	1,504
Disposal of property	-	-	-	-	(2)	-	(2)
Classified as held for distribution to owner	(950)	(1,501)	-	-	-	-	(2,451)
Revaluation increments/ (decrements)	392	25,833	(3,368)	-	-	-	22,857
Expensed to statement of comprehensive income	-	-	-	-	-	(482)	(482)
Depreciation	-	(4,289)	(4,242)	(2,560)	(2,127)	-	(13,218)
Carrying amount at end of period	96,614	235,626	209,548	16,618	5,694	57,419	621,519

(a) Additions to Work in progress include \$595,000 of project management services received free of charge.

(b) An amount of \$1,504,000 was transferred from intangible assets.

Work in progress includes the refurbishment of a lock up facility owned by the WA Police Department in Kalgoorlie. The refurbishment forms part of the construction of the new Kalgoorlie Justice Complex. The benefits derived from the use of the lock up facility will be shared between the Department of the Attorney General and the WA Police Department. The share of the WA Police Department in the refurbishment of the lock up facility will be transferred to the WA Police Department when the construction of the new Kalgoorlie Justice complex is finalised.

Notes to the Financial Statements

For the year ended 30 June 2013

	Land	Buildings	Leased land and buildings	Leasehold improvements	Furniture, fittings & equipment	Work in progress	Total
2012	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Carrying amount at start of period	82,011	224,383	230,313	15,704	3,222	9,901	565,534
Additions	2,353	2,281	-	5,139	2,919	20,169	32,861
Transfers ^(a)	-	-	-	43	130	(1,057)	(884)
Disposal of property	-	-	-	-	(11)	-	(11)
Revaluation increments / (decrements)	12,808	(11,242)	(8,649)	-	-	-	(7,083)
Expensed to statement of comprehensive income	-	-	-	-	-	(564)	(564)
Depreciation	-	(4,532)	(4,506)	(2,115)	(1,436)	-	(12,589)
Carrying amount at end of period	97,172	210,890	217,158	18,771	4,824	28,449	577,264

(a) An amount of \$884,000 was transferred to intangible assets.

23. Intangible Assets

Computer Software

At cost

Accumulated amortisation

Reconciliations

Computer software

Carrying amount at start of period

Transfers

Retirements

Amortisation

Carrying amount at end of period

	2013 \$000	2012 \$000
At cost	50,515	55,996
Accumulated amortisation	(46,580)	(46,020)
	3,935	9,976
Carrying amount at start of period	9,976	15,286
Transfers	(1,504)	884
Retirements	(11)	-
Amortisation	(4,526)	(6,194)
Carrying amount at end of period	3,935	9,976

24. Impairment of Assets

There were no indications of impairment to property, plant and equipment, infrastructure or intangible assets at 30 June 2013.

The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

Notes to the Financial Statements

For the year ended 30 June 2013

25. Payables

Current

Trade payables
Accrued interest
Accrued salaries

Total current

The last pay day of the 2012-2013 financial year was on 20 June 2013. A salary accrual of six working days was 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.

26. Borrowings

Current

Finance lease liabilities (secured)^(a)

Total current

Non-current

Finance lease liabilities (secured)(a)

Total non-current

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

Assets pledged as security

The carrying amounts of non-current assets pledged as security are:

Leased land and buildings

	2013 \$000	2012 \$000
	15,502	20,637
	-	93
	4,653	4,633
	20,155	25,363
	3,632	3,196
	3,632	3,196
	215,884	215,279
	215,884	215,279
	209,548	217,158
	209,548	217,158

Notes to the Financial Statements

For the year ended 30 June 2013

27. Provisions

Current

Employee benefits provision

Annual leave^(a)

Long service leave^(b)

Superannuation

Other provisions

Employment on-costs^(c)

Non-current

Employee benefits provision

Long service leave^(b)

Superannuation

Other provisions

Employment on-costs^(c)

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

Within 12 months of the end of the reporting period

More than 12 months after the end of the reporting period

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

Within 12 months of the end of the reporting period

More than 12 months after the end of the reporting period

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense, apart from the unwinding of the discount (finance cost), is disclosed in Note 12 'Other expenses'

	2013 \$000	2012 \$000
	13,829	13,219
	30,064	29,016
	3,611	3,306
	47,504	45,541
	365	307
	365	307
	47,869	45,848
	7,744	7,892
	871	810
	8,615	8,702
	93	80
	93	80
	8,708	8,782
	13,829	13,219
	-	-
	13,829	13,219
	20,043	19,344
	17,765	17,564
	37,808	36,908

Notes to the Financial Statements

For the year ended 30 June 2013

Movements in other provisions

Employment on-cost provision

Carrying amount at start of period	387	493
Additional provisions recognised	184	-
Net amounts used	(113)	(106)
Carrying amount at end of period	458	387

28. Equity

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

Contributed equity

Balance at start of period

112,924 83,479

Contributions by owners

Capital appropriation

30,555 17,531

Other contributions by owners

Royalties for Regions Fund – Regional Infrastructure and Headwork Account

14,216 9,144

Equity contribution^(*)

15,000 -

Transfer of net assets from other agencies

Kununurra Courthouse

- 170

Kalgoorlie Public Building

- 2,600

Total contributions by owners

59,771 29,445

Balance at end of period

172,695 112,924

Reserves

Asset revaluation surplus

Land

Balance at start of period

91,624 78,816

Net revaluation increments

241 12,808

Balance at end of period

91,865 91,624

Buildings

Balance at start of period

154,329 174,220

Net revaluation increments/(decrements)

22,616 (19,891)

Balance at end of period

176,945 154,329

Balance at end of period

268,810 245,953

Notes to the Financial Statements

For the year ended 30 June 2013

Accumulated surplus

Balance at start of period

Result for the period

Balance at end of period

Total Equity at end of period

**In 2012-13, an equity injection of \$15 million was allocated to supplement the capital appropriation budget.*

29. Notes to the Statement of Cash Flows

Reconciliation of cash

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Cash and cash equivalents

Restricted cash and cash equivalents – current

(Note 17 'Restricted cash and cash equivalents')

Restricted cash and cash equivalents – non current

(Note 17 'Restricted cash and cash equivalents')

Non-cash financing and investing activities

During the financial year there were assets transferred from other Government agencies not reflected in the Statement of Cash Flows for the value of nil (2012: \$2,770,000) refer to Note 28.

Royalties for Regions Fund

Capital Funding

Recurrent Funding

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

Net cost of services

Non-cash items

Depreciation and amortisation expense (note 8 'Depreciation and amortisation expense')

Movement in the allowance for impairment of receivables (Note 18 'Receivables')

Judges' Pensions expense – Liability assumed by the treasurer

	2013 \$000	2012 \$000
Balance at start of period	69,717	56,920
Result for the period	(9,287)	12,797
Balance at end of period	60,430	69,717
Total Equity at end of period	501,935	428,594
Cash and cash equivalents	18,411	3,257
Restricted cash and cash equivalents – current <i>(Note 17 'Restricted cash and cash equivalents')</i>	3,934	1,904
Restricted cash and cash equivalents – non current <i>(Note 17 'Restricted cash and cash equivalents')</i>	4,747	4,180
	27,092	9,341
Capital Funding	14,216	9,144
Recurrent Funding	1,652	512
	15,868	9,656
Net cost of services	(364,045)	(462,186)
Depreciation and amortisation expense (note 8 'Depreciation and amortisation expense')	17,744	18,783
Movement in the allowance for impairment of receivables (Note 18 'Receivables')	3,070	21
Judges' Pensions expense – Liability assumed by the treasurer	-	118,743

Notes to the Financial Statements

For the year ended 30 June 2013

Resources received free of charge (Note 16 'Income from State Government')^(c)
 Net gain on disposal of property, plant and equipment

(Increase)/decrease in assets

Current receivables^(a)
 Other current assets

Increase/(decrease) in liabilities

Current payables^(a)
 Provisions
 Other current liabilities
 Change in GST in receivables/payables^(b)

Net cash used in operating activities

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This reverses out the GST in receivables and payables.

(c) Excludes amounts of \$595,000 (2012: \$985,000) capitalised in the statement of financial position. Refer to Note 16 'Income from State Government.'

30. Resources Provided Free of Charge

During the period the following services were provided to other agencies free of charge for functions outside the normal operations of the Department.

Legal services provided by the State Solicitor's Office to:

Other Government agencies

Corporate support provided by the Department to:

Department of Corrective Services
 Legal Practice Board
 Office of the Director of Public Prosecutions
 Law Reform Commission
 Commissioner for Young People
 Parliamentary Inspector of the Corruption and Crime Commission
 Legal Costs Committee
 Professional Standards Council

	2013 \$000	2012 \$000
Resources received free of charge (Note 16 'Income from State Government') ^(c)	19,967	5,562
Net gain on disposal of property, plant and equipment	(5)	(11)
(Increase)/decrease in assets		
Current receivables ^(a)	1,896	(5,216)
Other current assets	(2,502)	25
Increase/(decrease) in liabilities		
Current payables ^(a)	(1,551)	(1,323)
Provisions	1,947	3,303
Other current liabilities	-	287
Change in GST in receivables/payables ^(b)	57	(343)
Net cash used in operating activities	(323,422)	(322,355)
Other Government agencies	25,703	25,384
Corporate support provided by the Department to:		
Department of Corrective Services	14,134	11,582
Legal Practice Board	1,143	1,108
Office of the Director of Public Prosecutions	918	592
Law Reform Commission	179	81
Commissioner for Young People	165	140
Parliamentary Inspector of the Corruption and Crime Commission	114	71
Legal Costs Committee	49	48
Professional Standards Council	35	20
	42,440	39,026

Notes to the Financial Statements

For the year ended 30 June 2013

31. Commitments

Finance Lease Commitments	As at 30 June 2013			As at 30 June 2012		
	CBD Courts Complex	Fremantle Justice Complex	Total	CBD Courts Complex	Fremantle Justice Complex	Total
	\$000	\$000	\$000	\$000	\$000	\$000
Minimum lease payments in relation finance leases are as follows:						
Within 1 year	18,890	1,650	20,540	18,693	1,561	20,254
Later than 1 year and not later than 5 years	77,765	6,245	84,010	77,029	6,245	83,274
Later than 5 years	321,821	11,709	333,530	323,358	13,271	336,629
Minimum lease payments	418,476	19,604	438,080	419,080	21,077	440,157
Less future finance charges	(209,792)	(8,772)	(218,564)	(211,743)	(9,939)	(221,682)
Present value of finance lease liability	208,684	10,832	219,516	207,337	11,138	218,475
The present value of the finance lease liability is as follows:						
Within 1 year	3,193	439	3,632	2,801	395	3,196
Later than 1 year and not later than 5 years	18,006	2,386	20,392	16,169	2,069	18,238
Later than 5 years	187,485	8,007	195,492	188,367	8,674	197,041
Present value of finance lease liability	208,684	10,832	219,516	207,337	11,138	218,475
Included in the financial statements as:						
Current liabilities (note 26 'Borrowings')	3,193	439	3,632	2,801	395	3,196
Non-current liabilities (note 26 'Borrowings')	205,491	10,393	215,884	204,536	10,743	215,279
	208,684	10,832	219,516	207,337	11,138	218,475

CBD Courts Complex: In December 2004, the Department entered into an agreement to finance the development of a new purpose built District Court Building in Perth. Construction was completed in June 2009. Under this agreement ownership of the facility will transfer to the Department at the conclusion of the lease term.

Fremantle Justice Complex: In March 2001, the Department entered into a 25 year lease agreement for the procurement of the Fremantle Justice Centre. Under this arrangement, ownership of the facility will transfer to the Department at the conclusion of the lease term.

Notes to the Financial Statements

For the year ended 30 June 2013

31. Commitments (continued)

Non-cancellable operating lease commitments

Commitments for minimum lease payments are payable as follows:

Within 1 year	23,687	23,909
Later than 1 year and not later than 5 years	68,520	74,287
Later than 5 years	28,739	48,904

120,946	147,100
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The Department has entered into non-cancellable operating leases for the use of certain premises, motor vehicles and office equipment. The term of the leases varies between one to seven years (2012: three to ten years), with rent payable monthly in advance. The commitments shown above are all exclusive of GST. Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

Capital expenditure commitments

Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

Within 1 year	-	1,200
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-

-	1,200
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There were no capital expenditure commitments as at 30 June 2013.

Other expenditure commitments

Other expenditure commitments for operational services contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:

Within 1 year	16,861	15,662
Later than 1 year and not later than 5 years	17,364	16,532
Later than 5 years	-	-

34,225	32,194
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Notes to the Financial Statements

For the year ended 30 June 2013

32. Contingent Liabilities and Contingent Assets

Contingent liabilities

The following contingent liabilities are additional to the liabilities included in the financial statements:

Litigation in progress

Criminal injuries compensation court appeals

Disclosure regarding criminal injuries compensation

Claims yet to be assessed

	2013 \$000	2012 \$000
	1,508	1,150
	20,261	16,135

Contaminated sites

Under the *Contaminated Sites Act 2003*, the Department is required to report known and suspected contaminated sites to the Department of 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 required or possibly contaminated – investigation required, the Department may have a liability in respect of investigation or remediation expenses.

In prior financial years lots 510, 557 and 1059 were reported as suspected contaminated sites. These lots are located within the site of the proposed Carnarvon Police and Justice Complex at the corner of Robinson street and Babbage Island Road, Morgantown, Carnarvon. Investigations conducted confirmed the presence of hydrocarbons (such as from diesel or oil) in soils exceeding ecological Investigations levels. Hydrocarbons were also identified in groundwater at concentrations exceeding Aquatic Ecosystems – Freshwater/Marine guidelines.

Remedial works were conducted and the soils within the site have been remediated to a condition suitable for residential or commercial use including the proposed use as a justice complex but the groundwater underlying the site remains contaminated.

The Department of Environment and Conservation (DEC) in consultation with the Department of Health has classified the site as “Remediated for Restricted use” with restrictions on the abstraction of groundwater and site management requirements.

As part of the site management requirements, DEC requested groundwater monitoring bores to be installed and monitored twice yearly for two years from September 2010 and analysis be undertaken for total petroleum hydrocarbons and other groundwater parameters. Westfarmers, the former owner of the land and responsible party for the pollution, assumed the groundwater monitoring requirements.

The results of the groundwater monitoring have been submitted to DEC, these reports indicate that groundwater underlying the site remains contaminated and there is no conclusive evidence that natural attenuation is occurring in the site. The monitoring reports are currently under review and a new letter confirming the classification of the site as well as further management requirements is expected shortly.

The Department is unable to assess the likely outcome of any re-classification process, and accordingly, it is not practicable to estimate the potential financial effect or to identify the uncertainties relating to the amount or timing of any outflows. The Department considers there may be a possibility of reimbursement of any future expenses that may be incurred in the remediation of the site from the former owner of the land.

Notes to the Financial Statements

For the year ended 30 June 2013

Contingent assets

The following contingent assets are additional to the assets included in the financial statements:

Recovery of court costs

2013 \$000	2012 \$000
457	457

33. Events Occurring After the End of the Reporting Period

There were no events occurring after the balance sheet date.

34. Explanatory Statement

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

Total service expenses

Significant variances between estimate and actual

Significant variances between estimate and actual expense for 2013 by service are summarised as follows:

	2013 Estimate \$000	2013 Actual \$000	Variance \$000
Service 1 - Court & Tribunal Services	359,839	338,313	(21,526) ^(a)
Service 2 - Advocacy, Guardianship and Administration Services	5,689	5,933	244 ^(b)
Service 3 - Trustee Services	23,297	23,591	294 ^(c)
Service 4 - Births, Deaths & Marriages	8,436	7,590	(846) ^(d)
Service 5 - Services to Government	73,031	82,339	9,308 ^(e)
Service 6 - Legal Aid Assistance	35,334	36,013	679 ^(f)
Contribution to Responsible Financial Management (efficiency dividend)	(4,586)	-	4,586 ^(g)
Total cost of Services	501,040	493,779	(7,261)

Notes to the Financial Statements

For the year ended 30 June 2013

- (a) Court and Tribunal services – Decreased expenditure was mainly due to a reduction in the actuarial assessment of the judicial pension liability. This was offset by higher criminal injury compensation grants.
- (b) Advocacy, Guardianship and Administration services – Increased expenditure is largely due to an increase in demand for services resulting in increased overtime, on call requirements, higher staffing costs and accommodation lease expenses.
- (c) Trustee services – Increased expenditure is mainly due to an increase in contract staff and consultant fees.
- (d) Births, Deaths and Marriages – Lower expenditure is mainly due to delays in expenditure on the data conversion of paper based records to an electronic format.
- (e) Services to Government – Increased expenditure mainly relates to ex-gratia and mesothelioma payments, higher doubtful debts, copyright payments on behalf of the State, accommodation costs, and increased information technology costs.
- (f) Legal Aid Assistance – The State grant provided to the Legal Aid Commission was increased to provide additional funding for expensive legal cases.
- (g) The efficiency dividend was achieved by lower service appropriations received by the Department during annual 2012-13.

Total appropriation provided to deliver services

Significant variances between actual results for 2013 and 2012

Significant variances in total appropriation provided to deliver services and total income other than from State Government are summarised as follows:

	2013 Actual \$000	2012 Actual \$000	Variance \$000
Total appropriation provided to deliver services for the year	332,544	349,181	(16,637) ^(h)
Total income other than from State Government	129,734	133,837	(4,103) ⁽ⁱ⁾

- (h) The lower appropriation in 2012-13 is due to the efficiency dividend and corrective measures announced by Government. These are offset by increases in funding for criminal injuries payments, legal aid, accommodation lease payments and information technology costs.
- (i) Decreased income is mainly due to a lower than expected revenue from fines enforcement and civil court fees. This was offset by increased contribution from the Public Trustee.

Notes to the Financial Statements

For the year ended 30 June 2013

Significant variances in service expenditure are summarised as follows:

	2013 Actual \$000	2012 Actual \$000	Variance \$000
Service 1 - Court and Tribunal Services	338,313	449,583	(111,270) ^(a)
Service 2 - Advocacy, Guardianship and Administration Services	5,933	5,482	451 ^(b)
Service 3 - Trustee Services	23,591	22,559	1,032 ^(c)
Service 4 - Births, Deaths and Marriages	7,590	7,187	403 ^(d)
Service 5 - Services to Government	82,339	75,696	6,643 ^(e)
Service 6 - Legal Aid Assistance	36,013	35,516	497 ^(f)
Total cost of Services	493,779	596,023	(102,244)

(a) Court and Tribunal services – Decreased expenditure was mainly due to a reduction in the actuarial assessment of the judicial pension liability resulting in a lower cost than expected. This was offset by higher criminal injury compensation grants and higher court security contract costs.

(b) Advocacy, Guardianship and Administration services – Increased expenditure is mainly due to increases in staff costs and accommodation lease costs.

(c) Trustee services – Increased expenditure is mainly due to increases in staff costs, depreciation of core systems and accommodation lease costs.

(d) Births, Deaths and Marriages – Increased expenditure is mainly due to higher accommodation lease costs.

(e) Services to Government – The increase largely relates to increased costs of providing shared service and higher than expected doubtful debt expense.

(f) Legal Aid Assistance – Increased grant paid to the Legal Aid commission largely relates to additional funding for expensive cases and increases in staff costs.

Notes to the Financial Statements

For the year ended 30 June 2013

Capital contribution

Significant variances between estimate and actual for 2013

	2013 Estimate \$000	2013 Actual \$000	Variance \$000
Capital contribution	50,459	30,555	(19,904) ^(g)

(g) The decrease is mainly due to delays in several court projects.

Significant variances between actual results for 2013 and 2012

	2013 Actual \$000	2012 Actual \$000	Variance \$000
Capital contribution	30,555	17,531	13,024 ^(h)

(h) Increased expenditure in 2012-13 mainly relates to the Kalgoorlie Courthouse project and eCourts computer systems upgrade.

Administered revenues

Significant variances between estimate and actual for 2013

	2013 Estimate \$000	2013 Actual \$000	Variance \$000
Total income disclosed as administered income	76,285	70,825	(5,460) ⁽ⁱ⁾

(i) Stamp duty receipts were lower due to the on-line collection of revenue by the Office of State Revenue rather being collected by courts.

Significant variances between estimate and actual for 2013

	2013 Actual \$000	2012 Actual \$000	Variance \$000
Total income disclosed as administered income	70,825	70,191	634 ^(j)

(j) Criminal property confiscations were higher in 2012-13 but this is offset by reduced judicial fines and penalties which reflects the number and value of fines imposed by the Courts for the year. One hundred per cent of speed and red light camera fines are now transferred to the Road Trauma Trust Fund, hence the reduction in the amount paid to the Consolidated Account.

Notes to the Financial Statements

For the year ended 30 June 2013

35. 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, loans and receivables, payables and finance leases. The Department has limited exposure to financial risks. The Department's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is the possibility of the Department's receivables defaulting on their contractual obligations resulting in financial loss to the Department. Credit risk also arises from cash and cash equivalents held at banks and financial institutions.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any allowance for impairment as shown in the table at note 35(c) 'Financial instruments disclosures' and note 18 'Receivables'.

Credit risk associated with the Department's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Department trades only with recognised, creditworthy third parties. The Department has policies in place to ensure that credit sales are made only to third parties 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. For banks and financial institutions, only independently rated and highly reputable financial institutions are accepted. At the end of the reporting period, all of the bank deposits are held by the Commonwealth Bank of Australia. There were no other significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Department is unable to meet its financial obligations as they fall due.

The Department is exposed to liquidity risk through its trading in the normal course of business.

The Department has appropriate procedures to manage cash flows including drawdown of appropriations by monitoring forecast cash flows and keeping regular communications with the Department of Treasury and Finance to ensure that sufficient funds are available to meet its commitments.

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Department's income or the value of its holdings of financial instruments. The Department does not trade in foreign currency and is not materially exposed to other price risks because it does not hold investments in securities or bonds.

The majority of the cash and cash equivalents and restricted cash balances are deposited in non-interest bearing accounts. All of the finance lease liabilities have fixed interest rate and are carried at amortised cost. They are therefore not subject to interest rate risk as defined in AASB 7, since neither the carrying amount nor the future cash flows will fluctuate because of a change in market interest rates.

Notes to the Financial Statements

For the year ended 30 June 2013

(b) Categories of Financial Instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2013 \$000	2012 \$000
Financial assets at amortised cost		
Cash and cash equivalents	18,411	3,257
Restricted cash and cash equivalents	8,681	6,084
Receivables ^(a)	5,630	10,596
Amounts receivable for services	131,713	116,487
Financial liabilities at amortised cost		
Finance lease liabilities	219,516	218,475
Payable	20,155	25,270

(a) The amount of Receivables excludes GST recoverable from the Australian Taxation Office (statutory receivable).

Notes to the Financial Statements

For the year ended 30 June 2013

(c) Financial Instruments Disclosures

Credit risk

The following table details the Department's maximum exposure to credit risk and the ageing analysis of financial assets. The Department's maximum exposure to credit risk at the end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets.

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

Ageing analysis of financial assets

	Carrying Amount \$000	Not past due and not impaired \$000	Past due but not impaired				Impaired financial assets \$000
			Up to 1 month \$000	1 to 3 months \$000	3 months to 1 year \$000	1 to 5 years \$000	
2013							
Cash and cash equivalents	18,411	18,411	-	-	-	-	-
Restricted cash & cash equivalents	8,681	8,681	-	-	-	-	-
Receivables ^(a)	5,630	1,552	245	275	357	88	3,113
Amounts receivable for services	131,713	131,713	-	-	-	-	-
	164,435	160,357	245	275	357	88	3,113
2012							
Cash and cash equivalents	3,257	3,257	-	-	-	-	-
Restricted cash & cash equivalents	6,084	6,084	-	-	-	-	-
Receivables ^(a)	10,596	9,954	260	147	145	17	43
Amounts receivable for services	116,487	116,487	-	-	-	-	-
	136,424	135,782	260	147	145	17	43

(a) The amount of receivables excludes the GST recoverable from the Australian Taxation Office (statutory receivable).

Notes to the Financial Statements

For the year ended 30 June 2013

Liquidity risk

The following table details the contractual maturity analysis of financial assets and financial liabilities. The amounts disclosed in the table are the contractual undiscounted cash flows (interest and principal) Balances due within 12 months equal their carrying balances as the impact of discounting is not significant.

	Carrying Amount \$000	Total contractual cash flows \$000	Up to 1 month \$000	1-3 months \$000	3 months to 1 year \$000	1-5 years \$000	More than 5 years \$000
2013							
Financial Assets							
Cash and cash equivalents	18,411	18,411	18,411	-	-	-	-
Restricted cash and cash equivalents	8,681	8,681	3,934	-	-	4,747	-
Receivables ^(a)	5,630	8,743	8,743	-	-	-	-
Amounts receivable for services	131,713	131,713	204	510	1,938	10,608	118,453
	164,435	167,548	31,292	510	1,938	15,355	118,453
Financial Liabilities							
Payables	20,155	20,155	20,155	-	-	-	-
Finance lease liabilities	219,516	438,080	1,596	3,535	15,409	84,010	333,530
	239,671	458,235	21,751	3,535	15,409	84,010	333,530
2012							
Financial assets							
Cash and cash equivalents	3,257	3,257	3,257	-	-	-	-
Restricted cash and cash equivalents	6,084	6,084	1,904	-	-	4,180	-
Receivables ^(a)	10,596	10,639	10,639	-	-	-	-
Amounts receivable for services	116,487	116,487	198	495	1,881	10,296	103,617
	136,424	136,467	15,998	495	1,881	14,476	103,617
Financial liabilities							
Payables	25,270	25,270	25,270	-	-	-	-
Finance lease liabilities	218,475	440,157	-	5,076	15,178	83,274	336,629
	243,745	465,427	25,270	5,076	15,178	83,274	336,629

(a) The amount of receivables excludes the GST recoverable from the Australian Taxation Office (statutory receivable)

Fair values

The carrying amounts of receivables and payables are assumed to approximate their fair values due to their short-term nature. Unless otherwise stated in the applicable notes, all other sub-categories of financial assets and liabilities are recognised at amounts that represent a reasonable approximation of fair value.

Notes to the Financial Statements

For the year ended 30 June 2013

36. Remuneration of Senior Officers

The number of senior officers whose total fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands are:

	2013	2012
\$		
40,001 - 50,000	-	1
120,001 - 130,000	-	1
130,001 - 140,000	-	1
140,001 - 150,000	-	1
150,001 - 160,000	2	-
170,001 - 180,000	1	1
180,001 - 190,000	1	1
190,001 - 200,000	1	1
200,001 - 210,000	1	1
210,001 - 220,000	1	-
230,001 - 240,000	-	1
260,001 - 270,000	1	-
340,001 - 350,000	-	1
390,001 - 400,000	-	1
410,001 - 420,000	1	-
520,001 - 530,000	1	1
570,001 - 580,000	1	-
	\$000	\$000
Total remuneration of senior officers	3,057	2,705

The total remuneration includes 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).

Senior officers are those who take part in the management of the organisation and are deemed to be the Director General, the Public Trustee, the State Solicitor, the Parliamentary Counsel, Executive Directors and other Divisional Heads.

37. Remuneration of Auditor

	2013 \$000	2012 \$000
Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:		
Auditing the accounts, financial statements and key performance indicators.	178	178

Notes to the Financial Statements

For the year ended 30 June 2013

38. Related Bodies

A related body is a body that receives more than half of its funding and resources from an agency and is subject to operational control by that agency. The Department had no related bodies during the financial year.

39. Affiliated Bodies

An affiliated body is a body that receives more than half its funding and resources from an agency but is not subject to operational control by that agency. The Department provided 55 per cent (2012: 55 per cent) of the total operational funds of the Legal Aid Commission of Western Australia during the 2012-2013 financial year. The Commission is not subject to operational control by the Department and is therefore considered to be an affiliated body under the *Financial Management Act 2006*.

40. Special Purpose Accounts

During the reporting period the Department maintained the following special purpose accounts:

Account	2012-13				2011-12			
	Opening Balance \$000	Receipts \$000	Payments \$000	Closing Balance \$000	Opening Balance \$000	Receipts \$000	Payments \$000	Closing Balance \$000
1. Civil Court Judgment - Government Account	28	306	329	5	4	630	606	28
2. Land Acquisition Account	4,429	104,657	105,434	3,652	4,612	140,840	141,023	4,429
3. Suitor's Fund Account	280	25	4	301	251	29	-	280
4. Courts Trust Account	8,396	37,872	34,703	11,565	5,507	31,292	28,403	8,396
5. Departmental Receipts in Suspense	70	26,535	26,220	385	73	24,808	24,811	70
6. Sheriff's and District Court Bailiff's Trust Account	300	1,367	1,567	100	95	1,786	1,581	300
7. Department of the Attorney General - Settlement Payments Account	-	-	-	-	2	-	2	-
8. Criminal Property Confiscations Account	15,992	9,359	9,288	16,063	19,325	7,573	10,906	15,992

Notes to the Financial Statements

For the year ended 30 June 2013

The following table summarises the purpose of the special purpose accounts maintained by the Department:

Account name	Purpose of the Special Purpose Account
1 Civil Court Judgement - 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 <i>Suitors' Fund Act</i> (The Act), to meet the liability for costs of certain litigation and for incidental and other purposes pursuant to the Act.
4 Courts Trust Account	To hold moneys paid into the Supreme and District Courts in civil actions, as ordered by those Courts; and to hold monies collected in the course of Court activities at Local Courts throughout the State, for 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 <i>Financial Management Act</i> .
6 Sheriff's and District Court Bailiff's Trust Account	To hold moneys 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 Department of the Attorney General - Settlement Payments Account	To hold moneys received by the Department of the Attorney General and Small Claims Tribunal as a consequence of actions to resolve disputes.
8 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 2013

41. Supplementary Financial Information

(a) Department's Revenue and Debts Write-Offs

During the financial year, revenue and outstanding debts to the state were written off under the authority of:

The Accountable Authority^(a)

(a) Amounts written off pertain primarily to court fines and infringements that have been registered within the fines and enforcement registry. As explained in note 2d outstanding infringements are not included in administered items.

Criminal Injuries Compensation Act write-offs

During the financial year, outstanding criminal injuries recoveries were written off under the authority of:

The Accountable Authority^(b)

Criminal Injuries Compensation Close-offs^{(b) (c)}

(b) As explained in Note 2g, criminal injuries debtors are not recognised as debts in the controlled accounts of the Department.

(c) Amounts written-off where a reimbursement order was not issued.

	2013	2012
	\$000	\$000
The Accountable Authority ^(a)	9,205	8,315
	9,205	8,315
	-	305
	-	2,972
	-	3,277

Notes to the Financial Statements

For the year ended 30 June 2013

42. Disclosure of Administered Income and Expenses by Service

	Court and Tribunal Services		Services to Government		General – Not attributed		Total	
	2013 \$000	2012 \$000	2013 \$000	2012 \$000	2013 \$000	2012 \$000	2013 \$000	2012 \$000
Cost of Services								
Expenses								
Payments to the Consolidated Account	46,443	52,097	-	-	-	-	46,443	52,097
Criminal property confiscations - grants	-	-	2,928	4,933	-	-	2,928	4,933
Criminal property confiscations - supplies and services	-	-	6,360	5,973	-	-	6,360	5,973
Payment to Road Trauma Trust Account	-	-	14,564	9,008	-	-	14,564	9,008
Other	896	1,227	-	-	1,352	1,107	2,248	2,334
Total administered expenses	47,339	53,324	23,852	19,914	1,352	1,107	72,543	74,345
Income								
Judicial fines and penalties	33,301	36,065	-	-	-	-	33,301	36,065
Infringement penalties	-	-	1,577	1,593	-	-	1,577	1,593
Copyright income received on behalf of the State	-	-	-	-	47	124	47	124
Revenue for transfer - other Government agencies	-	-	-	-	15,456	10,234	15,456	10,234
Criminal property confiscations	-	-	9,359	7,572	-	-	9,359	7,572
Other paid into Consolidated Account	25	29	-	-	11,060	14,574	11,085	14,603
Total administered income	33,326	36,094	10,936	9,165	26,563	24,932	70,825	70,191

Notes to the Financial Statements

For the year ended 30 June 2013

43. Administered Assets and Liabilities

Assets

Cash and restricted cash assets

Suitors' fund	301	280
Departmental receipts in suspense	385	70
Criminal Property Confiscations	16,063	15,992

Receivables

Magistrates Court – fines and costs	12,261	12,515
Fines Enforcement Registry	142,546	149,807
Children's Court	114	144
Less: allowance for impairment of receivables - Unrecoverable fees and fines – Note 2 ^(e)	(82,094)	(87,514)

Total administered current assets

89,576

91,294

Total administered assets

89,576

91,294

Liabilities

Amounts due to the Treasurer (Appeals Cost Board) ^(a)	1,800	1,800
Total administered liabilities	1,800	1,800

Net administered assets

87,776

89,494

(a) Expenditure advance approved by the State Treasurer to provide a temporary advance for funding of the *Suitors' Fund Act*. The funds advanced by the State Treasurer are subject to reimbursement.

44. Commonwealth Grant - Christmas and Cocos Island

Opening balance	(5,452)	123,318
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Income

Commonwealth reimbursements	384,366	696,649
Court fees	598	2,843
Total receipts	384,964	699,492

Expenses

Operating costs	371,030	828,262
Total payments	371,030	828,262

Closing balance

8,482

(5,452)

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

Key Performance Indicators

Certification of Key Performance Indicators for the Year Ended 30 June 2013

I hereby certify that the Key Performance Indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of the Attorney General's performance, and fairly represent the performance of the Department of the Attorney General for the financial year ended 30 June 2013.



Cheryl Gwilliam
DIRECTOR GENERAL
4 September 2013

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 agency level desired outcomes. Agencies deliver services to achieve these desired outcomes that ultimately contribute to meeting the higher level Government goals. The following table illustrates the relationship between the Department of the Attorney General's agency level desired outcomes, services delivered by the Department and the Government's goals.

Government Goal	Department's Desired Outcome	Services
Results-Based Service Delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	1. An efficient, accessible court and tribunal system	1. Court and Tribunal Services
	2. Trustee, guardianship and administration services are accessible to all Western Australians	2. Advocacy, Guardianship and Administration Services 3. Trustee Services
	3. Western Australian birth, death and marriage certificates are accurate and accessible	4. Births, Deaths and Marriages
	4. Government receives quality, timely legal and legislative drafting services	5. Services to Government
	5. Equitable access to legal services and information *	6. Legal Aid Assistance *

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

Changes to the Department's Outcome Based Management Structure

There were no changes to the Department's Outcome Based Management framework for 2012/13.

Key Performance Indicators

The Department of the Attorney General is required under Section 61 of the *Financial Management Act 2006* and Treasurer's Instruction TI 904, to disclose key performance indicators in agency annual reports.

The Department has developed Key Performance Indicators of effectiveness and efficiency to assist senior management and stakeholders assess and monitor the extent to which agency level Government desired outcomes have been achieved and the efficiency of service delivery. The Key Performance Indicators are monitored on a regular basis by the Department's Corporate Executive Committee.

Key effectiveness indicators provide information on the extent to which agency level outcomes have been achieved, or contributed to, through the delivery of services. The Department of the Attorney General reports on effectiveness indicators for five agency level outcomes.

Key efficiency indicators relate services to the level of resource inputs required to deliver them. Efficiency indicators have been developed for each of the services delivered by the Department. Each indicator shows the average cost per output to deliver the service. Service costs are calculated based on the Department's internal cost allocation model to reflect the full cost of the service.

The following performance indicators should be read in conjunction with the accompanying notes to the Key Performance Indicators. Explanations are provided where there is a significant variation between 2012/13 budget targets and actual results.

Outcome 1: An Efficient, Accessible Court and Tribunal System

The Department aims to provide a court system that is responsive to community needs for access to justice. This supports the Government’s strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

To be accessible, the court system must be available to resolve disputes in a timely manner. Accessibility is diminished if there are lengthy delays in bringing matters to trial or finalising matters brought before the courts. The time taken to achieve an outcome in the courts is considered a primary indicator of the accessibility of the court system and therefore the extent to which the agency level outcome is achieved. The timely resolution of matters brought before the courts is also a measure of the efficiency of the courts system.

Effectiveness indicators are measured separately for key jurisdictions and the Fines Enforcement Registry. The jurisdictions measured are considered key indicators because, combined, they represent the majority of the workload and/or expenditure for the courts.

The key effectiveness indicators comprise measures of time to trial, time to finalise matters and time to finalise non trial matters. The measure used is dependent on the type of matter and the jurisdiction i.e. in criminal jurisdictions, the majority of matters may go to trial therefore time to trial is an appropriate measure whereas in civil jurisdictions most matters may be finalised without going to trial and time to finalise non-trial matters is used.

Key Effectiveness Indicators

Supreme Court (Criminal) – Time to Trial

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

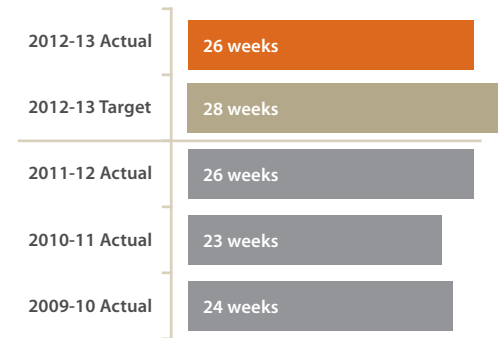
No significant variation.

Supreme Court (Civil) – Time to Finalise Non-Trial Matters

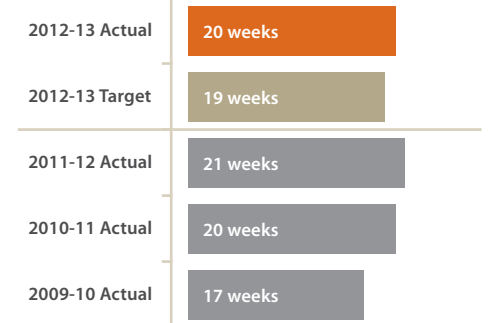
This indicator measures the median time to finalise cases that are heard by a Registrar or Judge at conferences or hearings, before proceeding to trial and is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

No significant variation.

Supreme Court (Criminal) - Time to Trial



Supreme Court (Civil) - Time to Finalise Non-Trial Matters



Key Effectiveness Indicators (continued)

District Court (Criminal) – Time to trial

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

The better than target result is due to sustained improvements in criminal listing practices.

District Court (Criminal) - Time to Trial

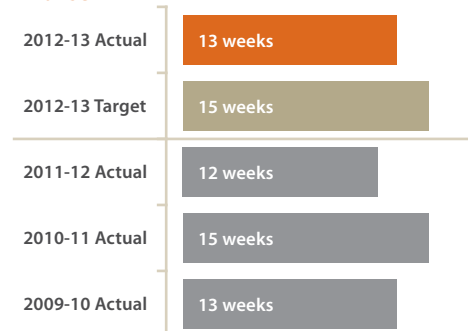


State Administrative Tribunal – Time to Finalise

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

The better than target result is primarily due to the rate at which the Tribunal finalised referrals from the Building Commissioner.

State Administrative Tribunal - Time to Finalise

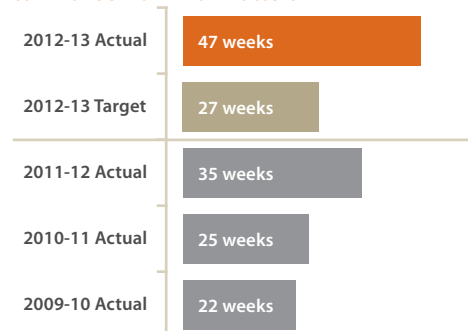


Family Court of Western Australia – Time to Finalise Non-Trial Matters

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

The higher than target result is due to the Court’s continued focus on finalising older matters and an increase in the proportion of parenting applications, which generally take longer to reach finalisation than the Court’s financial applications.

Family Court of Western Australia - Time to Finalise Non-Trial Matters



Magistrates Court (Criminal and Civil) – Time to Trial

Time to trial is a measure of the median time taken from a specified initial date (e.g. 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.

The better than target result is primarily due to a reduction in the volume of criminal cases finalised by trial.

Magistrates Court (Criminal and Civil) - Time to Trial



Key Effectiveness Indicators (continued)

Coroner’s Court – Time to Trial

Time to trial is a measure of the median time taken from the date of death to the first inquest hearing. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

No significant variation.

Coroner’s Court - Time to Trial



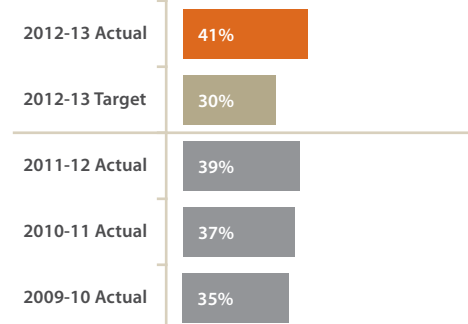
Fines Enforcement Registry – Percentage of Fines Satisfied within 12 Months

The Fines Enforcement Registry effectiveness indicators demonstrate to the community that the appropriate systems, procedures and resources are in place to enforce fines, costs and infringement penalties in a timely manner. It also demonstrates to the community that a court fine is a viable sentencing option.

■ Fines and Costs

The better than target result is attributed to a large proportion of court fines being resolved by imprisonment rather than by payment. This is a result of a change in legislation in 2009 allowing imprisonment in default of payment to be served on a concurrent rather than consecutive basis.

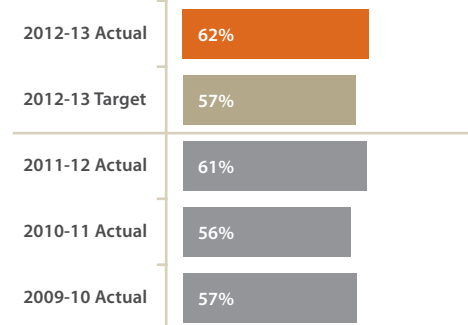
Fines Enforcement Registry - Percentage of Fines Satisfied within 12 Months: Fines and Costs



■ Infringements

No significant variation.

Fines Enforcement Registry - Percentage of Fines Satisfied within 12 Months: Infringements



Service 1: Court and Tribunal Services

This service is delivered by Court and Tribunal Services.

Two distinct groups administer courts in Western Australia: the independent judicial officers who preside over the various courts and the Department of the Attorney General that provides court facilities, administrative support and judicial support staff to enable the determination of cases brought before a court or tribunal. Part of this function also involves the delivery of court counselling services and a range of civil and criminal enforcement services.

Cost Per Case

The following indicators measure the average cost per case for all matters finalised within each jurisdiction (including matters finalised without trial and those finalised administratively), and the cost per enforcement action to finalise outstanding fines and infringements. The cost per case is calculated by dividing the total cost of the jurisdiction by the number of cases finalised.

Key Efficiency Indicators

Supreme Court (Criminal) – Cost Per Case

The lower than target cost per case is due to a lower than expected cost from the actuarial assessment for Judicial pensions and a higher number of finalisations from an increase in the number of matters lodged, the number of non-trial finalisations and multiple co-accused matters.

Supreme Court (Civil) – Cost Per Case

The lower than target cost per case is due to a lower than expected cost from the actuarial assessment for Judicial pensions.

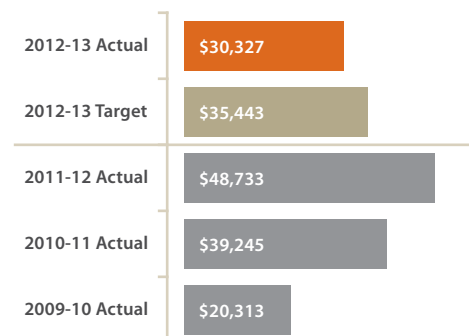
Court of Appeal (Criminal) – Cost Per Case

The lower than target cost per case is due to a lower than expected cost from the actuarial assessment for Judicial pensions and a higher number of finalisations from an increase in the number of matters lodged, matters completed at the leave to appeal stage, matters discontinued by the appellant and matters finalised as a result of non-compliance with the Court of Appeal Rules.

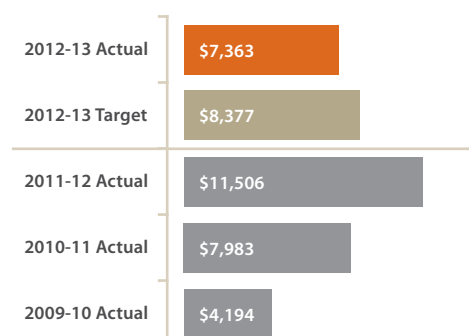
Court of Appeal (Civil) – Cost Per Case

The lower than target cost per case is due to a lower than expected cost from the actuarial assessment for Judicial pensions and a higher number of finalisations from an increase in the number of matters lodged and finalisation of matters with no merit.

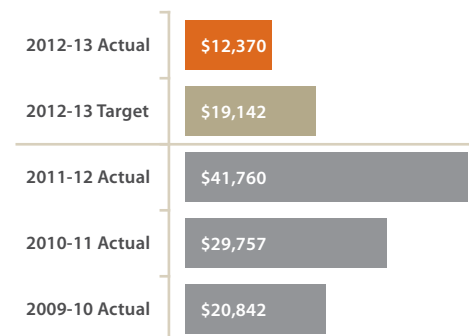
Supreme Court (Criminal) - Cost Per Case



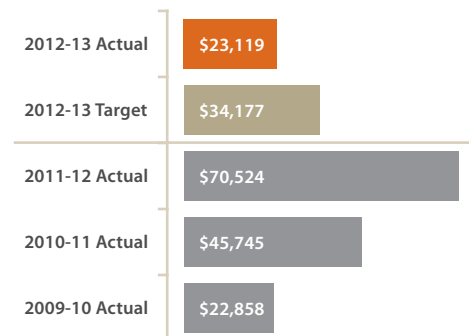
Supreme Court (Civil) - Cost Per Case



Court of Appeal (Criminal) - Cost Per Case



Court of Appeal (Civil) - Cost Per Case



Key Efficiency Indicators (continued)

District Court (Criminal) – Cost Per Case

No significant variation.

District Court (Civil) – Cost Per Case

The lower than target cost per case is due to a lower than expected cost from the actuarial assessment for Judicial pensions and a greater number of outstanding jury fines being finalised.

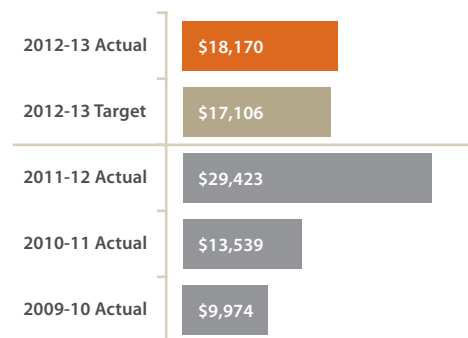
State Administrative Tribunal – Cost Per Case

The lower than target cost per case is predominantly due to a higher number of matters finalised, lower than expected cost from the actuarial assessment for Judicial pensions and reduced building dispute costs. The increase in matters finalised was largely due to changes in the management of guardian and administration applications.

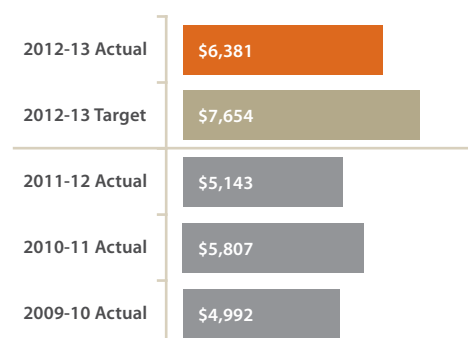
Family Court of Western Australia – Cost Per Case

The higher than target cost per case is due to fewer matters being finalised as a result of new case management guidelines which reduced the volume of financial lodgements and an increase in parenting lodgements which generally take longer to finalise.

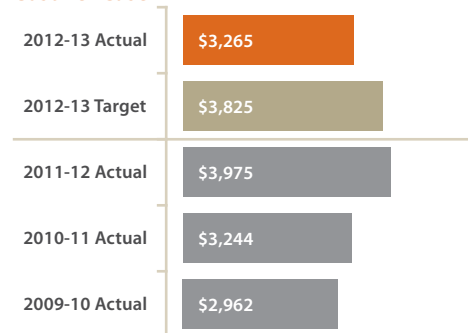
District Court (Criminal) - Cost Per Case



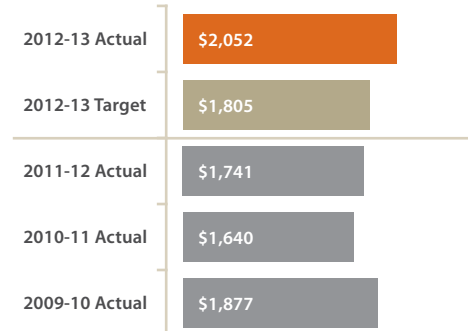
District Court (Civil) - Cost Per Case



State Administrative Tribunal - Cost Per Case



Family Court of Western Australia - Cost Per Case



Key Efficiency Indicators (continued)

Magistrates Court (Criminal) – Cost Per Case

No significant variation.

Magistrates Court (Civil) – Cost Per Case

No significant variation.

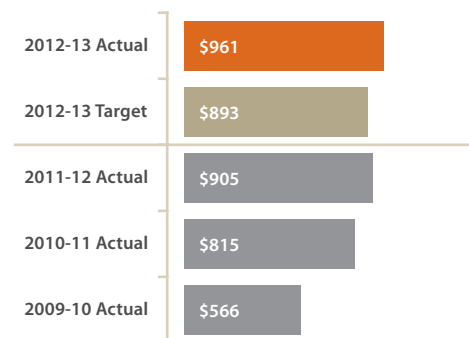
Coroner’s Court – Cost Per Case

The higher than target cost per case is due to higher costs and fewer matters being finalised. The higher costs are associated with the uncontrollable expenses of the removal of dead bodies and forensic pathology services. Lower finalisations are due to judicial leave commitments and a greater focus on finalising cases via inquest.

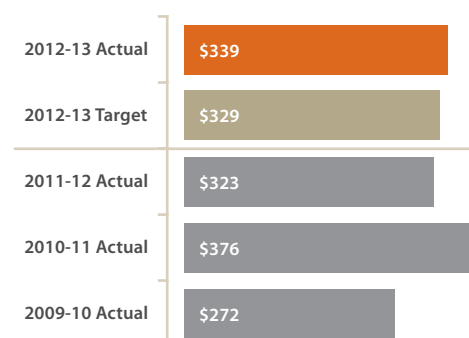
Children’s Court (Criminal) – Cost Per Case

The higher than target cost per case is due to a higher than expected security and transcription costs and lower finalisations as a result of fewer lodgements in the areas of Traffic and Vehicle Regulatory Offences and Offences Against Justice Procedures, Government Security and Government Operations.

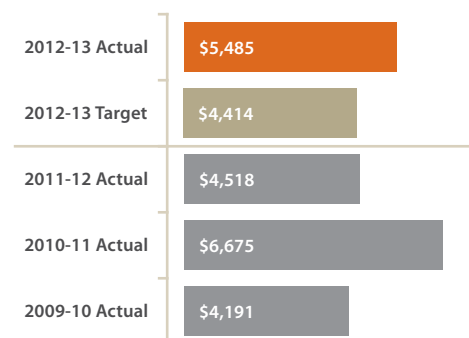
Magistrates Court (Criminal) - Cost Per Case



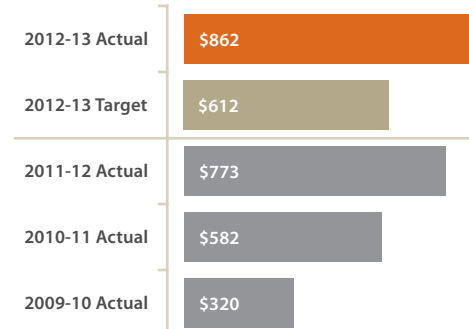
Magistrates Court (Civil) - Cost Per Case



Coroner’s Court - Cost per case



Children’s Court (Criminal) - Cost Per Case



Disclosures and Legal Compliance - Key Performance Indicators

Key Efficiency Indicators (continued)

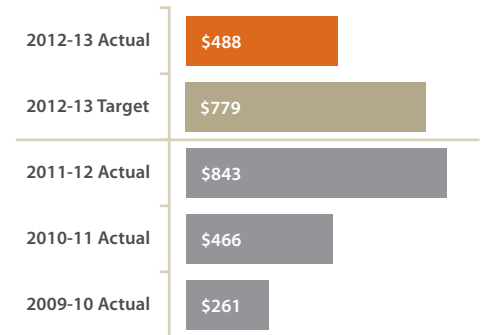
Children's Court (Civil) – Cost Per Case

The lower than target cost per case is due to a higher than anticipated number of restraining orders finalisations. A change to the relevant legislation means that all restraining orders involving children (as an individual protected person) must be lodged with the Children's Court.

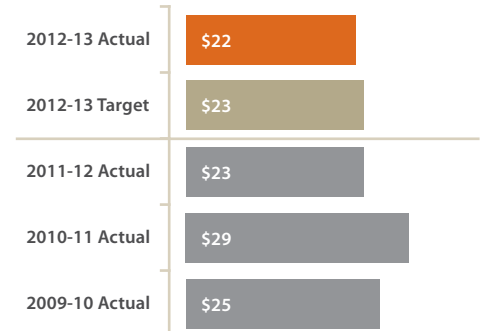
Fines Enforcement Registry – Cost Per Enforcement

No significant variation.

Children's Court (Civil) - Cost Per Case



Fines Enforcement Registry - Cost Per Enforcement



Outcome 2: Trustee, Guardianship and Administration Services are Accessible to all Western Australians

The Department, through the operations of the Public Advocate safeguards the rights of adults with decision-making disabilities, and reduces the incidence of risk, neglect and exploitation while the Public Trustee ensures equitable access to trustee services for all Western Australians. This supports the Government’s strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The following indicators show the extent to which the Department has achieved this outcome. The indicators measure the accessibility of trustee, guardianship and administration services to all Western Australians.

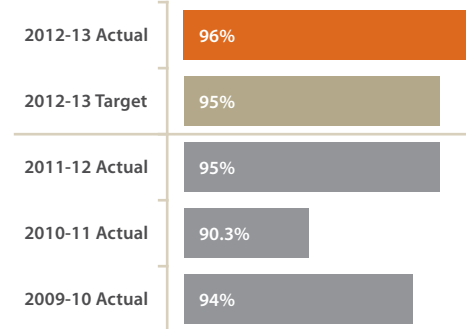
Key Effectiveness Indicators

Percentage of Guardians of Last Resort Allocated in One Day

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.

No significant variation.

Percentage of Guardians of Last Resort Allocated in One Day



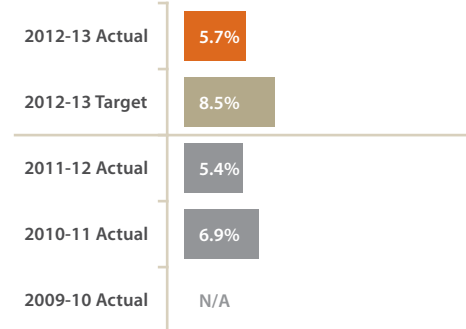
Percentage of Western Australian Deceased Estates Administered by the Public Trustee

The Public Trustee offers a secure value for money alternative for administration of deceased estates in Western Australia. This ensures that trustee services are accessible to people in the state. The percentage of deceased estates administered by the Public Trustee indicates the use being made of the service and therefore the overall accessibility of trustee services to Western Australians.

The indicator represents the number of deceased estate files reported as a percentage of the number of adult deaths in Western Australia.

No significant variation.

Percentage of Western Australian Deceased Estates Administered by the Public Trustee



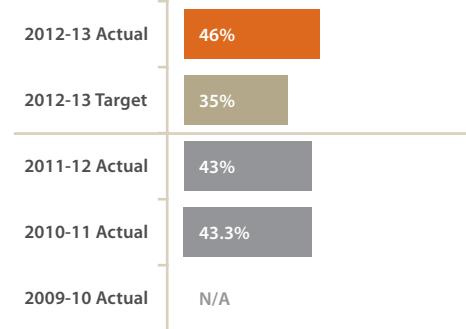
Percentage of Clients who have Services Provided by the Public Trustee Under an Operating Subsidy

In addition to providing affordable services thereby making trustee services more accessible, the Public Trustee provides services free of charge, or at a reduced cost, to clients who cannot afford them. This further increases the accessibility of trustee services by ensuring that all Western Australians have access to trustee services.

The proportion of services provided free of charge or at a reduced cost under the Public Trustee’s community service.

The higher than target result is due to an increase in the number of clients eligible for the operating subsidy.

Percentage of Clients who have Services Provided by the Public Trustee Under an Operating Subsidy



Service 2: Advocacy, Guardianship and Administration Services

This service is delivered by the Public Advocate.

Advocacy, guardianship and administration services protect and promote the financial interests and welfare of people with decision-making disabilities by providing:

- access to investigation and advocacy services;
- appropriate appointment of guardians and administrators and appropriate interventions in relation to Enduring Powers of Attorney and Enduring Powers of Guardianship;
- guardianship and administration community education services; and
- guardianship and administration services provided by the Public Advocate.

The following efficiency indicator measures the cost of delivering the service.

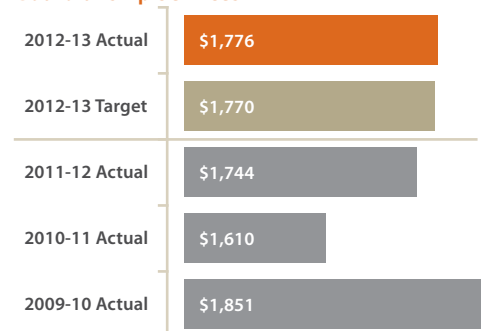
Key Efficiency Indicators

Average Cost of Providing Advocacy and Guardianship Services

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

No significant variation.

Average Cost of Providing Advocacy and Guardianship Services



Service 3: Trustee Services

This service is delivered by the Public Trustee.

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

The following efficiency indicators measure the cost of delivering the service.

Key Efficiency Indicators

Average Cost Per Deceased Estate Administered

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

No significant variation.

Average Cost Per Trust Managed

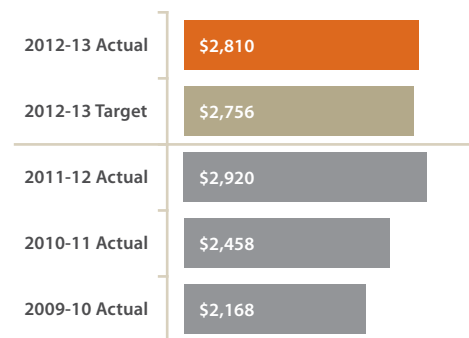
This indicator measures the average cost of managing a trust. It is calculated by dividing the full cost of providing trust management services by the number of trusts under management.

No significant variation.

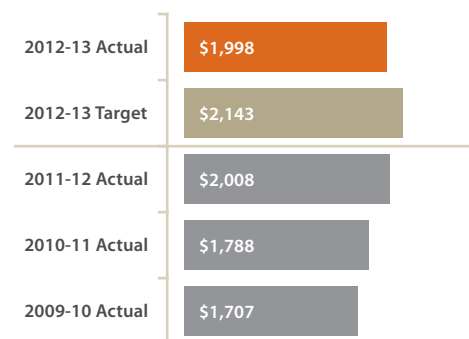
Average Cost Per Will Prepared

The higher than target result is due to a lower number of Wills prepared as a result of a temporary re-assignment of legal staff to clear a backlog of urgent client legal matters. The result in 2009/10 is not comparable due to the implementation of a new report script from the Client management system review in 2011/12.

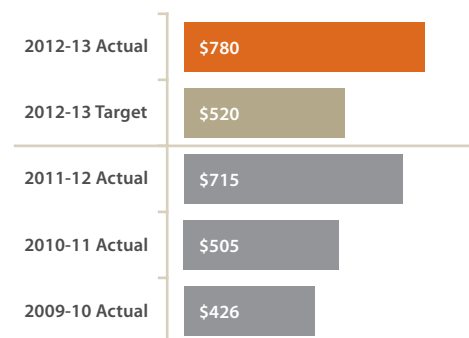
Average Cost Per Deceased Estate Administered



Average Cost Per Trust Managed



Average Cost Per Will Prepared



Outcome 3: Western Australian Birth, Death and Marriage Certificates are Accurate and Accessible

The Department seeks to ensure eligible people are able to obtain accurate documentary proof of key life events and approved organisations can obtain accurate information for research, statistical and planning purposes in a timely manner. This supports the Government’s strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The following effectiveness indicators show the extent to which the Department, through the activities of the Registrar of Births, Deaths and Marriages, has achieved this outcome.

The indicators measure the accuracy and accessibility of certificates of birth, death and marriage to all Western Australians.

Key Effectiveness Indicators

Percentage of Certificates of Birth, Death or Marriage Issued within Two Days

The growing need for people to access certificates for identification in a timely manner means that time taken to obtain a certificate of birth death or marriage is a major determiner of accessibility. This indicator measures the extent to which certificates of birth, death and marriage are issued in a timely manner. This directly measures the extent to which the agency level outcome has been achieved.

No significant variation.

Extent to which Births, Deaths and Marriages Source Information is Recorded Error Free

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

No significant variation.

Service 4: Births, Deaths and Marriages

This service is delivered by the Registry of Births, Deaths and Marriages.

The purpose of the Registry is to create and permanently store birth, death and marriage records to enable the public to obtain documentary proof of key life events for legal, personal and historical purposes and also to enable approved organisations to obtain information for research, statistical and planning purposes. The following efficiency indicator measures the cost of delivering the service.

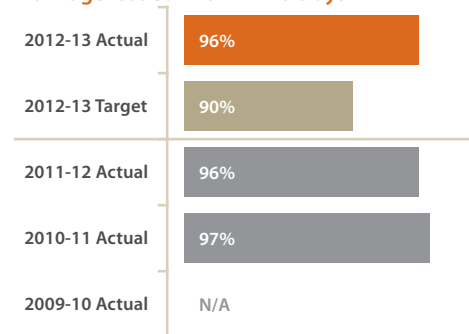
Key Efficiency Indicators

Average Cost of Registration Services

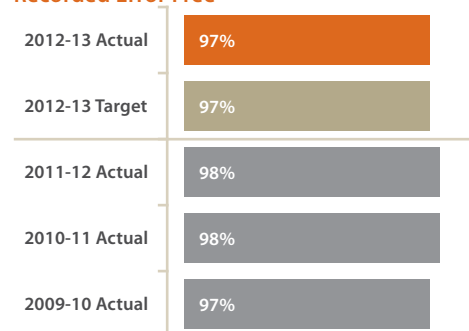
This indicator measures the unit cost of creating, amending and issuing information and storing records indefinitely.

No significant variation.

Percentage of Certificates of Birth, Death or Marriage Issued within Two Days



Extent to which Births, Deaths and Marriages Source Information is Recorded Error Free



Average Cost of Registration Services



Outcome 4: Government Receives Quality, Timely Legal and Legislative Drafting Services

The Department delivers services to Government to support justice outcomes and activities of other Government agencies. This supports the Government’s strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The following effectiveness indicators show the extent to which the Department, through the activities of the State Solicitors Office and the Parliamentary Counsel’s Office, has achieved this outcome. The indicators measure the satisfaction of recipients of legal services and the timeliness of drafting legislation.

Key Effectiveness Indicators

Extent to which Government 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.

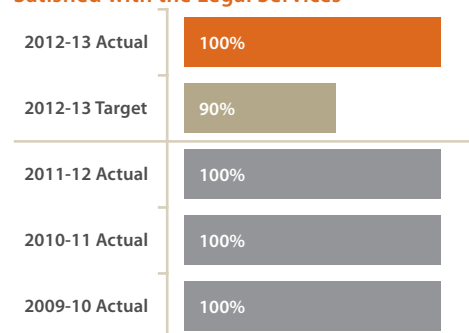
The variation from the budget target is a result of the delivery of better than expected levels of client service in 2012/13, as rated by the State Solicitor’s Office’s clients.

Extent to Which Legislation was Drafted in a Timely Manner to Effect the Government’s Legislative Program

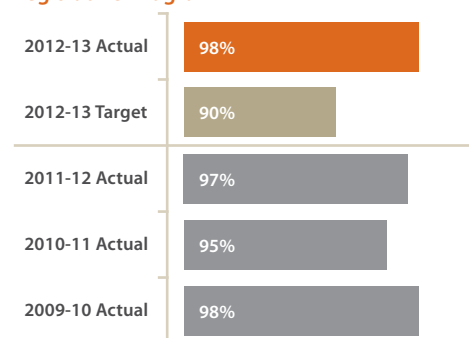
This indicator measures whether the legislative program has been met by determining the extent to which the drafting of legislation that Cabinet has authorised to be prepared has been completed according to the priorities set by Cabinet.

No significant variation.

Extent to which Government Departments are Satisfied with the Legal Services



Extent to which Legislation was Drafted in a Timely Manner to Effect the Government’s Legislative Program



Service 5: Services to Government

This service is delivered by the State Solicitor’s Office and the Parliamentary Counsel’s Office.

The State Solicitor’s Office provides a broad-based legal service to Government and its agencies and the Parliamentary Counsel’s Office provides comprehensive legislative drafting services and access to up to date Western Australia legislation.

The following efficiency indicator measures the cost of delivering the service.

Key Efficiency Indicators

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 indicator is calculated by dividing the State Solicitor’s Office total cost of service by the number of recorded matters.

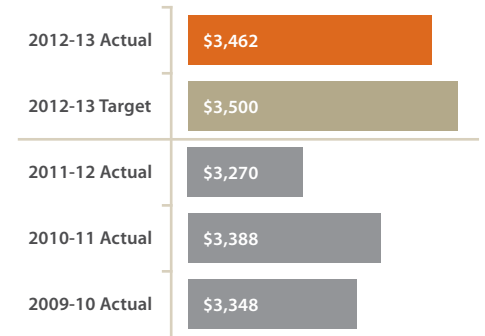
No significant variation.

Average Cost Per Page of Output

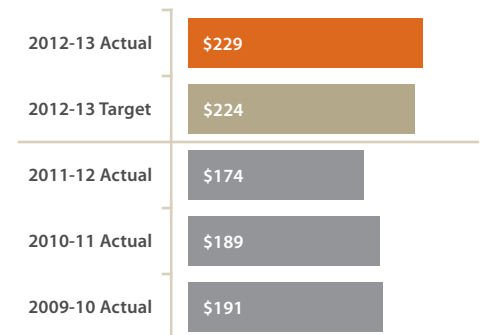
This indicator is calculated by dividing the Parliamentary Counsel’s Office total operating expenses, by the number of pages of bills, subsidiary legislation and reprinted texts produced each financial year.

No significant variation.

Average Cost Per Legal Matter



Average Cost Per Page of Output



Notes to the Key Performance Indicators

The notes to the key performance indicators provide the reader with a more detailed description of the indicator, the calculation methodology and data source used in the calculation.

Key effectiveness indicators

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 Integrated Courts Management System (ICMS).
Supreme Court (Civil) Time to Finalise Non-Trial Matters	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the Integrated Courts Management System (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 is derived from the Integrated Courts Management System (ICMS).
State Administrative Tribunal Time to Finalise	This measure is calculated by taking the median time to finalise a matter from date of lodgement to when a judgement is made (excludes all guardianship administration matters). Information for this indicator is derived from the Integrated Courts Management System (ICMS).
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 a national cases database (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 the Lower Courts Criminal Management System (CHIPS 3) and Integrated Courts Management System (ICMS).
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 Coroner’s Court a trial is defined as an inquest. Information for this indicator is derived from the National Coroners Information System (NCIS) database.
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 the 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 the Fines Enforcement Registry (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 the FER database.

Effectiveness Indicator	Description
<p>Percentage of Guardians of Last Resort Allocated in One Day</p>	<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 State Administrative Tribunal 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, available or willing to take on the role. The information for this indicator is extracted from the Public Advocate Case Management System (PACMAN).</p>
<p>Percentage of Western Australian Deceased Estates Administered by the Public Trustee</p>	<p>The Public Trustee operates in a commercial environment offering services that can be provided by numerous professional service providers.</p> <p>The Public Trustee administers the estates where it has been appointed as executor. Some estates may not require formal administration but still require work to be undertaken in order that assets may be registered in the survivor or beneficiaries’ name.</p> <p>Data for this indicator is sourced from the Registry of births, deaths and marriages and the Public Trustee’s Management Accounting and Trust Environment (MATE) system.</p>
<p>Percentage of Clients who have Services Provided by the Public Trustee under an operating subsidy</p>	<p>This indicator measures the proportion of clients provided with services by the Public Trustee under the operating subsidy. The fees raised are rebated back to the clients who meet the minimum requirements under the operating subsidy. The indicator is calculated using the number of operating subsidy clients compared to the total trust clients administered.</p>
<p>Percentage of Certificates of Birth, Death or Marriage Issued within Two Days</p>	<p>The Western Australian Registration System (WARS) keeps track of the date customers request certificates and the date the certificates are issued. For the purposes of this KPI issued means printed.</p> <p>The KPI result is calculated by dividing the number of certified certificates issued within 2 days by the total number of certified certificates issued with the result expressed as a percentage. The WARS management report “Service Requested and Delivery Times” is used to provide the output for the KPI.</p>

Effectiveness Indicator	Description
<p>Extent to which Births, Deaths and Marriages Source Information is Recorded Error Free</p>	<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>The number of registry errors in death registrations is used to calculate this indicator because immediate feedback is provided if an error is evident in the death certificate, which is always needed for estate settlement. Any errors made on birth or marriage certificates are not immediately detected, as these certificates may not be requested for many years after registration. As the processes for recording births, deaths and marriages are nearly identical; the number of errors in death registrations is considered representative of all three registration types.</p> <p>The computerised Western Australian Registration System counts the number of death registrations corrected as a result of staff data entry errors and divides this count by the total number of deaths registered for the year. The result (i.e. erroneous registrations) is expressed as a percentage.</p>
<p>Extent to which Government Departments are Satisfied with the Legal Services Provided</p>	<p>24 client agencies were surveyed.</p> <p>The number of agencies surveyed represents approximately 90 per cent of the chargeable work of the State Solicitor’s Office.</p> <p>The criteria used to assess satisfaction with service included:</p> <ul style="list-style-type: none"> ■ the technical quality of work; ■ the relevance of information provided to client’s needs; ■ the timeliness of information provided; and ■ overall, the extent to which Government departments are satisfied with legal services.
<p>Extent to which Legislation was Drafted in a Timely Manner to Effect the Government’s Legislative Program</p>	<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 program relates. The information is recorded in databases located within the Parliamentary Counsel’s Office.</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"> ■ lack of action on the part of the instructing agency to progress a Bill; or ■ deferral of a Bill by the instructing agency.

Services and Key Efficiency indicators

Court and Tribunal Services

Efficiency Indicator	Description
Cost Per Case	The cost per case indicator is calculated by dividing the total 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. Total operating costs used to calculate the efficiency measure are extracted from the Department's jurisdiction based cost management system (Business Objects). The number of finalisations is obtained from various in house case management and tracking systems maintained by the jurisdictions.
Cost Per Enforcement	The total cost of 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 Key Performance Indicator are Business Objects and the Departmental information management system (COGNOS) for the number of lodgements.

Advocacy, Guardianship and Administration Services

Efficiency Indicator	Description
Average Cost Per Case of Providing Advocacy and Guardianship Services	This indicator is calculated by dividing the total cost of providing advocacy, guardianship and administration services by the number of advocacy and guardianship services provided. The information for this indicator is extracted from Department's activity based cost management system (Business Objects) and the Public Advocate Case Management System (PACMAN).

Trustee Services

Efficiency Indicator	Description
Average Cost Per Trust Managed	This indicator is calculated by dividing the total cost to manage trusts by the number of trusts under management during the year. The number of trusts under management is held in Public Trustee's internal information system and the total cost of providing trust management services is derived from the Department's activity based cost management system (Business Objects).
Average Cost Per Deceased Estate Administered	This indicator is calculated by dividing the total cost of administration services by the number of deceased estates administered during the year. The total number of deceased estates administered is held in the Public Trustee's internal information system and the total cost of administration services is derived from the Department's activity based cost management system (Business Objects).
Average Cost Per Will Prepared	This indicator is calculated by dividing the total cost of preparing wills by the number of wills prepared during the year. The total number of wills prepared is held in Public Trustee's internal information system and the total cost of preparing wills is derived from the Department's activity based cost management system (Business Objects).

Services and Key Efficiency indicators

Births, Deaths and Marriages

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 the Department’s activity based cost management system (Business Objects).</p>

Services to Government

Efficiency Indicator	Description
Average Cost Per Legal Matter	<p>This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.</p> <p>The cost per matter is calculated by dividing the total cost of providing legal services by the number of matters dealt with during the financial year. Number of matters is extracted from the Time and Matter Costing System and the total cost of service is derived from the Department’s activity based cost management system (Business Objects).</p>
Average Cost Per Page of Output	<p>The average cost per drafting service is calculated by dividing the total 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 Parliamentary Counsel’s Office. The total cost of service is derived from the Department’s activity based cost management system (Business Objects).</p>

Other Financial Disclosures

Ministerial Directives

No ministerial directives were made in 2012/13.

Pricing Policy of Services

The pricing policy adopted across the Department conforms with Department of Treasury guidelines.

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, where users of the court system make contributions towards the cost as they progress 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.

In 2012 all court fees were increased by 2.8 per cent except for probate, photocopying services, extraordinary drivers licence fees and fees set under the fines recovery regulations which recoup 100 per cent of their costs. The rise was applied as an average increase across the jurisdictions consistent with the policy of "relative parity" which requires fees in the District Court to be lower than the Supreme Court, but higher than the Magistrates Court.

Court fees in operation during 2012/13 were published in the Government Gazette on 30 November 2012 and came into effect the next day.

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 reference to the Department of Treasury instructions on full cost recovery and an annual review which takes into account the Consumer Price Index, the cost of providing services and like fees charged by other Australian registries. Fees and charges were not increased for 2012/13.

Public Trustee

The Public Trustee collects fees for a variety of services. In 2009/10 it put a new fee structure in place. This moved from a commission-based structure to a user pays system while recognising the Public Trustee's operating subsidy obligations as well as the client's ability to pay.

State Solicitor's Office

The State Solicitor's Office charges client agencies for various legal services which are non-core in nature. These fees are based on hourly rate charges and are struck to reflect no more than cost recovery. The fees did not change in 2012/13.

Major Capital Works

Major Capital Works (Projects valued over \$5 million) 2012/13				
	Estimated Total Cost	Life to Date Expenditure	Remaining Expenditure	Estimated Year of Completion
Works in Progress	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Carnarvon Police and Justice Complex	52,500	9,848	42,652	2014
Kununurra Courthouse	43,000	11,904	31,096	2014
Kalgoorlie Court Upgrade	41,719	34,243	7,476	2013

Employee and Industrial Relations

Summary of employee numbers

Employees by award or occupational grouping	2011/12					2012/13				
	Number			%		Number			%	
	F	M	Total	F	M	F	M	Total	F	M
Catering Employees & Tea Attendants	3	0	3	100	0	3	0	3	100	0
Child Care Workers	1	0	0	100	0	1	0	1	100	0
Cleaners & Caretakers	13	1	14	92.86	7.14	11	0	11	100	0
Govt Officers (GOSAC/GOSGA Award)	80	59	139	57.55	42.45	80	48	128	62.5	37.5
Public Service Employees	1,114	547	1,661	67.07	32.93	1,105	563	1,668	66.25	33.75
State Review Board*	2	1	3	66.67	33.33	1	0	1	100	0
Salaries & Allowances Tribunals	4	14	18	22.22	77.78	5	14	19	26.32	73.68
State Administrative Tribunal	10	10	20	50	50	8	9	17	47.06	52.94
Total	1,227	632	1,858	66	34	1214	634	1,848	65.69	34.31

*State Review Board includes Prisoner Review Board, Supervised Release Board and the Mentally Impaired Accused Review Board.

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

The Department has a large volunteer workforce of more than 165 people. They include victim support volunteers and community guardians.

As at 30 June 2013, 2,923 Justices of the Peace were also providing active service to Western Australians.

Breach of Human Resource Management Standards

A total of five claims were lodged with the Department compared to 16 claims lodged in 2011/12. Of these:

- two have been referred to the Office of the Public Sector Commissioner
- three were settled within the agency
- one achieved an agreement with the assistance of the Commission
- one has been carried over as the claim was only submitted to the Department in the last week of the reporting year.

Summary of breach of standard claims lodged and handled in 2012/13

	Withdrawn in agency	Resolved in agency	Still pending in agency	Referred to OPSSC	Agreement reached OPSSC	Dismissed at OPSSC	Upheld at OPSSC	Pending at OPSSC	All
Recruitment, Selection and Appointment	0	3	0	1	0	0	0	1	4
Transfer	0	0	0	1	1	0	0	0	1
Total Claims Handled	0	3	0	2	1	0	0	1	5

Act of Grace and Ex Gratia Payments

From time to time, the Department processes Act of Grace and ex gratia payments on behalf of the State Government. In 2012/13, six such payments were made totalling \$598,882. This included a payment of \$250,000 as compensation for injuries received in the course of duty, a further payment of \$117,882 to a serious criminal injuries compensation claim and also a payment of \$112,500 for legal costs incurred.

In addition, the Department paid eight mesothelioma claims on behalf of the State Government, claims which totalled \$825,938 in 2012/13.

Governance Disclosures

Financial Interests

At the date of reporting, other than normal contracts of employment of service, no senior officers had any interests in existing or proposed contracts with the Department.

Other Legal Requirements

Advertising and Allied Expenditure

Expenditure on advertising, market research, polling and direct mail during 2012/13.

Advertising Agencies	\$255,926
Adcorp	\$255,926 ¹
Market Research Organisations	Nil
Media Advertising	\$45,899
West Australian Newspapers	\$1,421
Optimum Media Decisions	\$44,477
Direct Mail Organisations	Nil
Polling Organisations	Nil
Total	\$301,825

¹ Corresponding expenditure in 2011/12 was \$310,788.

Disability Access and Inclusion Plan Outcomes

The Department’s Disability Access and Inclusion Plan (DAIP) complies with the *Disability Services Act 1993* and ensures that professional and appropriate services are provided to customers with disabilities, their carers and families. During 2012/13 the Department achieved the following:

Outcome 1: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.

Public consultation was undertaken to evaluate whether any barriers existed for people with a disability who wish to access the Department’s services.

Feedback from this consultation was used in the development of the Department’s new Disability Access and Inclusion Plan, covering the period from 2013 to 2018. The 2013-18 DIAP was finalised and put into operation in 2012/13.

The Department continued to liaise with the Ethnic Disability Advocacy Centre (EDAC). EDAC provide the Department with information about the issues that people with a disability and who are from a culturally and linguistically diverse background face when they conduct business with the Department. This advice informs the development of new policies and is shared with the DAIP committee on an ongoing basis.

Corporate event guidelines were also developed in 2012/13 to assist staff in co-ordinating events which are equally accessible to all. The Office of the Public Advocate held more than 90 information sessions aimed at increasing the awareness and understanding of the three legal documents available to adults to plan for their future decision-making (an enduring power of attorney, enduring power of guardianship and advance health directive), in the event that they develop a decision-making disability. Sessions also promoted the rights of people with a decision-making disability.



Disclosure and Legal Compliance - Other Financial Disclosures

The Offices of the Public Advocate and Public Trustee worked together to deliver four training sessions for private administrators who have been appointed to manage the financial affairs of a person with a decision-making disability.

The Department's Aboriginal Justice Program co-ordinated 39 Open Days. The events were accessible and co-ordinated to accommodate the needs of people with a disability, including the use of community centres with accessible entrances, and assisting attendees with transport and seating where required.

Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.

One of the Department's responsibilities is to administer the State's courts and tribunals on behalf of the people of WA. A temporary Kununurra Courthouse opened in late October 2012 and complies with disability access standards required under the Building Code of Australia to enable access by all court clients.

The permanent courthouse at Kununurra, along with courthouses at Kalgoorlie and Carnarvon, is currently being built. All have been designed to comply with disability access standards except where duty of care considerations over-rule the requirement. For example, access rails would not be used in court cells, as they can be a self-harm risk. These instances are always documented and substantiated.

Outcome 3: 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.

The Department continues to enhance the accessibility of its websites through its ongoing web accessibility project.

Some of the enhancements include text-to-speech software to assist people with a disability and those with limited English proficiency. New web accessible templates have also been developed, which make the Department's websites easier to view for people with a sensory and cognitive disability.

The Office of the Public Advocate extended the range of languages into which its information sheets on enduring powers of attorney, enduring powers of guardianship and planning for the future have been translated, to include Vietnamese and Polish. This adds to the resources the Office had translated into Italian and Chinese in 2011/12.

Outcome 4: People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.

The Department raised awareness of its Disability Awareness and Inclusion Plan (DAIP) during Disability Awareness Week, which ran from 2 – 8 December 2012, when promotional material was distributed to customers.

Contract and procurement staff are aware of the special condition required for inclusion in tenders and contracts involving the public. This condition is to ensure that agents and contractors who provide services to the public on behalf of the Department, do so in a way which complies with the Department's DAIP.

The Department also operates with the knowledge that a State Supply Commission exemption exists when purchasing from a business that primarily exists to provide the services of people with a disability.

Outcome 5: People with disabilities have the same opportunities as other people to make complaints to a public authority.

The Department's complaint and feedback mechanisms have been expanded to ensure all people with disability have access. During the development of the 2013-2018 DAIP, stakeholders were canvassed and encouraged to highlight where any barriers to access the Department's services existed. No formal complaints were received about accessing the Department's services or information.

Outcome 6: People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

The Department successfully used the 'Engaging Culturally and Linguistically Diverse Communities' guideline to develop its new Disability Access and Inclusion Plan for the next six years. Members of the public were able to provide feedback on the draft DAIP as well as any barriers they identified in participating in the Department's consultation process.

Department policies that relate to engaging members of the public are reviewed regularly to ensure there are no barriers to participation.

Outcome 7: People with disabilities have the same opportunities as other people to participate fully in the workplace of a public authority.

The Department has researched, consulted and planned its Disability Employment Strategy to increase the number of staff in the Department with a disability, to ensure the community is represented appropriately.

Both the Sheriff's Office and the Registry of Births, Deaths and Marriages employ staff with a disability and provide appropriate support within their workplaces.

Compliance with Sector Standards and Ethical Codes

The Department complied with the Public Sector Standards in Human Resource Management, the Code of Ethics and the Department's Code of Conduct.

The Code of Conduct outlines the ethical principles, obligations and standards applying to staff. It aims to instil the values of "respect, integrity, unity and diversity, justice and collaboration" in all staff. The code specifies standards of behaviour and helps inform employees how to exercise judgement and accept personal responsibility in their professional roles.

In 2012/13, 282 staff participated in awareness-raising on ethical conduct and public sector standards. The Department emphasises a commitment to effective corruption prevention. See more detail under heading Corruption Prevention.

Compliance with *State Records Act 2000*

All standards issued by the State Records Office have compliance checklists. The Department is working on various consolidated records projects to conform to all such requirements, as is required under the *State Records Act 2000*.

The State Records Commission's minimum compliance requirements are:

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

The Department's record-keeping policy was reviewed in August 2012 and amended record-keeping plan was approved by the State Records Office in January 2013.

The State Solicitor's Office (SSO) had a new retention and disposal schedule approved by the State Records Commission in May 2013. The SSO's records team were also appraised by a user survey, and received a rating of 88 per cent for the services it provides.

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

To date, 98 per cent of employees have completed or are progressing through the Department's online course for Records Awareness Training.

3. The efficiency and effectiveness of the record-keeping training program is reviewed periodically.

A new online course, Good Records Information Practices, has been developed to complement the existing records awareness training. Regular reports outlining which staff have done the training is provided to managers. Multiple information sheets on record-keeping have been developed and are available online via the Department's intranet. In addition, the records and compliance branch has developed and conducted face-to-face training courses.

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

The Department's induction program includes an overview of record-keeping roles and responsibilities. The course addresses the requirement for business records to be effectively captured and disposed of systematically. The Department's induction program also directs participants to enrol in structured training sessions via the corporate training calendar.

Government Policy Requirements

Substantive Equality

The Government's substantive equality framework aims to identify and eliminate systemic racial discrimination where it may exist in the policies and practices of public sector services. It also promotes sensitivity to the different needs of client groups.

The Department honours this framework, which informs a range of its policies and has completed the first of the five levels of the framework. The five levels are:

- commitment to implementing the policy framework
- identifying clients and their needs
- developing strategies to meet client needs
- monitoring
- review and evaluation.

In 2012/13, the Registry of Births, Deaths and Marriages' birth registration service continued its commitment to a three-year arrangement with the Equal Opportunity Commission and Monash University to conduct research into identifying and overcoming barriers to Aboriginal Australians obtaining a birth certificate.

The Department also participated in a pilot project to identify and assess the impact of new service delivery initiatives and policies to ensure that they are responsive to diverse client needs.

Corruption Prevention

The Department emphasises effective corruption prevention. Training of the workforce about the potential for corruption is given priority and a range of practical measures support the vigilance. The 2011-2016 Fraud and Corruption Control Plan identifies key strategies, actions and responsibilities for managing fraud and corruption risks within the Department. The Plan is reinforced by policies on corruption prevention, gifts and conflict of interest in employment.

The Department has quarterly reporting of the offer and acceptance of gifts, benefits and other rewards. During 2012/13, offers of 382 gifts, including hospitality, were registered.

Of the total received, 230 were accepted, most under \$50 in value.

A record is also maintained of staff who register conflicts of interest and secondary employment. In 2012/13 a total of 266 registrations were received and approved.

Completion of a training program on ethics and accountability became mandatory for all employees in 2010/11. In 2012/13, 160 staff completed the program. This measure both informs and serves to remind staff of the importance placed upon ethical behaviour. Additionally, regular items on the Department's intranet news page provide examples, topical stories and links to other key sources of information in the field of corruption prevention.

Occupational Safety, Health and Injury Management

The Department is committed to providing and maintaining a safe and healthy workplace for all employees, volunteers, contractors and visitors. Through the implementation and effective operation of occupational safety and health (OSH) policies and procedures, the Department endeavours for all Departmental workplaces to be, as far as practicable, free of work-related harm, disease and injury.

In 2012/13, the Department made further improvements, including putting in place a new policy and corresponding procedures, aimed at ensuring a safe workplace.

Following the implementation of the new policy and procedures, the Department:

- audited the Department's capacity and OSH networks, and monitored workplace OSH Committees and procedures within all business areas, WorkSafe registrations, and completed training
- undertook an OSH compliance audit
- elevated the status of OSH obligations through clear statements within all job description forms (JDF) that are consistent with employees' positions within the Department.

The Department acknowledges its responsibility for consultation on matters related to occupational safety and health (OSH) in the workplace. This has been achieved through the ongoing appointment of safety and health representatives (SHRs) across the Department, the establishment and operation of safety and health committees, and an agreed procedure for resolving safety and health issues. The new OSH policy and procedures detail the manner in which these mechanisms operate within the Department.

The Department has four operational safety and health committees and several others for which OSH is a standing agenda item. Such forums provide a formal mechanism for management and employees to identify and resolve OSH issues, and improve safety and health standards across the Department.

The Department is committed to providing high-quality injury management services to all employees who sustain an injury or illness at work. Provision of these services is not limited to the return of those employees injured during the course of their employment, but also to those returning to work following a significant non-work related injury or illness.

The Department takes a systematic injury management approach with the primary goal being to return the employee, as far as possible, to their pre-injury position and status. Early intervention is recognised as being critical during this process. Individual return-to-work programs are developed in consultation with the injured employee, their treating medical practitioners and line managers, where possible, and in accordance with the *Workers' Compensation and Injury Management Act 1981*. This process may also include, where appropriate, identification of alternate duties.

A report of performance against the following targets:

Measure	Target 2012/13	Actual 2012/13
Number of fatalities	0	0
Lost time injury/diseases (LTI/D) incidence rate	Zero (0) or 10% improvement (2010/11 rate: 0.66)	0.455 31% improvement
Lost time injury severity rate	Zero (0) or 10% improvement (2008/09 rate: 40)	42.85 6.6% increase
Percentage of injured workers returned to work within (i) 13 weeks and (ii) 26 weeks	Greater than or equal to 80% return to work within 26 weeks	i) 70% returned within 13 weeks ii) 10% returned within 26 weeks 80% of injured workers returned to work within 26 weeks
Percentage of managers and supervisors trained in occupational safety, health and injury management responsibilities	Greater than or equal to 80%	96%

**Note: the variance in the lost time injury severity rate and in the percentage of injured workers returned to full duties and work hours is due to medical complications in a small number of workers compensation claims. Early intervention has reduced the number of claims being lodged, thus resulting in the lost time severity rate being calculated against fewer claims.*

Freedom of Information

The Department received 48 Freedom of Information (FOI) applications in 2012/13. A total of nine applications from the previous period were also processed in the period.

During this time, 30 applications were completed and 24 transferred to other agencies. Three were withdrawn and three remained outstanding. In this period, three FOI decisions were requested for external review by the Information Commissioner and all three remain outstanding. Three reviews, from the previous period, were resolved through conciliation and subsequently withdrawn by the applicants.

Four decisions were reviewed internally on request by the applicants with the initial decision being upheld on three occasions.

Summary of FOI applications for 2012/13

Applications Processed	
Personal information requests	19
Non-personal information requests	11
Amendment of personal information	0
Applications transferred in full	24
Total	54
Outcomes	
Applications completed	30
Applications withdrawn	3
Internal reviews completed	4
External reviews completed	3
Applications being processed	3

The Office of the Public Advocate, the Public Trustee and the State Administrative Tribunal are not listed as part of the Department in the Freedom of Information Regulations 1993 and compile separate FOI statistics.

Customer Feedback

The Department's customer feedback system records and tracks complaints, compliments and suggestions from customers across all operating areas. An online feedback form is available on the website and the Department issues brochures with a reply-paid form attached and an outline of feedback processes.

During 2012/13 the Department received 288 complaints, 102 compliments and 47 suggestions. Complaints and suggestions covered a range of service areas. Regular reviews of this feedback enabled the Department to examine internal processes and procedures within a number of business areas and implement business improvements. Some of these improvements include simplifying court document lodgement, updating website content and further customer service training for staff.

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

Appendix 1 – Strategic Framework



Government of Western Australia
Department of the Attorney General

Strategic Framework 2012 - 2015



OUR PURPOSE

The Department of the Attorney General provides high quality and accessible justice, legal, registry, guardianship and trustee services which meet the needs of the community and government.

This supports justice outcomes and opportunities for current and future generations.

In particular, the Department directly contributes to a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

OUR FUTURE

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

OUR PRINCIPLES AND VALUES

We are committed to the Public Sector Code of Ethics principles and subscribe to the values of our Department:

Excellent service - Our client groups have varied service needs. We strive to achieve and maintain credible and professional services to diverse client groups. This is achieved through effective communication and by making services relevant, responsive, accessible, accurate and fair.

Integrity and accountability - We are open, honest, impartial and ethical in our communications and decisions. We take responsibility for our behaviours, which are governed by the legal system, agreed standards and codes.

Equity and fairness - We respect diversity and know that we sometimes have to treat individual members of our staff, the community and client groups differently to reach fair outcomes.

Collaboration and learning - Our people take pride in their work and the value they contribute to the Department. We recognise the knowledge and skills of our people and support their continuous learning and development.

Professional autonomy - We respect the differing professional attributes that are developed and nurtured in our business areas and the rights of our people to provide objective, frank and fearless advice to their clients and the community.



OUR ROLES AND SERVICES

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

The Department is the agency principally responsible for assisting the Attorney General in developing and implementing Government policy and the administration and compliance with approximately 200 Acts.

The Department has a diverse range of services, which include:

- court and tribunal services
- advocacy, guardianship and administration services
- trustee services
- birth, death and marriage registrations
- services to Government, including policy, legal and Parliamentary drafting.

Our services have the potential to affect almost all Western Australians. As such, we work hard to ensure effective:

- Assistance and infrastructure for the community and judiciary that enables cases to be progressed, orders to be enforced and victims to be supported and counselled.
- Access to accurate, permanent and confidential records of births, deaths and marriages by the community and Government.
- Legal advice and legislative preparation are available to help Government service the community.
- Protection for people with decision-making disabilities and equitable access to trustee services.
- Strategic policy advice to Government on justice and law and order issues.
- Departmental services appropriate to the needs of the diverse population of the State.

We also lead and influence justice reform and strategic policy development for the State.

We do this professionally by collaborating internally and with other agencies to efficiently and effectively make our services accessible, timely and relevant to the needs of our client community groups.

We are continuously improving our services to understand and meet client and community needs in a way that reflects their geographic, cultural and demographic diversity.

This includes developing better mechanisms for resolving justice issues, cross-government co-operation that supports better justice outcomes, and developing more efficient business processes and integrated systems.

KEY RESULT AREAS

Service delivery

Improving the quality of our services and the ability of our clients and the community to access them.

Strategic policy development and advice

Providing strategic policy analysis and advice to Government on key reforms in the justice system

Investing in people

Developing and sustaining our organisational capacity by recognising and developing the skills and expertise of our people.

Appendix 2 – Operating Locations

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



Appendix 2 – Operating Locations

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.

Regional Locations



Appendix 3

Acts Administered Through the Department of the Attorney General

As at 30 June 2013

Acts Amendment (Equality of Status) Act 2003
Acts Amendment and Repeal (Courts and Legal Practice) Act 2003
Administration Act 1903
Age of Majority Act 1972
Anglican Church of Australia (Diocesan Trustees) Act 1888
Anglican Church of Australia (Diocese of North West Australia) Act 1961
Anglican Church of Australia (Swanleigh land and endowments) Act 1979
Anglican Church of Australia Act 1976 *Anglican Church of Australia Constitution Act 1960*
Anglican Church of Australia Lands Act 1914
Artificial Conception Act 1985
Australia Acts (Request) Act 1985
Bail Act 1982 *Bail Amendment Act 2008*
Baptist Union of Western Australia Lands Act 1941 *Bills of Exchange (day for payment) (1836) (Imp)*
Bills of exchange (non-payment) (1832) (Imp)
Births, Deaths and Marriages Registration Act 1998
Charitable Trusts Act 1962
Child Support (Adoption of Laws) Act 1990
Children's Court of Western Australia Act 1988
Choice of Law (Limitation Periods) Act 1994
Civil Judgments Enforcement Act 2004
Civil Liability Act 2002
Civil Procedure Act 1833 (Imp)
Classification (Publications, Films and Computer Games) Enforcement Act 1996
Commercial Arbitration Act 1985
Commercial Arbitration Act 2012
Commissioner for Children and Young People Act 2006
Commonwealth Places (Administration of Laws) Act 1970
Commonwealth Powers (De Facto Relationships) Act 2006
Companies (Administration) Act 1982
Constitutional Powers (Coastal Waters) Act 1979
Co-operative Schemes (Administrative Actions) Act 2001
Coroners Act 1996
Corporations (Administrative Actions) Act 2001
Corporations (Ancillary Provisions) Act 2001
Corporations (Commonwealth Powers) Act 2001
Corporations (Consequential Amendments) Act (No. 3) 2003
Corporations (Taxing) Act 1990
Corporations (Western Australia) Act 1990
Crimes at Sea Act 2000
Criminal Appeals Act 2004
Criminal Code Act Compilation Act 1913
Criminal Injuries Compensation Act 2003
Criminal Investigation (Extra-territorial Offences) Act 1987
Criminal Law (Mentally Impaired Accused) Act 1996
Criminal Organisations Control Act 2012
Criminal Procedure Act 2004
Criminal Property Confiscation (Consequential Provisions) Act 2000
Criminal Property Confiscation Act 2000
Cross-border Justice Act 2008
Crown Suits Act 1947
Dangerous Sexual Offenders Act 2006 (except s. 18, 19A-19C, 21 & 32 & Pt. 2 Div. 3 & 5 & Pt. 5, which are administered by the Department of Corrective Services)
Debts Recovery Act 1830 (Imp)
Debts Recovery Act 1839 (Imp)
Defamation Act 2005
Deodands abolition (1846) (Imp)

Appendices - Appendix 3

District Court of Western Australia Act 1969
Domicile Act 1981
Dower amendment (1833) (Imp)
Electronic Transactions Act 2011
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
Family Provision Act 1972
Fatal Accidents Act 1959
Federal Courts (State Jurisdiction) Act 1999
Financial Transaction Reports Act 1995
Fines, Penalties and Infringement Notices Enforcement Act 1994
Freemasons' Property Act 1956
Gender Reassignment Act 2000
Guardianship and Administration Act 1990
Highways (Liability for Straying Animals) Act 1983
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 amendment (1833) (Imp)
Interpretation Act 1984
Judges' Retirement Act 1937
Judgments Act 1839 (Imp)
Judgments Act 1855 (Imp)
Juries Act 1957
Jurisdiction of Courts (Cross-vesting) Act 1987
Justices of the Peace Act 2004
Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947
Law Reform (Miscellaneous Provisions) Act 1941
Law Reform (Statute of Frauds) Act 1962
Law Reporting Act 1981
Law Society Public Purposes Trust Act 1985
Legal Profession Act 2008
Legal Representation of Infants Act 1977
Limitation Act 1935
Limitation Act 2005
Magistrates Court (Civil Proceedings) Act 2004
Magistrates Court Act 2004
Marriage Act 1835 (Imp)
Mercantile Law Amendment Act 1856 (Imp)
Miscellaneous Repeals Act 1991
Native Title (State Provisions) Act 1999
Oaths, Affidavits and Statutory Declarations Act 2005
Occupiers' Liability Act 1985
Offenders (Legal Action) Act 2000
Official Prosecutions (Accused's Costs) Act 1973
Off-shore (Application of Laws) Act 1982
Parole Orders (Transfer) Act 1984
Partnership Act 1895
Perpetuation of Testimony Act 1842 (Imp)
Perth Anglican Church of Australia Collegiate School Act 1885
Perth Diocesan Trustees (Special Fund) Act 1944
Perth Hebrew Congregation Lands Act 1921
Presbyterian Church Act 1908
Presbyterian Church Act 1976
Presbyterian Church Act Amendment Act 1919
Presbyterian Church Act Amendment Act 1924
Presbyterian Church of Australia Act 1901
Presbyterian Church of Australia Act 1970
Prescription Act 1832 (Imp)
Prisoners (Release for Deportation) Act 1989

Appendices - Appendix 3

Professional Standards Act 1997
Prohibited Behaviour Orders Act 2010
Property Law Act 1969
Prostitution Act 2000 (s. 62 & Part 5 only; remainder of Act administered by the Health Department)
Prostitution Amendment Act 2008
Public Notaries Act 1979
Public Trustee Act 1941
Reprints Act 1984
Restraining Orders Act 1997
Restraint of Debtors Act 1984
Roman Catholic Bishop of Broome Property Act 1957
Roman Catholic Bunbury Church Property Act 1955
Roman Catholic Church Lands Act 1895
Roman Catholic Church Lands Amendment Act 1902
Roman Catholic Church Lands Ordinance 1858
Roman Catholic Church Property Act 1911
Roman Catholic Church Property Act Amendment Act 1912
Roman Catholic Church Property Acts Amendment Act 1916
Roman Catholic Geraldton Church Property Act 1925
Royal Commission (Police) Act 2002
Sea-Carriage Documents Act 1997
Sentence Administration 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; remainder of Act administered by the Department of Corrective Services)
Sentencing (Consequential Provisions) Act 1995
Sentencing Act 1995 (except Pt. 3 Div. 3 & 5, Pt. 3A, 9, 10, 11 & 12 & Pt. 18 Div. 2, 3 & 4 which are principally administered by the Department of Corrective Services)
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
Stock Jobbing (Application) Act 1969
Suitors' Fund Act 1964
Supreme Court Act 1935
The Salvation Army (Western Australia) Property Trust Act 1931
Titles (Validation) and Native Title (Effect of Past Acts) Act 1995
Trustee Companies Act 1987
Trustees Act 1962
Trustees of Western Australia Limited (Transfer of Business) Act 2003
Unauthorised Documents Act 1961
Uniting Church in Australia Act 1976
Vexatious Proceedings Restriction Act 2002
Victims of Crime Act 1994
Warehousemen's Liens Act 1952
Warrants for Goods Indorsement Act 1898
West Australian Trustees Limited (Merger) Act 1989
Wills Act 1970
Yallingup Foreshore Land Act 2006