

Mr Jim McGinty; Mr Rob Johnson; Mrs Cheryl Edwardes; Ms Sue Walker; Ms Margaret Quirk; Mr John Quigley; Mr Jeremy Edwards; Mr Peter Watson

Division 30: Justice, \$510 836 000 -

Ms Guise, Chairman.

Mr McGinty, Attorney General; Minister for Justice and Legal Affairs; Electoral Affairs; Peel and the South West.

Mr A. Piper, Director General.

Mr P. King, Director of Finance.

Mr G. Thompson, Director of Court Services.

Mr R. Harvey, Executive Director, Offender Management.

Mr T. Simpson, Director of Prison Services.

Mr G. Turnbull, Director, Legal Aid.

Mr McGINTY: Is it acceptable if I make a brief introductory statement to set the context of the budget?

Mr JOHNSON: No, we do not normally do that.

The CHAIRMAN: No. There is no need, Minister.

Mr JOHNSON: A good try though, Jim! We might hear it anyway, do not worry.

The CHAIRMAN: Members, the question is that in respect to division 30, the appropriation be recommended.

Mrs EDWARDES: Attorney, I will start you off on a nice easy one. I think you will find it hard though to get your preamble in on this one. Could you please provide us with a status report? Sorry; let me refer you to the page number. Page 519, "Output 5: Legal Services". I wonder if you could provide us with a status report on the WA Inc related litigation, in particular which cases are still pending? Have any matters been settled since 10 February 2001? What is the cost to date of each of those matters? Do you have a Cabinet subcommittee on litigation that provides advice to the Crown Solicitor and the Solicitor General on matters in relation to litigation and, if so, who comprises that Cabinet subcommittee?

Mr McGINTY: We do not have a formal Cabinet litigation committee as existed under the previous Government. However, we do have an informal group which consists of the Premier, myself and the Minister for Racing and Gaming and Government Enterprises. The three of us do meet. I think we have met twice to give consideration to special litigation that the Government is involved in, not the everyday litigation obviously. We have received briefings on the Bell litigation.

We have also received a briefing on two other pieces of litigation that are taking place. One of those involved the Yallingup land question, the litigation that is current in the Supreme Court on that issue. That is that committee. To the best of my knowledge, there have been no settlements since 10 February in any major litigation involving the State. There may be some minor matters that I would not be aware of but in terms of major litigation, there have been no settlements that I am aware of that have been reported to me by the Crown Solicitor.

[9.10 am]

Mrs EDWARDES: Attorney, I wonder if you could provide then by way of supplementation a status report on the outstanding matters dealing with the WA Inc matters.

Mr McGINTY: I am happy to do that now.

Mrs EDWARDES: All of them?

Mr McGINTY: The issues that I am aware of. I am happy to give you that information now.

Mrs EDWARDES: No, Attorney. I think you will find there may be other matters upon which you may not have been briefed, because there is nothing happening on it.

Mr McGINTY: That is most probably why I would not be able to brief you on current developments, if there is nothing happening.

Mrs EDWARDES: You could perhaps ask the Crown Solicitor though to assist you in providing a status report to the committee.

Mr McGINTY: What litigation are you talking about?

Mrs EDWARDES: WA Inc related litigation.

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Mr McGINTY: To answer that, I will need something more specific.

Mrs EDWARDES: No, all the matters, Attorney. I have been there in this position. There is a status report which should be made available to you on WA Inc related litigation. There are a number of matters which are still pending and I would like to know what the status of those matters are, and particularly in relation to the SGIO litigation, because with Justice Owen being taken off for two years with HIH, what has happened now with that litigation? Is it now going to be pending for two years until he gets back, or has it been reallocated?

Mr McGINTY: I can report on that. In relation to the SGIC and Bell, which I presume is what you mean by the SGIO litigation, that matter is proceeding. There is a reasonable confidence among the Government's legal advisers as to the prospects of success against the vast number of banks that are involved, or a significant number of banks that are involved, in that particular litigation. While the matter was being handled by Justice Owen, obviously for the next 18 months he will not be able to do that. If the matter is ready for trial before he is due to return, it will be allocated to another judge. If not, it will be dealt with by him on his return, so everything depends upon the progress that is made in getting the matter up and ready for trial. From the Government's point of view, we are keen to press ahead as quickly as we can to get the matter to trial because there is a belief that once confronted with a trial date, things might move a little quicker.

Mrs EDWARDES: Attorney, are you happy to provide a status report on all those outstanding matters?

Mr McGINTY: I am happy if you can specify what the litigation is.

Mrs EDWARDES: WA Inc related litigation.

Mr McGINTY: Can I simply ask, Madam Chair, that if the member wants to put on notice a question which is specific enough to enable us to answer it, I am happy to do that but it needs to be put on notice. If the member cannot specify the litigation, I think you need to put it on notice.

Mrs EDWARDES: There are a number of matters and the Attorney, I think, is being a little evasive. But that is fine. We will take that up on another occasion then.

Ms SUE WALKER: Minister, I refer you to page 517, "Output 4: Administration of victim support and counselling services". The budgeted total expenditure for this item has dropped below that of the 1999-2000 figure. It has gone from \$2 866 000 actual for 1999-2000 and this year the budget estimate is \$2 289 000. What is the reason for the seven per cent drop in the budget allocation?

Mr McGINTY: Can I ask Gary Thompson, the director of court services, to come forward and answer that question?

Mr THOMPSON: The shift in the allocation of expenditure to that area is really in relation to some efficiency strategies that have been put into place in the VSS. In earlier times there was a peak in spending which was the establishment costs and infrastructure costs of establishing the 13 regional contracts and managing those contracts. Those contracts have now been bedded and are now returning. So there have been significant reductions in the infrastructure costs of maintaining those contracts. For example, there is far less requirement for interstate travel from Perth because the contracts are in fact picking that work up and we are maintaining supervision by other means.

Ms SUE WALKER: Is it not that you divide the total budget by the number of victims to arrive at the figure of approximately \$180?

Mr THOMPSON: No.

Ms SUE WALKER: No? Is your answer no?

Mr THOMPSON: The answer is no. The budget was based on a zero based budget process, so it is certainly not a division.

Ms SUE WALKER: What kind of service can a victim of crime expect to receive for this reduced amount of \$180 or nearly 12 per cent less per victim?

Mr THOMPSON: The Victim Support Service is continuing to maintain a high level of services to victims. I mentioned before that we have now 13 regional contracts that are operating. We are also integrating our child witness preparation area with victim support services so that we provide a seamless service as we are bringing those people on board. We provide significant training from Perth and the quality assurance that we are receiving from contact with victims under analysis has been, the last process, a satisfaction rate of 80 per cent.

Ms SUE WALKER: Minister, has the cross-ministry review of compliance with the Victims of Crime Act ordered by the previous attorney general been completed and if so, what were its recommendations?

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Mr THOMPSON: I take it we are talking about the requirement to review or compliance with the victims Act?

Ms SUE WALKER: Victims of crime.

Mr THOMPSON: Yes. That process is under way as we speak and a report is due to the attorney.

Ms SUE WALKER: Do you know what its recommendations were?

Mr THOMPSON: I am sorry, I am not quite sure what we are talking about.

Ms SUE WALKER: What were its recommendations, the review?

Mr THOMPSON: Under the previous attorney?

Ms SUE WALKER: No, the one that you say is going now forward to the current attorney.

Mr THOMPSON: That review is being undertaken at the moment. It has not been completed.

Ms SUE WALKER: Why has it not been completed?

Mr THOMPSON: It is simply a matter of timing but it is now in the process of being completed. A report is due to the attorney.

Ms QUIRK: If I could address the attorney. I understand that the director of public prosecutions has just finished a report on victim support and -

Ms SUE WALKER: Point of order, Madam Chair -

The CHAIRMAN: I will allow the question to finish to see whether it is.

Ms QUIRK: If you had listened to the question, you would have heard that it was to do with victim support and in fact it is germane to this division, if you let me finish the question, member for Nedlands. I understand that one of the recommendations of that report is that all victim support services be integrated. Would you expect those recommendations to impact to some extent on what happens in relation to the court-supplied victim support service?

Mr McGINTY: I will get Mr Thompson to respond.

Mr THOMPSON: The report does recommend integration of victim support services across the justice spectrum. We are certainly doing some work on understanding the realities of that process and we will be making recommendations to the attorney about a process to go forward with. It is very clear in principle that we are aiming towards that process which is also one of the reasons why we have headed towards integration of our child witness area with our victim support area so that we start to provide a whole focus across -

Ms QUIRK: Supplementary. So you would expect that there would be some economies of scale that would come about by a greater process of integration.

Mr THOMPSON: I think what we would expect in relation to benefit realisation is of course that victims in fact stop reversing the process of a silo effect once they enter a justice arena - in fact have care throughout the process. That is really the benefit that we have looked at. The infrastructure side of it we are still analysing.

Ms QUIRK: Thank you.

Mr JOHNSON: This question is in relation to this particular one, but it is going a bit further. Where we show the total cost sector for this year, from \$2.467 million last year to \$2.289 million this year, I note the bottom footnote tells us that staffing is set to rise from 14 FTEs to 20 and my supplementary question is, how will you accommodate six FTEs at a rough cost of \$300 000 - that is an estimated cost - while cutting costs by \$178 000? Where exactly are the implicit savings coming from?

Mr THOMPSON: The projection is really also in relation to the integration of the child witness area and that process. Part of that built-in estimate there is also in a planning process to look at the integration of the VSS across the justice spectrum as well. In reality it is a high-level estimate and there is still work to go to see whether or not that is going to be realised. The changes to the budget vote - some changes, without exact dollar amounts - relate to rationalisation of vehicles plus travel areas which have been part of the infrastructure savings that we have been able to maintain.

Ms SUE WALKER: In relation to the integration of the child witness area across the justice system and the FTEs, are you envisaging putting councillors into areas like the DPP, to work it within those offices?

[9.20 am]

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Mr THOMPSON: It is too early to give a definitive answer to that. Certainly if we accept the principle that there should be an integrated approach to victim support and child witness support across the justice spectrum, then one of the alternatives is in fact to put the resource into DPP or in fact have a resource that goes across those processes. I would have to say that probably we would be looking more at maintaining a specialist resource but integrated into DPP and all other areas of justice, rather than simply put a unit into the DPP unit. Those are issues that we are canvassing, though, and still need to have an administrative view on.

Ms QUIRK: I draw the minister's attention to page 508, dot point 2, and ask him if he, with the attorney, could expand on the projections about future prison population, how it is to impact not only on the budget but also on the future planning in the criminal justice system.

Mr MCGINTY: Of enormous concern within the Department of Justice is the projected increase in the prison population. It is projected to rise by five per cent, at least five per cent, per annum which is a minimum of an extra 160 beds per annum. If you take a rule of thumb figure of \$70 000 a year as the cost of keeping a prisoner in gaol, it is very easy to appreciate that this is going to have a major impact on the budget of the Department of Justice in future years unless we take significant steps to contain that growth in prisoner population.

I have made a number of statements publicly to the effect that I think that there are a number of offenders at the minor end of the scale who are currently incarcerated in our prisons at significant cost to the public; for instance, if I can refer to the fact that 15 per cent of prisoners are serving sentences of 12 months or less, which tends to indicate that the courts have regarded their offending at the lower end of the scale; 17 and a half per cent of prisoners were serving sentences where the most serious offence was a traffic related offence or against justice and good order.

So again not what would be regarded in the community as the most serious level of offending but a very significant percentage of the prison population fitting into that area. Those are the sorts of things that I think we can take significant steps to divert into punishment in the community, those offenders who fit at that lower end of the scale. For those people who commit serious offences, there is no option but gaol, and I think we should be perfectly clear about that, but when we are talking about motor vehicle offences, fine default, failure to raise bail when it is granted by a court, things of that nature, then I think that those people can be far better dealt with by punishment in the community rather than being dealt with by locking them up in the prison system.

The Government has given significant thought to what we can do about that issue and we will be bringing before the Parliament in the not too distant future a package of changes to particularly sentencing legislation which are designed to divert those offenders at the minor end of the scale away from prison. One of those measures is the proposal that we do away with the ability of courts to send people to prison for a term of less than six months. A number of years ago - I think from memory Joe Berinson was the attorney general at the time - any sentence of three months or less was prohibited, and that had the effect of taking out of the prison system those people who the judiciary thought might benefit from a short, sharp shock and that is, I think, a fairly discredited theory in terms of incarceration thinking.

We think that if somebody only warrants a sentence of six months or less, then they should not be in prison. They should be given effective work to do in the community and that will be the nature of their punishment. So that will be quite a significant reform and it will clearly give thrust through the sentencing legislation to that often quoted statement that prisons should be there as a punishment of last resort - in other words, for serious offenders. That is what prisons should be for, not for the minor offenders at the lower end of the scale. That is part of the package that we will be bringing forward to the Parliament so that prisons will be there as a punishment of last resort for serious offenders and, hopefully, we will take those people who are occupying prison beds at great cost to the community, and no doubt detriment to themselves and their families, out of the prison population and punish them in the community.

Mr JOHNSON: The minister said minor offences and classified those as traffic offences. Can the minister enlarge on that? When the minister says "traffic offences", there are many different forms of traffic offences that go up to drink driving and repeatedly being convicted of drink-driving offences. The minister may consider that a minor offence. I certainly would not.

Mr MCGINTY: I assure the member that I do not.

Mr JOHNSON: That is what I wanted to hear. When the minister says "traffic offences", which specific traffic offences are being talked about? If it is just for breaking the speed limit on two or three occasions, fine, but if it is anything more serious than that, then there is a need, I believe, for a short, sharp shock treatment. The minister also said these people are in prison for 12 months or less. Am I not right in saying - and perhaps the minister can give us some figures on this - that a lot of those people that are in prison for 12 months or less are repeat offenders, not just first-time offenders.

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They have chalked up dozens of offences, and at the end of the day I would assume that the courts decide that they must have some sort of custodial treatment to try and bring them into line and to give them a shock treatment. Is the minister suggesting that those people who are repeat offenders, albeit in perhaps the minister's view minor offences but repeat offenders, should not be imprisoned even for a short period of time? What do you call minor offences - burglary, mugging, serious assaults?

Mr McGINTY: No, none of those.

Mr QUIGLEY: I am sure the attorney picked it up, but the error in the question was that the member for Hillarys was saying it applied to sentences of 12 months or less.

The CHAIRMAN: The precise question, member for Hillarys, might help, because it was rather lengthy.

Mr JOHNSON: It was a lengthy one, but it was a lengthy response that the minister gave in relation to the previous question. I thought it was quite clear. I am sure when I read *Hansard* it will be clear to most people. If the member for Innaloo could not understand the question, then I am very sorry.

Mr McGINTY: I will give an example of the offences for which people are imprisoned at the moment. Driving without a motor vehicle licence I do not regard in the normal course of events as warranting a term of imprisonment to deal with that offence, particularly where the majority of those offences have arisen through the fines enforcement regime where people's licences are suspended sometimes without them knowing about it and they then drive without a motor vehicle licence and end up in gaol as a result of that. I think most people would say that that in its simple form should be dealt with by other means than the most expensive punishment of last resort in the system.

I can give some figures on that issue. The number of people imprisoned where the driving licence suspension offence was the major sentence was, in 1997-98, 224 people went to prison for driving without a licence; in 1998-99, 525 people were sentenced to prison on that account; in 1999-2000, 628 people were sent to prison for driving without a motor vehicle licence; and the preliminary figures for 2000-01 are 571 people sentenced to a term of imprisonment. It cannot be a term of less than three months and so it was a term of greater than three months where their offence was driving without a motor vehicle licence.

Mr JOHNSON: Were they repeat offences? Was it somebody who was caught four or five times for driving without a licence? That is the point I am trying to make.

Mr McGINTY: I do not know, is the answer to that question.

Mr JOHNSON: Can you give us that information?

Mr McGINTY: I make the point that a number of these people, I am aware, are people from Aboriginal communities and a number of people from country areas. I simply make this point: the most expensive option that should be there as a last resort is not what should be applied in this case. If we link that in with drink-driving offences or other more serious traffic offences, then a different proposition emerges. If we take it as simply driving without a motor vehicle licence, I do not accept that prison is in the general case the most appropriate response, but it is used enormously by the magistrates to deal with the people in this category.

Mr JOHNSON: Even if a person reoffends with driving without a licence time and time again.

Mr McGINTY: I think there are more effective ways. If that is all they have done, I think there are more effective ways of dealing with them.

[9.30 am]

Ms SUE WALKER: Minister, I think what was said would relate to motor vehicle offences. We were just discussing offences under the Road Traffic Act such as no MDL. What concerned me with motor vehicle offences was whether the minister was excluding offences under section 371A and 378 where a person steals a motor vehicle and then drives dangerously and kills someone. There was a spate of that and then those new provisions came in. That is what concerned me. Often in those instances there is no MDL as well, so I wanted clarification of whether the minister was excluding that as an offence.

Mr McGINTY: Absolutely. Can I reassure the member for Nedlands on that point? The figures that I gave were where the most serious offence that a person was charged with was simply driving without a motor vehicle licence. They are the figures that I have just given of the number of people who were sentenced to imprisonment. If it is accompanied by other circumstances such as has been described, prison is the appropriate way to deal with those people because I regard that as a serious offence. I think the whole community would, but I think there is a raft of people that are in prison who in my view can be more effectively punished in the community and more effective both from their own point of view, from the community's point of view and also, given that we are talking about the budget, from a budgetary point of view.

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Mr JOHNSON: On page 507 under "Significant Issues and Trends", the second dot point, the first dash. Can the minister provide us with a list of all the boards and tribunals to be replaced with the Civil and Administrative Review Tribunal and can the minister include the cost and staffing involved with them currently?

Mr McGINTY: No, I cannot provide the answer to the second part of that question, and if I can explain the reason why. I asked Michael Barker QC to head up a committee to advise on the way in which a Civil and Administrative Tribunal can be established - in other words, a state version of the Administrative Appeals Tribunal from the federal jurisdiction. One of the things that that committee is currently working on is the costing for each of the individual tribunals that are currently in existence to provide that service. The reason for that is to then ascertain how much money should be transferred out of the other departments to go towards paying for the new tribunal. They have not completed that work, Treasury is involved in it, so I am not in a position to be able to advise you at this stage of how much, for instance, the Town Planning Appeal Tribunal costs. I simply do not have that figure in respect of each of the various tribunals that operate throughout government departments.

In terms of whether I can provide you with a list, I could certainly provide a list of the vast bulk of the existing appeal tribunals that exist within Government. One is available, for instance, in the report that was drawn up by Commissioner John Gotjamanos a few years ago, so that would be substantially current. The reason I am just hesitating on this is that Michael Barker has not yet presented his report. He has indicated that there are certain areas that should not be brought into this one-stop shop Government appeal body. For instance, those boards dealing with industrial relations matters, workers compensation, WorkSafe, unfair dismissal - those sorts of issues. They are specialist areas off by themselves. There are still some other areas - for instance, environmental appeals - where I do not know what he is going to recommend. If I were to give you a list at this stage, it would not be complete because Mr Barker's committee has not reported to me on those matters.

The other issue is that most existing departments do not separate out the deliberative and appellate work that existing boards and tribunals do and so it is very difficult to get to the bottom of what the existing funding is because quite often only some of the functions will be transferred over. If I can give you an example in the Ministry of Fair Trading, as it was known. Quite often there is a licensing function and a disciplinary function. The Finance Brokers Supervisory Board, for instance, did both of those, so we do not have a breakdown on how much money was allocated to each of those two functions, so it is really difficult at this stage to answer the question. When Michael Barker's report is available, I hope that we will be in a position to be able to answer all of those questions, but at this stage that is the work that he is doing and he has not reported as yet.

Mr JOHNSON: Do you have any idea when he is likely to come forward with the report?

Mr McGINTY: This year. He has currently taken a period of leave. Much to my chagrin he is, I understand, in Tuscany. I do not think he has his mind around the issues at the moment, but when he returns I expect the report will be provided to Government, Government will respond to it, and it will be made public at that time. I am not trying to avoid your question, member for Hillarys, but a number of the questions are reaching that decision stage and the analysis stage, which will then inform future legislation.

I would hope to have legislation in the Parliament next year to establish the state based Administrative Appeals Tribunal and I would expect that the overwhelming bulk of existing appeal mechanisms, including for instance professional disciplinary bodies, would be taken out of their existing legislation and brought under this new umbrella. For instance, the disciplinary body dealing with lawyers, doctors, those sorts of things, would be brought within this tribunal, as would things like local government appeals, and then there are a whole host of others dealing with all sorts of exotic areas in agriculture and health and the like where we would centralise them so that the public would then have a very simple appeal system where they know if they want to appeal against a Government decision, there is one body by and large that they go to.

Mr JOHNSON: I would think this new board will be working 48 hours a day, will they not?

Mr McGINTY: In Victoria a VCAT, as it is known, is their state based Administrative Appeals Tribunal. We are looking very much to Victoria to inform our policy position here, but it will be a significant change. It will be a new tier to the court system and it will be something which I think will be important to empower ordinary individuals to give them a right of appeal and certainly to simplify their rights of appeal. I have had a little look at the Social Security Appeal Tribunal. Its linkages with the administrative appeal network in the Commonwealth and its informality, the lack of legal form, enabling individual citizens to go forward and put their own case without all the legal trappings that quite often attend these things, I found to be very impressive.

The implementation of the state based administrative appeals network is going to be a major reform for next year, and I am very grateful for the work that Michael Barker and the other members of the committee - Linda Savage-Davis and Peter Johnson from the law school - have done for us on this very important area.

Mr Jim McGinty; Mr Rob Johnson; Mrs Cheryl Edwardes; Ms Sue Walker; Ms Margaret Quirk; Mr John Quigley; Mr Jeremy Edwards; Mr Peter Watson

Ms SUE WALKER: I did not quite understand what you said. Are you using the Gotjamanos report as a basis for the establishment of that tribunal?

Mr McGINTY: No, not particularly. I will elaborate a little bit on that. Over the last decade there have been a significant number of reports, most recently the report of the Law Reform Commission which recommended the establishment of a state based Administrative Appeals Tribunal. The WA Inc Royal Commission and the Commission on Government did likewise, Gotjamanos did likewise, and there was an earlier report of the Law Reform Commission in 1992, from memory, which recommended the establishment of a state based Administrative Appeals Tribunal. We have asked Michael Barker's committee to look at all of those matters and come up with a blueprint for how we ought to do it, looking significantly at what happens in Victoria to inform our position here.

Ms SUE WALKER: Thank you.

[9.40 am]

Mr QUIGLEY: I refer to page 509 and costs for court security and prisoner transportation; \$5 million allowed in the budget estimate going to \$7 million. My question is, have you had the opportunity of assessing the current contracts for prisoner transportation as they have been let out to the security companies and assess their performance, and of course the cost to the community?

Mr McGINTY: We are very concerned about the contract which has been entered into by the Department of Justice with the AIMS Corporation and whether it is providing what we are looking for from here. I receive a monthly progress report from the Department of Justice in relation to the court security and custodial services contract and this is the report for August 2001. If the Committee will bear with me for one minute, there are a couple of extracts which I think will give an indication of the concern that is held within the Department of Justice about this particular contract. It says -

The contract for the provision of court security and custodial service is now one month into the second year of service. Whilst failure to agree on a budget for the second service year referred to in the previous reports continues to be of concern, there is an emerging issue in relation to service delivery. It would appear that AIMS are attempting to manage the financial impact on the company of non-agreement on the budget for the second service year by reducing costs and exploring any means by which they can possibly recover costs. This has led to the paring back of some elements of contracted services without consultation with or the agreement of the department, and the invoicing of the department for so-called excess hours. These actions are inappropriate. The contract and the relationship between the parties are under significant pressure as a result of these developments. AIMS reported operating losses of \$1.4 million, unconfirmed and not audited, for the first service year. The extent to which this figure is accurate cannot be verified. The service manager of AIMS has made a number of statements in contract management group meetings that AIMS lost money in the first service year and are continuing to lose money under the current financial regime. He has also expressed a strong view that this cannot be allowed to continue.

It then goes on to say -

It would appear from recent events that AIMS are attempting to manage their financial position by paring back contracted services and attempting to recover costs wherever possible. This behaviour is evidenced by a number of events, including -

and then, if the Committee is interested, I can list those.

Mr QUIGLEY: I certainly am.

Mr McGINTY: There are some seven points that are then briefly made -

Mr G. Turnbull, Director, Legal Aid.

AIMS arbitrarily withdrawing one of the agreement supervisor positions at the Supreme Court; AIMS reducing the hours of supervisor coverage at the Central Law Courts without consultation; a consistent pattern of underservicing of Central Law Courts for the month of August; AIMS submitting an invoice to the department for a service that is already included in the contract and covered by a monthly payment; AIMS submitting invoices to the department for so-called excess hours which in the view of the contract manager are not authorised hours and are therefore not hours for which the department has any financial liability; AIMS submitting an invoice to the department for an ambulance service called to attend a prisoner injured as a result of an assault in an AIMS escort vehicle after the failure of an isolation compartment in the vehicle -

and finally -

AIMS refusing to provide a contracted service, thereby forcing the contract manager to issue written instructions to the contractor to provide the service.

As you can see from those extracts that I have just read from the August monthly report from the Department of Justice on this contract, it is of enormous and ongoing concern, not the least of which is, given that we are dealing with the budget here, the financial implications. They bid a figure of just over \$11 million for the contract. That blew out by some \$5 million in the first year of operation and now there are attempts to significantly increase that payment. I think we need to have a good look at whether there is any financial justification, looking at it in purely financial terms, for the continuation of this service.

Mr QUIGLEY: I have a supplementary. In terms of the performance indicator of escapes from transport vehicles, the contract provided that if there were so many escapes, there would be the right of termination. I wonder if the attorney could inform us what the escape rate was during 2000-01 and where we are up to now on escapes.

Mr MCGINTY: The contract provides that after there are two escapes in a year, there will then be a penalty imposed on AIMS for any further escapes from lawful custody. If there are more than six escapes in a year, that is grounds for termination of the contract for non-performance of an essential term of it. In the first financial year, which went from 1 August through to 30 July just concluded, there were in fact six escapes. One more would have been grounds for terminating the contract, and that is per year. The next escape in fact occurred in the current financial year starting on 1 August and the escape was in fact - the member for Albany would be interested in this - in the city of Albany, so we have so far this year had one unlawful escape, but in addition to that and of concern we have had two unlawful releases from custody which are not classified as escapes.

It is, generally speaking, an administrative error by AIMS associated with the courts where a magistrate, for instance, or a judge has sentenced someone to a term of detention, then makes an administrative error and releases them to freedom and on 13 August this year AIMS were involved in two unlawful releases from custody, one at the Central Law Courts and the other at the Kalgoorlie District Court. The contract also has provision that if there are two or more unlawful releases from custody in a year, there are financial penalties within the contract as well and those financial penalties will be invoked against AIMS and they will be forfeiting their performance bonus on account of those two unlawful releases. In fact, the service standard in relation to unlawful releases is, there should be none. There have been two, so each one of those has invoked a financial penalty on AIMS. Last year the equivalent figure was five unlawful releases.

Mr QUIGLEY: This is a supplementary. In relation to industrial disputes with their workforce - I saw during the year an amount of publicity as to court time lost due to AIMS' industrial disputes with its workforce - are you able to advise us how much time was lost by the courts in terms of court days as a result of the industrial action?

Mr JOHNSON: Madam Chair, this is not a supplementary. That is a new question. The question you asked first of all, Madam Chairman, was to do with prisoner transportation. This is completely different.

Mr QUIGLEY: The costs of it.

Mr JOHNSON: No. It is a completely different question. The member knows that and I would suggest you rule it out of order, Madam Chairman.

The CHAIRMAN: Unless that is absolutely tied to any industrial action in terms of court security or prisoner transportation, I would rule it out. Is there a direct link to that?

Mr QUIGLEY: It is the cost of the prisoner transportation inclusive of the cost of down time because of industrial disputation.

Mr JOHNSON: You are not in court now, John.

The CHAIRMAN: Then I will allow the supplementary. Minister?

Mr MCGINTY: Obviously if there is any interruption to the courts, their inability to be able to deal with prisoners on their appointed dates for trials, that is obviously of enormous concern. That concern has been voiced to me by the judiciary, by the heads of the courts in this State at a time when that industrial disputation was taking place. The basic cause of the disputation was the use by AIMS of workplace agreements entered into which provided a very low level of remuneration for the AIMS staff. That was one of the reasons they were able to come forward with a relatively cheap contractual figure.

The reality that they found then with their staff was that they were not prepared to accept the very low level - I think from memory it was \$12.38 an hour - paid to people looking after some of the most dangerous prisoners in

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the State and negotiations then took place and, as I understand it, there has been an increase in the remuneration that has been paid, but that has also reflected itself in the costs per service delivery hours that are charged by AIMS to the department. Really that was the nature of the problem there. We are not currently experiencing any industrial action by the staff of AIMS.

[9.50 am]

Mr EDWARDS: Minister, I refer you to page 509 again and in the same columns that we are speaking of. Mine is a two-part question basically. The minister may have part answered this particular question, but under the public prison system, prison and muster number estimate adjustment for the budget estimate year, there is \$9 450 000 and then it is reduced from there onwards. I would then go down to priority and assurance dividend and I believe the expression is "saving" are made there in \$7 798 000. Perhaps you could give me some reasons for those figures.

Mr MCGINTY: If I could deal with the second part of that first, the priority assurance dividend, then I will ask Alan Piper, the director general of the department, to explain the adjustment to the prison muster issue. It is basically an error that has been corrected over the four years, but I will let Mr Piper explain that in some detail. The cuts to the Department of Justice really fit into two categories. The first is that there is a reduction of just over \$8 million from the forward estimates for the Department of Justice on account of the priority and assurance dividend. That is made up of these figures, and I will give them to you broadly: firstly what we term the rationalisation of contract staff - in other words, contract staff employed principally in the head office whose contracts were not renewed on expiry - will save \$1.5 million. It is estimated there are 38 positions where the contract will not be renewed.

These are not permanent public servants. They are people there specifically on contract. The majority of those will be from the Perth head office and the changes will be made through structural and resource reviews within the department. For instance, one of the most significant changes that has occurred is in the policy and legislation area of the department. That particular area has been abolished and its functions taken over by the department, so there has been some streamlining at the top in head office.

The second area is rationalisation of head office and business area resources. There is \$2.8 million of cuts and there are a number of resource reviews commenced or planned and we are looking at a number of significant changes in the head office of the Department of Justice, again with the view to streamlining those areas. Particularly we are looking currently at a review of offender management in the prison services division and also the Aboriginal policy and services directorate.

The third area is reprioritisation of particular projects. This totals \$1.5 million, made up principally of three areas: deferral of the Delta warehouse development, \$700 000; deferral of the electronic document management system, \$100 000; and various other projects whose priority was downgraded which reduced \$700 000 from the budget. We have also cut 29 vehicles out of the department. That will save half a million dollars. Of those vehicles, there are two from the corporate area, two from Court Services, 17 from offender management and eight from Prison Services.

Mr EDWARDS: Madam Chair, that is within the \$1.5 million.

Mr MCGINTY: Yes. I am sorry; a reduction of 29 vehicles is \$500 000.

Mr EDWARDS: Over and above \$1.5 million you were referring to earlier on.

Mr MCGINTY: That is right. Reprioritisation of projects is \$1.5 million; the reduction of 29 vehicles is \$500 000. They are the areas that those 29 vehicles come from. There is fractionally \$1.5 million - \$1.498 million to be precise. It is rationalisation of maintenance, accommodation, travel and advertising: rationalising of maintenance, \$500 000; staff housing rationalisation - this is the provision of GEHA housing at some prisons that members might be aware of - \$200 000; and then office accommodation rationalisation and other input cost containment, \$798 000. They are areas in which you can say the budget has been cut where we have had to get on with less.

The other area that puts particular pressure on the Department of Justice budget is that it is a growth industry. There are cost pressures which are emerging. There is approximately \$9 million worth of unavoidable cost pressures which effectively amount to a cut as well. If you put the two of those together, you are talking about \$17 million worth of effective cuts, either direct or indirect, to the Department of Justice budget. When I say "unavoidable cost pressures" they are areas in which we are required to provide a service and therefore meet the cost but there has been no provision made for an increased allocation on that account.

Mr PIPER: The member referred to the provision within the budget for funding of a muster. The prison muster is to some extent not a fully predictable item and therefore our forward estimates are based on a prediction of

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demand. In the previous year, the demand prediction on which the estimates were based was incorrect. This allocation that is listed at page 509 corrects those numbers across the forward estimate period. You will notice that the numbers across those four years pretty much cancel each other out. There are sort of unders and overs but what it does result in is an adjustment of about \$9 million in this year and subsequent reductions.

The department has put a considerable amount of effort into improving the quality of its estimating in this area. Certainly since that error was made, we are finding that the estimates that we have been producing are much closer to the mark. It is a mistake that I would not expect to appear in future years.

Mr WATSON: Minister, I notice on page 507 the Criminal Injuries Compensation Act 1985 has gone in 2001-02 from \$15 220 000 to \$17 058 000. Can you tell me the reason why, please?

Mr McGINTY: I am sorry; which page was that?

Mr WATSON: Page 507, criminal injuries compensation.

Mr McGINTY: I will make a comment in respect of the out years. I might get Peter King, the director of finance, to answer the question in respect of this year. At the election, the Government promised to increase by 50 per cent the maximum payment to victims of crime in the form of criminal injuries compensation. Currently the maximum payment under the Act is \$50 000 to an individual to compensate them. That is intended to go to \$75 000. We will be introducing legislation, I would hope in the first half of next year, with effect from next year's budget. In other words, from 1 July next year victims of crime can look forward to a 50 per cent increase in the maximum payment under the Criminal Injuries Compensation Act. That is why you see in the forward years a continual growth of payments. That is to reflect the increase in the maximum payment that we will be legislating for early in the new year.

It may be of some interest to members to be aware that over the last two years there have been approximately 62 maximum awards of \$50 000 granted to victims of crime. With the increase in the maximum, we do not expect all awards will go up proportionately because criminal injuries compensation is essentially a payment to recognise expenses that have been incurred. It does include certain difficult to quantify amounts, but the people who will benefit are some of the people who have been the subject of absolutely horrendous crimes who will now be able to get 50 per cent more as compensation for that attack. Certainly those 62 people, one would expect, would have benefited had this scheme been in place. They relate to criminal injuries sustained in relation to crimes ranging from assault, wilful murder, sexual assault, stalking and offences of that nature.

The other thing that members may be interested in is in relation to the number of applications that have been received over the last decade. In 1991 there were 613 applications made for criminal injuries compensation. In the year 2000 there were 1 191, so the number of applications had approximately doubled. The other interesting fact I believe is that the average awards have also increased by about the same amount over that period of time.

The expenditure on all awards has risen. In 1992-92 it was a \$5 million payment by way of criminal injuries compensation. In the financial year just finished it was \$13.6 million. I will ask Peter King to explain the issue in respect of this year.

[10.00 am]

Mr KING: In respect of this financial year, as the attorney indicated, the number of applications for criminal injuries compensation is increasing. Consequently the number of awards is increasing over time. The movement both for this current financial year and over the forward estimates addresses two issues. One is an actual increase in the number of awards made, irrespective of the cap of the award. The second issue is the increase in the cap to \$75 000, which is anticipated to come into effect in the year 2002-03 and subject to identification in the budget papers as a policy initiative.

The background to criminal injuries compensation is that over the last three to four years there was a significant backlog in applications. Part of that response was to increase the number of assessors. In fact we are doubling the number of assessors. You will see that the expenditure over time gets a little peaky and is starting now to become fairly normal in terms of growth. Last year was a little abnormal in that the expenditure was much lower than anticipated. It was not because of reduced awards but one assessor was not available for a significant period of time last year. So that would explain the variations being seen between the estimated cost in 2000-01 versus the forecast for 2001-02.

Ms SUE WALKER: Minister, in relation to the payment of these awards to victims, firstly, my understanding is that there has been a rise because of the number reporting sexual assaults, incest cases. Is that correct?

Mr McGINTY: There has certainly been a rise in the number of sexual assaults that have been reported, but the increase would not be accounted for by that alone or even by that significantly.

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Ms SUE WALKER: My first part of the supplementary question is, can I have the breakdown of the offences? I do not need it now, but could I have the breakdown in relation to the offences for which the victims have been paid out under criminal injuries compensation and, secondly, is the payout of figures to victims pursued or regained from the offender through the Crown Solicitor's Office? If so, what is the success rate of that?

Mr McGINTY: The answer to your second question is, where the offender has assets, there are certainly attempts made to recover that. I do not know the success rate. If the member wants that by way of supplementary information, I am happy to provide information on the amount of money that is recovered from offenders to go to payment of the criminal injuries compensation.

Ms SUE WALKER: Yes. My supplementary to that is, I remember years ago as an article clerk in the Crown Solicitor's Office pursuing some of those. I do not know with how much vigour that is done now or what the process is, but I would like that information. I would like to know how they are pursued, what the process is, how it is sent through the courts through Crown Solicitor's Office and what the success rate is, if I could have that, please.

Mr McGINTY: Some of that might be able to be answered. We can give the member by way of supplementary information the amount of money that is in fact recovered from the offenders. Often the perpetrator of a crime ends up in gaol and therefore they have no means to pay and therefore the money is paid out by the State.

Ms SUE WALKER: Some of them have assets.

Mr McGINTY: My understanding is that the level of recovery is not great because, generally speaking, the offenders are not in a position to make a payment. But Mr Piper might be able to fill in the answers to the other parts of the question that was just posed.

Ms SUE WALKER: If he cannot, Madam Chair, I would like the information on how that is pursued.

The CHAIRMAN: I want to confirm with the minister for the matter of record that the supplementary information is to be provided. Minister, if this is the way it is going to go down, you need to advise the breakdown of offences under Criminal Injuries Compensation Act 1985 and moneys recovered from offenders and the process to recover. Is that supplementary information that you will provide?

Mr McGINTY: Yes.

Mr PIPER: There was a question concerning the process and it is true that previously this process was wholly administrative within the Crown Solicitor's Office. There has been an administrative change made over the last year, 18 months or so, and the group that has been responsible for recovery of criminal injuries compensation has been shifted into courts. They are still fully supported legally by the Crown Solicitor's Office, to the extent that either legal advice or legal action is required to support recovery, but that change has been made. So to clarify the process, there has been a shift of location and some change of process around this matter and in fact there was an extensive process review looking at the ways in which that is undertaken. The minister is, however, correct that the percentage of recovery is relatively low given the nature of the offenders and their personal circumstances and we will provide, as requested, the recovery rates by way of supplementary information.

Ms SUE WALKER: On that point, can we have a copy of the process review? My reason for this is that in relation to offenders, for instance, is there a check done? Is there a search done on titles immediately on all offenders to see whether they have property and is it pursued? That is what I wish to know?

Mr McGINTY: I think that is what we have indicated we will provide by way of supplementary information.

Mr PIPER: If that is the specific question, the answer is yes. There are extensive and appropriate checks made for all property under the control of the offenders involved and every effort is exhausted to try to recover against the individual. If that is the issue about process -

Ms SUE WALKER: No, it is not the only one.

Mr PIPER: These things are not taken lightly and in fact in many instances we probably spend much more money trying to recover than we get back, but we take the view that this is a matter of principle and we do attempt as far as possible to pursue the assets of the individuals and appropriate checks are made.

Ms SUE WALKER: In that case, could I have as further information the process review and your success rate in relation to that?

Mr PIPER: As I understand the process review that was done, it was done by way of workshopping with the people involved within the area.

Ms SUE WALKER: Is there a document?

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Mr PIPER: If there is a document, we will provide it, but I understand that it was more in the nature of change of forms and process that was workshopped with the people who were doing it. It was not an external report. It was about process improvement, not about a review.

Ms SUE WALKER: Whatever it was.

Mr PIPER: If there is a report, then we will happily provide it, but I am not confident that there is.

The CHAIRMAN: Minister, as a matter of record, if a report exists, it will be provided.

Ms SUE WALKER: Or the process.

The CHAIRMAN: We already have the process in the previous supplementary information.

Mr McGINTY: Yes, that is right.

Ms QUIRK: Attorney, 514, "Major Initiatives for 2001-02", hyphen number 4, "Review existing fee structure and develop a cost recovery initiative for presentation to Government". I would ask the attorney whether he can expand on what that review entails. I also have a supplementary question in relation to that.

Mr McGINTY: One of the recommendations that was made by the Law Reform Commission was that a new scale of fees be implemented for people using the superior courts in this State - that is, the Supreme Court and the District Court. It may be of some interest to know that currently the civil jurisdiction of the Supreme Court costs \$14.35 million and to offset that expense to the taxpayer fees and charges yield \$1.6 million so only a very small percentage of the civil operation of the courts is recovered by way of cost recovery. In many cases civil litigants in the superior courts of the State use the courts to resolve their commercial disputes and it is a means by which particularly corporations recover very significant amounts of money all at the taxpayers' expense or overwhelmingly at the taxpayers' expense. For that reason the Law Reform Commission made three relevant recommendations when it reported some two years ago in September of 1999. Recommendations 8, 9 and 120 say - I will read recommendation 8, for instance -

Where litigants are able to make a greater contribution to the cost of accessing the civil justice system, they should do so and it should be proportional to the cost to the public of conducting the case.

Recommendation 9 is -

As new court fee scales are scheduled, the cost for businesses to access the public justice system should be higher than the fees charged to other users to balance the tax deductibility of legal expenses for businesses.

What we have initiated, and it is intended that this will come into effect on 1 January this year, is that there will be a significant increase in the cost of accessing the Supreme and District Courts in their civil jurisdictions in order to resolve disputes mainly between businesses and corporations and that the taxpayer should not be subsidising this undertaking to the extent that they are. The current cost of lodging a claim, if I can give the figure for the Supreme Court in Western Australia, is \$265

The comparable cost of lodging a claim in the Federal Court - and bear in mind these two have concurrent jurisdiction when it comes to Corporations Law matters - is \$1 262, so it is obvious that for a great number of years the taxpayer in Western Australia has been disproportionately subsidising the civil jurisdictions of the superior courts in this State compared with elsewhere. Similarly, if you were to take the all-up cost aspect of a normal proceeding, if you were to look at the fees that apply to proceedings filed in the Supreme or the Federal Court, it is entered for hearing and the trial proceeds for two days, the total cost of those procedures currently in Western Australia would be \$465, currently in the Federal Court \$5 050. So again you can appreciate the extent to which we are well and truly off the mark in taxpayers of this State subsidising particularly corporations to do their work.

What is proposed to be done in Western Australia in relation to the Supreme Court is that we will introduce a differential fee. The filing charge in the case of corporations will rise to \$795, which is still well below the federal figure, and for individuals will increase to \$530, and there will be commensurate increases for entry for trial and a daily hearing charge will be implemented to meet the costs of the court's operation for those days of hearing. So in the case that I gave of an application being filed, the matter set down for hearing and proceeding to a two-day trial, what will emerge in Western Australia is an all-up cost of \$2 995 for a corporation which will still compare with the \$5 050 for an identical application or a comparable application being made to the Federal Court.

Similar cost comparisons can be made in respect of the other States, particularly New South Wales and Victoria, so while I expect this increase in fees will be met with some resistance, particularly from the Law Society, can I say in my view it is a long time since the court fees were adjusted in this State. The last time they were adjusted

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was 1993 and then it was a very minor adjustment that was made, so part of the problem here is that for a very long period of time our court fees have gone substantially unadjusted in Western Australia and as a consequence on this occasion we will be looking towards a significant contribution back, particularly from the corporate sector, to meet part of the cost of providing these services to the public in Western Australia through the courts.

[10.10 am]

Ms QUIRK: Is the attorney satisfied that under this new fee regime access to justice will not in any way be diminished to individuals?

Mr MCGINTY: First of all, the new fee structure will not apply in the Magistrates Court and a great number of smaller businesses will still have their commercial disputes resolved in a Magistrates Court. Furthermore, next year we will be looking at increasing the jurisdiction of the Magistrates Court. Currently the threshold is, I think from memory, \$25 000. That is the maximum amount of claims that can be dealt with in the Magistrates Court. We are going to significantly increase that so, particularly for small business, they will be able to have their matters dealt with at a lower level in the court hierarchy and therefore far cheaper proceedings.

Secondly, by implementing a scheme which discriminates between corporations on the one hand and individuals and small business on the other, I think we will provide a significant measure of protection to small businesses. In New South Wales a business with a turnover of \$200 000 is granted the lower rate. In Western Australia we are going for a figure of \$750 000. A business with a turnover under that rate will be granted the lower individual rate of fees and so it is only businesses that have a turnover in excess of that who will be paying the higher fee and one only needs to look at the amount of time that was taken up in the State Supreme Court.

There were something like a dozen or more matters that were dealt with by the appeal jurisdiction of the Supreme Court in matters dealing with Gina Rinehart and Rose Porteous over the last several years. I think when people with very significant means can make a contribution, for them to be clogging up the justice system would in fact deny justice to ordinary individuals, and so we are asking those people, the major corporations and those sorts of individuals, to make that contribution.

Then in addition to that, Madam Chair, there will be a power to ensure access to justice for fees to be either reduced or waived where there is a real issue of capacity to pay, so I am sure that in the issues of access to justice, which are close to my heart and I do not want to do anything here which would deny it or make it harder for ordinary people to gain access to justice, those three measures combined will guarantee for the future that ordinary individuals have access to justice while corporations that do have the capacity to pay and who can claim their court fees as a tax deduction will be making that greater contribution.

Ms SUE WALKER: Minister, Mr Trenoworth, whose wife was tragically killed, was a member of the Victims Advisory Committee and he has said on Radio 730 on Wednesday, 26 September this year, that the committee has been disbanded. My question, which is in several parts, is firstly, is this correct and, if so, why?

The CHAIRMAN: Member, you will need to actually link that to a page in the budget document. Nice try, though!

Ms SUE WALKER: I link it to the administration budget paper, page 517, output 4, and the administration of victim support and counselling services.

Mr MCGINTY: I know Richard Trenoworth. I met him in fact at a meeting of the homicide victims support group. We have disbanded that committee because I want to look at more effective ways of delivering services to victims of crime and looking at other ways to achieve that, rather than through a mechanism which may well have suited the former Government but does not suit us in what we are going to be doing about the victims of crime. I have already referred to the increase in criminal injury compensation that we will be legislating for next year.

In the next week or so we will be announcing the significant upgrading of the victims notification register and that is there to ensure that people who are the victims of crime, who want to be able to be informed of matters relevant to the prisoner who committed the crime against them or their families, are notified. It will significantly upgrade the level of involvement of victims of crime and the recognition of their interest in dealing with prisoners in the system. We will be announcing that, which I think will be a significant initiative. The answer to the question is, that was something which suited the former attorney. I am looking at other ways that I think will be more effective in delivering services to victims of crime.

Ms SUE WALKER: You say you have met with Mr Richard Trenoworth. Has the Committee met this year at all and have the members of the Victims Advisory Committee been told that the committee is being disbanded?

Mr MCGINTY: The answer to the last question is yes. Some months ago I wrote to them.

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Ms SUE WALKER: Has the attorney met them? Have they met this year?

Mr McGINTY: Not to the best of my knowledge. They may well have done. I do not know what happened prior to 10 February, whether they met then or not. I am not aware that they did, but I am equally not aware that they did not. It is the way in which you decide to best deliver your services to victims of crime.

[10.20 am]

Ms SUE WALKER: Have you notified them, Minister?

Mr McGINTY: Yes.

Ms SUE WALKER: By letter?

Mr McGINTY: I am pretty sure that was what I did. I think I wrote to them several months ago. I remember signing letters to the members of that committee. Yes, I did.

Ms SUE WALKER: Could I have a copy of that letter?

Mr McGINTY: I do not have one with me.

Ms SUE WALKER: I know, but could the attorney provide it to me?

Mr McGINTY: Are you asking that by way of supplementary information?

Ms SUE WALKER: Yes.

Mr McGINTY: Yes.

Ms SUE WALKER: I have a further supplementary.

Mr McGINTY: I presume on that, one copy of the letter, because it was a standard letter that went to all members, would suffice.

Ms SUE WALKER: Advising them that they were being disbanded?

Mr McGINTY: Yes.

Ms SUE WALKER: My supplementary is, the attorney says, "It doesn't suit us" - the Victims Advisory Committee. Does this behaviour indicate the Government's attitude to victims, particularly victims of crime, who hear you say that Mr Trenoworth was part of a homicide group, people who had been affected by homicide. It may suit you, Minister, but it may not suit the people who have been the subject of horrific crime. Does that indicate your attitude to these victims?

Mr McGINTY: One of the most emotional and meaningful gatherings that I have been to in the now nearly eight months that I have been the attorney general in the State was a gathering one evening that went for several hours, the Homicide Victims Support Group. I witnessed there a large number of people who were the remaining families or loved ones of victims of murder in this State. I must say that affected me very deeply, to appreciate first-hand how people like Richard Trenoworth and a variety of other victims of some of the most vicious and brutal crimes in this State were coming together to collectively help each other to be able to cope with this absolute tragedy which in many cases had destroyed their lives.

I was impressed at that gathering with the need to be able to offer more substantial help, particularly to people who are victims of crime at that extreme end of the scale. What I will be endeavouring to do is to offer significantly greater assistance and to do that I will be working my own way through groups such as the Homicide Victim Support Group for whom I have a lot of time and respect for the great effort they do in collectively caring for each other and helping each other - not get on with their lives but simply to survive as a result of the tragedy that has afflicted them. I think that more accurately would relay to you my view -

Ms SUE WALKER: Of why it does not suit you.

Mr McGINTY: - of what needs to be done to help these people.

Ms SUE WALKER: Thank you, Madam Chair.

Mr EDWARDS: Minister, I was going to ask a question on this but it ties up with what has just been asked, page 523, and you have already raised it; the victims notification register. I applaud the initiative, I think it is a very good one. Is this initiative going to be in terms of accessing it by the victims, taking note that it will be under the supervision of the department? I understand that, but so often red tape does get in the way of these things.

Mr McGINTY: I will ask Robert Harvey to comment in some greater detail on that but I will make an initial observation. One of the things that struck me when I came to the position was that there has been an enormous

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change over the last 10 or 15 years in the role of the victims of crime in the criminal justice system. I was talking with some senior lawyers earlier this week who said that if 10, 15, 20 years ago you had suggested that the victims had a role in the system, you would have got a very adverse reaction from the judges who say, "They have nothing to do with it. I am here to dispense justice and to deal with an offender."

That has changed quite dramatically to the situation where today victims occupy, in my view, centre stage in the process. So what we must be doing at all times is looking at ways in which, particularly in relation to the last question that was asked by the member for Nedlands, particularly when you are talking about very serious crimes like murder, you can offer some greater solace or involvement or support to the people whose lives have been very badly damaged by those events.

One of the things that struck me was that often when dealing with prisoners who have committed these crimes victims are not notified of significant movements within the prison system. Some people do not want to know. They want to block it out of their memory and know nothing about it, but many people have an acute interest. Many people have written to me, and I have spoken to them, wanting to know what is happening with victims. I can give you a most recent example of the man that has occupied so much time in the media in the last two days who murdered and raped a four-year-old baby 10 or 11 years ago.

On Monday of last week we went and informed his foster parents, who were responsible for him at the time he committed these crimes, of the intention that he would move on to stage 2 of the pre-release program which would involve home visits of 12 hours a day, once a month. Notifying her and notifying the other people who were involved in that is what then gave rise to their public expression of concern, but that is appropriate. They have an absolute right to know.

What I am afraid of is that from time to time they slip through the net and people who have a real interest in knowing about prisoners and their movement within the system are not given all of that information. There is obviously a difficulty then for Government. Quite often in the past it was easier not to have the public know these things and to have them find out perhaps with tragic consequences further down the track. That is not good enough and so what the Department of Justice and myself have been working on - and Robert Harvey will give the details of it, and in this sense you are going to scoop the big media announcement we are going to make in a week's time - are ways in which those victims of crime and their families can be notified and will automatically show up on the computer when there is something like maybe an escape from custody, maybe a change in their security rating, maybe a release on parole, so that not only are they notified but their views are then taken into account in the process. But I will hand over to Robert Harvey on that.

Mr HARVEY: I am not sure there is a lot more I can say.

Mr McGINTY: How is it going to work, in detail?

Mr HARVEY: It is modelled on a New Zealand process primarily. We have looked at New Zealand who have a much better developed view, I think, with the role of victims in the criminal justice system. Early in their involvement in the criminal justice system, in fact at any point through the process, victims will have the opportunity to elect to be informed of key points of movement of offenders through the system - this is at their election - and whenever initiatives such as parole or home leave or changes in security do occur, then victims will be notified. In the past there have been difficulties associated with us ensuring that this sort of work has happened. Victims change address, move interstate, come back, and in a bureaucratic sense it is not always easy to ensure.

We will be announcing an initiative for much tighter administrative control of this sort of information. Our information systems will be aligned much more to informing victims of any of these sorts of key movements of offenders through the system. We will be implementing this by putting a community corrections officer in the victim support services, co-locating them with the victim support services, so that we do not establish yet another point of contact for victims, which I think is one of the issues that we have alluded to earlier here this morning, so that the one point of contact as far as possible will be maintained.

[10.30 am]

Mr EDWARDS: I have a further supplementary, thank you, Madam Chair. Minister, this will presumably be coordinated through the metropolitan area or will this be going into regional centres as well?

Mr HARVEY: This will be a statewide initiative.

Mr EDWARDS: So I can take it that this will be regional as well.

Mr HARVEY: Yes.

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Mr McGINTY: It will apply in Greenough as well.

Mr HARVEY: Yes, it will apply in Greenough.

Mr JOHNSON: Minister, in relation to the victims of crime and their families, what options are there for you to intervene, override or challenge the Parole Board in their decisions to release child killers, for instance?

Mr McGINTY: There are a number of decisions that the Parole Board takes to grant parole. There are at the serious end of the scale those that require the approval of the attorney general and the approval of the Governor and Executive Council. When you are dealing with Governor's pleasure people, and I think also when you are dealing with life sentences, that requires the approval of both the attorney general and the Governor and Executive Council before they are released. I hope that we have some information here on this issue. I want to have a chance to have a look through some of the figures that I have asked the department to prepare this morning for me on this.

When you are dealing with either people who have been sentenced to detention at the Governor's pleasure or life sentences, there is no need for the advice of the Parole Board to be acted on, and it is often not acted on. However, you do have a Parole Board that is headed up by a former Supreme Court judge who takes in my experience a very cautious view of these matters. I think you need to place considerable weight on the advice that he offers to the attorney general in relation to particular prisoners. You cannot expect as attorney general, and I do not think it is appropriate in any case for this to be the fact, to have an intimate working knowledge of every serious prisoner in the system. You have people appointed to boards such as the Parole Board.

Terry Walsh is the current Chairman of the Parole Board, an experienced Supreme Court judge. We have a Uniting Church minister, the Reverend Robinson. We have an indigenous representative on that board as well. We also have a sentencing expert, Neil Morgan from the University of Western Australia. We also have a person from the Police Service, Inspector Mitchell. You have representation on the Parole Board of people who would be I think by and large very cautious in dealing with the question of releasing people on parole, particularly where there is any likelihood of repeat offending occurring.

You would be foolish to ignore the views of the Parole Board when they are expressed, particularly in relation to serious offenders, consistently over a period of time, and when that view is also backed up by the view of not only the experts working in the prison system but the prison officers who case manage particular prisoners, particular weight needs to be placed on that because you have something of a dilemma. There is a very significant section of the public in respect of some prisoners who take the view that they should be locked up and the key thrown away. That is true in respect of a small number of offenders, but the reality with which we have to deal is that the bulk of people who are sentenced either to life imprisonment or the Governor's pleasure will one day be released to the community.

The challenge for whoever holds the office of attorney general from time to time is to make decisions, and they are hard ones because they will never be popular, which minimise the chance of reoffending. I say that against this background. Most of them will eventually be released into the community. I would rather release them in circumstances and conditions which minimise that chance of reoffending, rather than simply releasing them. I will give you an example. Jack van Tongeran who will be well known, I think, to everyone in this room is due to be released in September of next year. His term is up. It is served. It has been a very long sentence but he has not been granted parole, so there will be no ongoing supervision in the community of him. There is nothing I can do about that because he will have served his sentence.

There is an advantage to the community with people who have committed serious crimes for them to be supervised in the community, rather than simply let out through the gate and be told, "Best of luck to you." There is greater community protection from using the parole provisions in order to keep an eye on people, to monitor them and to put even stricter conditions on their release back into the community. I think that is the best way in which you can, as far as you can in these matters, provide a safe community for the public as a whole.

Mr JOHNSON: To follow on from that, Minister, at the end of the day what you are saying is that you have the ultimate responsibility of approving what the Parole Board says in relation to releasing a prisoner either into the community or into a home detention centre or whatever. My question basically which goes on from that is, 10 years for an horrendous child killer; do you really feel you have justification in allowing that prisoner to go to home detention at this stage?

Mr McGINTY: Perhaps I can give a little bit of the history of this because it is very important and obviously a very difficult issue. Frankly, that is the reason that attorneys general are paid what they are, to make hard decisions on these sort of matters. It is substantially a judgment call. The Parole Board consisting of the people I have already described has at least for the last four years recommended this man's participation in a pre-release

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program. As far as I am aware, it was first recommended in 1996. As a result of that, in 1997 the then attorney general approved for the purposes of section 94 of the Prisons Act his release into the community and took to the Governor in Executive Council on 15 July 1997 a minute that read this way - and I think it is important that people understand the full history of this matter. This was signed by Peter Foss, the attorney general -

The Council respectfully advises the Lieutenant Governor and deputy to the Governor to approve Michael Godfrey Blunsden who on 26 September 1991 following his conviction for wilful murder was ordered to be detained in strict custody until the Governor's pleasure is known and thereafter in safe custody in such place or places as the Governor may from time to time direct pursuant to section 282(c)(iii) of the Criminal Code and on the same date was sentenced to five years imprisonment following his conviction for aggravated sexual penetration pursuant to section 94(7) of the Prisons Act be permitted to leave and be absent from the prison under section 94 of the Act, participation in activity programs, for the purpose of completing a pre-release program and under the provisions of section 282(c)(iii) of the Criminal Code to order that he be detained in safe custody at Karnet Prison Farm until further order is made.

I do not raise that to score a political point. Mr Foss made the decision that he was required to make. At the time it was his judgment call based on the advice from the same people who are now advising me that this person be released into the community. That was four years ago.

Mr JOHNSON: To Karnet Prison?

Mr McGINTY: It was to downgrade his security rating to minimum which is what is required to go to Karnet. The first thing that Mr Foss did was to make him a minimum security prisoner. The second thing that he did was to approve his release into the community for the participation in section 94 work programs where you leave the prison and go out and work in the community.

Mr JOHNSON: That is done with supervision.

Mr McGINTY: Yes, absolutely. That was stage one or a part of stage one of the pre-release program which was authorised four years ago. What happened from there was that recommendations from the Parole Board and the like were not acted on. I am fairly sure my information here is right in that there was no decision taken one way or the other in respect of further progressing this man. The files simply were not responded to by the then attorney general when they came up as recommendations. You can take that as saying, "I am not going to go any further," if you want to, but that is my understanding of what then occurred.

This year the Parole Board wrote, as they do every year, containing a report on this man with a psychologist's report, a prison officer's report and case management reports and recommended that he be moved to stage two of a four stage pre-release program. I take this view: what Mr Blunsden did was horrendous, at the worst end of the scale. It was an absolutely shocking crime and no-one could ever forgive that, but I also take the view that he is now 26 and one day an attorney general in a Government will respond to the positive recommendations of the Parole Board and one day he will be released into the community.

There needs to be a bit of a reality check on the prospect that he will spend the next 50 or 60 years in prison. It is not going to happen, let us be frank about it. Whether it be after 10 years or after 20 years or after 15 years, this man will be released into the community because the overwhelming bulk of people who are sentenced to the Governor's pleasure or life are released from custody. They do not die in custody. It is a question of setting out the conditions.

Mr EDWARDS: They just do not do 10 years.

Mr McGINTY: Some do significantly less than that.

Mr EDWARDS: For an horrific crime like this?

Mr WATSON: At criminology law school, it was 15 years average.

Mr McGINTY: It is a variable figure. Some do less; some do more. Member for Hillarys, that is not easy. It is one of the most difficult decisions that you can ever take as an attorney general. I am sure that my predecessor agonised over this and other issues as well in making the judgment calls that he did, because you make the judgment call in full knowledge that there will be widespread condemnation from the broader community. Do you walk away from that criticism and say, "I am going to leave them there. I am not going to take responsibility for the decision while I am the attorney general"? That is not a responsible way to deal with these matters.

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You can say, "I would have left him in for a bit longer" or whatever, but ultimately the day comes. That is the reality that you have to deal with. I looked at the combination of the reports from the prison officers, from the Parole Board, from the experts who have been assessing him and took into account the fact that for many years now the people whose responsibility it is to conservatively look at this prisoner have been consistently recommending that he progress to stage two.

This does not mean that he will be released into the community. It means that whereas my predecessor authorised him to go into the community under supervision for work, I am releasing him one day a month for 12 hours and that will move to one day a fortnight for 12 hours into the care and custody of a person who I have enormous regard for. He is a Uniting Church practitioner, a person who I have met and does a superb job - a very committed Christian who has undertaken to supervise him in learning life skills that he has obviously missed out on in this limited way out there in the community.

Whether there is a subsequent decision to release him on parole or not is not a decision that has been made at this time. I think it is important though to progress this matter along and look towards achieving a release on parole some time in the future because it is inevitably going to happen, but the important thing is to make sure it happens in circumstances which minimise his chance of reoffending. Can I have 20 seconds to verify some figures here?

The CHAIRMAN: Minister, if you wish to have some time, I would actually like five minutes out of this chair. I will take that break now if you desire.

Mr McGINTY: I would be most appreciative.

The CHAIRMAN: I will come back with the indication that the member for Nedlands has indicated a supplementary. I will allow one. It is my intention to allow one supplementary question. Then I wish to move on because I have people who have been waiting quite a long time now on the list. I make my intention clear. I will resume in this chair at 10.50 am.

Sitting suspended from 10.45 to 10.55 am

The CHAIRMAN: Members, we will reconvene. There is a quorum. There will be one supplementary for the member for Nedlands followed by Innaloo, Hillarys is out for the moment but I will reconvene him when he is able to come back through the list, Greenough, Girrawheen, Nedlands and then Albany. That is the list at this point in time. I will now give the call to the member for Nedlands.

Ms SUE WALKER: Minister, coming back to page 523, we were talking about the establishment of a victims notification register by giving them access to information about offenders under the supervision of the department. You were talking about the parole period. Offenders can be under the supervision of the department by being on home detention, on remand where bail is refused, and when they turn up for court hearings they are released into the custody of the court for the purpose of bail. In relation to the movements of the offenders then, are you encompassing that for the provision of information to victims, because when I was at the DPP they played that role to a large part. Is that going to be subsumed under this new regime that you have?

Mr McGINTY: Are you talking about movement of prisoners within the system?

Ms SUE WALKER: That is what I wanted to know. Is it just related to convicted people or prior when they are awaiting trial or sentence?

Mr McGINTY: No, it is only convicted.

Ms SUE WALKER: Only convicted. My question then is, who is going to notify the victims prior to conviction because many victims want to know where the offender is at any particular time?

Mr McGINTY: As you have pointed out, that is a role that to a certain degree has traditionally been fulfilled by the prosecution. The idea of dealing with alleged offenders prior to conviction is not something which is covered by the proposal that we currently have in relation to the victim notification register because there is something about a conviction, someone being sentenced to prison, that I think can then be relied upon rather than prior to conviction simply an allegation to justify that, so it is not intended at this stage that we intrude on what the DPP currently does in that area.

Mr QUIGLEY: I turn to output 14, "Legal Aid assistance". I note that under total cost of the output it has risen somewhat for the estimated year 2001-02.

Ms SUE WALKER: Where is it?

Mr QUIGLEY: Page 532, point six. It also includes funding for additional initiatives such as expensive cases and financing of investors' legal actions. My question is, of the \$13.484 million, how much provision has been

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made for the funding of investors' legal actions? There is no performance indicator there to work out - a bit too early yet because the cases have not washed through the system, but what response in terms of community uptake has there been to the Government's offer to finance these victims of crime, victims of the finance broking scandal?

Mr McGINTY: Thank you for that question. There have been \$1.125 million allocated to assist the victims of the finance broking scandal to recover what they can. The minister for consumer protection has indicated that if we do not find that is enough, it is something which can be revisited. To a certain degree, not knowing what the level of demand would be, we have made that allocation to start and we are happy to revisit that should the need arise. We have reached a fairly important stage in offering assistance to the victims of finance brokers and I think it is important if George Turnbull, who is the Director of Legal Aid, were able to inform the Committee of some quite important developments involving the alternate funding mechanism through Hugh McLernon's company, IMF, and also the involvement of the solicitor who knows more about this than anyone else, Doug Solomon. Perhaps if I can ask Mr Turnbull to answer your question, given the stage we have reached in terms of funding. Mr Turnbull, you might be able to answer some of the specific issues raised by the member for Innaloo.

Mr TURNBULL: Turning first to the question of community uptake, we have currently received 58 applications for aid; 31 of those applications are syndicate applications involving a total of 689 investors with estimated total losses of around \$33 million. We are currently assessing those applications. We shortly expect to be in a position to make a decision as to which of those applicants will receive aid. The critical issue for us will be what will be in the cupboard at the end of the day, so it is not so much a question of whether or not the case would be successful in terms of us obtaining a judgment at the end of the day but whether or not there is anything to recover. That is the position there.

The Government has made it very clear that one of the constraints on this fund is that the fund must not be used for the purpose of assisting any proceedings or action that is taken against the Government itself, but there are many cases where that is not an issue and there are many cases in which, as I understand it, the IMF scheme where there are clients involved who would be eligible for this fund, what we have done is to hold - - -

[11.00 am]

Mr QUIGLEY: That are involved in the IMF scheme?

Mr TURNBULL: There are actions on foot involving syndicates, numbers of applicants, some of whom have elected, as I understand it, to go with the IMF scheme.

Mr QUIGLEY: But would be eligible.

Mr TURNBULL: But would be eligible. There will be other members of the same scheme, we anticipate, who would be eligible for the Government funding arrangement. We are currently holding discussions with Hugh McLernon as to how we could work together with the promoters of that scheme in order to assist these groups of investors, so we are hopeful that at the end of the day there will be more opportunity for these people through the use of common solicitors to ultimately obtain what opportunities they have to recover these losses.

Mr QUIGLEY: I have a supplementary question. In relation to these people, are you finding that the present royal commission into the finance brokers debacle is being of assistance in the litigation?

Mr TURNBULL: At this stage it is a little early to say. As I say, we are in the process of assessing people who have applied for aid. We have not sponsored anyone in terms of their litigation that may be on foot or may be contemplated at this stage, so we are not in a position really to be able to give you an answer to that.

Mr McGINTY: I will conclude on that. I am delighted at the developments which might see Doug Solomon, who is the lawyer who knows more about this than anyone else, involved in being funded through this proposal, and even a joint arrangement with Hugh McLernon's IMF, because the objective now is to recover the money for the people who have lost it and if we can cooperate with the alternative funding mechanism, then I think that is in everyone's interests.

Mr TURNBULL: It does seem to us on what little we know already that it is very important for us to retain the services of particularly Doug Solomon if we can because he has built up so much knowledge and understanding of these issues over the years and it would not be in the interests of these investors, we believe, if we were to use alternative lawyers who would have to, in effect, start from scratch. It is a kind of win-win situation, we think, if we can work together.

Mr QUIGLEY: I have a supplementary, if I may. Is it proposed that the commission will do any of the litigation itself in-house or mainly do it on assignments to Mr Solomon's firm?

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Mr TURNBULL: We doubt that we will be doing any of this in-house ourselves, although clearly we have a responsibility to manage the money in terms of assessing at various stages in the litigation whether what we call the merit test still applies - in other words, we are going to reassess how the action is developing over time, but we will not be personally conducting litigation.

Mr QUIGLEY: You anticipate that your assignments will be to -

Mr TURNBULL: Private lawyers.

Mr QUIGLEY: Principally to Mr Solomon's firm.

Mr TURNBULL: Principally to Mr Solomon and some others.

Dr WOOLLARD: Minister, I am sorry I was late coming into this discussion and I only caught the last part. I believe the IMF have stated that they will be taking the Government to court over the next two years because of the finance board. Is this not the case now, then? You are now working with them, are you?

Mr TURNBULL: There are many potential actions which we are looking into. Many of those actions do not involve or do not contemplate, we believe, suing the Government or the Finance Brokers Supervisory Board. In relation to those matters, there is no embargo on the government fund being used to aid investors for those proceedings. If it should emerge that an investor decides to sue the Government, then any funding which we are providing will cease at that point in relation to proceedings where a decision has been made to join the Government.

Mr MCGINTY: We are happy to fund somebody who is out to recover money from the finance brokers or their professional advisers. If independently of our funding that same person seeks to sue the Government or Finance Brokers Supervisory Board, we will not fund that, but it will not affect their funding for us to pursue other defendants. As I said, I am delighted with the combination of McLernon and Solomon cooperating with ourselves and in my view the Temby royal commission has been really something that everyone should look to as a model for how a royal commission ought to be conducted in getting to the core of it all, exposing wrongdoing, and then moving on. I expect that that report will be delivered by Christmas, which was the time we specified, and on budget, so we are looking at this stage at that royal commission being on time and on budget and being regarded as one of the most effective royal commissions to have taken place in this State in recent times. All of this is adding up to substantially good news for the investors.

Mr JOHNSON: Minister, at page 508, the second dot point, the last sentence, where it talks of an overall strategy to reduce the rate and the cost of imprisonment that will be implemented, since the strategy is to keep criminals out of gaol, does the attorney have any projections of how large the crime wave will be. Given past data on recidivism, justice experts should be able to give some indication of how many burglaries, assaults and car thefts we can expect as more criminals avoid prison.

Mr MCGINTY: None, is the answer to your question and the reason for that is, when people commit offences, they must be punished. For those people who commit serious offences, there is no option by gaol, and the sentencing laws talk about prison being used as the ultimate sanction, the sanction of last resort or the punishment of last resort. What we are talking about here is people who offend at the minor end of the scale, looking at more effectively punishing in the community somebody who drives a motor vehicle without a motor vehicle licence who gets sentenced to a term of imprisonment.

I do not think anyone would project therefore there will be an increase in serious crime as a result of that or an increase in crime as a result of punishing that person in the community rather than in prison, so we are only taking, member for Hillarys, those reasons people are in prison, like fine default, driving without a motor vehicle licence, offences of that nature, where the broad group of people in the community would say, "You can better use your resources in the interests of ensuring that offender does not reoffend by punishing him in the community."

If I can give you one anecdote in the Kimberley recently where we visited a number of people up there who said to me that by bringing their young people down off their traditional lands, putting them into prison in Perth, they learn all sorts of tricks that they would never have learned in the Kimberley, and then come back and deploy them. So from a crime point of view putting someone into gaol has in fact taught them how to commit more serious crime.

From that it is quite arguable that in some cases putting people into prison will increase the rate of crime, whereas if they are put into places like - I was most impressed with the Bell Springs Bail Hostel just out of Kununurra. That has the best hope, by keeping people out of prison, of reducing the rate of offending in the Kununurra area. I use that as one example and, if we are intelligent about the use of prison for serious offences,

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effective punishment in the community for a lesser level of offending will in fact see a reduction in the overall level of crime.

[11.10 am]

Mr JOHNSON: To go on from that as a supplementary and it is referred to in the budget paper under the first dash point after the second dot point where it says, "Changes to community based services, practices and procedures including a structured, graduated approach to breaching practice," since breaching is often based on criminal activity, while on parole or under one of the community based services, does that not actually mean that those people who do that will not go to prison?

Mr MCGINTY: People breach their parole in two primary ways. The first is by not complying with their reporting requirements. If you are due to be at the community based services offices at 2 o'clock next Thursday and for whatever reason you miss that appointment, that is a breach of parole conditions. That is one category of breach. The other is by committing offences. If people commit offences while they are on parole, there should be very little tolerance whatsoever shown towards them.

However, I think we cannot breach someone to the extent they get put back inside for what might be seen as procedural rather than criminal failure to comply with parole conditions. What we are talking about there is having a more uniformly applied and graduated scale and, by graduated we mean if there is criminal activity involved of course we breach them and put them back inside for that, but if it is of a minor nature, of a procedural nature, then there might be a greater tolerance shown for what is otherwise technically a breach of parole. We are working on that at the moment, but that is the broad thrust of what we are going to try and do, not to put people back inside for procedural breaches.

Mr JOHNSON: What the attorney is saying then, and I would like it make quite clear, is if criminals breach their parole in any criminal nature whatsoever, they will go back inside.

Mr MCGINTY: At the moment they do not necessarily. It depends on the nature of the breach. Criminal activity can consist of a variety of things. It can consist of serious activities. If I were to give you a bit of a shirt front as we walked out of this room, that is an assault. That may or may not in the circumstances constitute a serious assault. I know the member is looking for a very simple yes or no answer, but what I am looking for is a reasoned and intelligent response to this difficulty of what it is that puts people back inside. If people commit significant or serious offences or crimes, then they will be back inside.

Mr JOHNSON: Who decides what is serious? Will you as attorney general decide what is serious and what is not?

Mr MCGINTY: No.

Mr JOHNSON: The public out there in Western Australia and in Perth, and in particular here, are concerned that these people who commit crimes and are let out on parole commit other crimes and they are not going to back to prison. "Serious" is an adjective. How serious is serious? If one asked the general public, they would say any breach of the parole that involves a criminal offence. I can understand not necessarily reporting to their parole officer or missing an appointment. That is excusable. I would not send them back to prison. If they commit crimes, any crime is serious surely.

Mr MCGINTY: If the member is using the word "crime" in its technical sense, that is right and I would expect them to go back inside, but a simple offence, a road traffic offence? I think we start then, when we get to other than crime, and I take the use of the word "crime" literally to mean a crime, an indictable offence, then of course they are back inside.

Mr JOHNSON: Assault is a crime, is it not?

Mr MCGINTY: It might be a simple offence.

Mr EDWARDS: Minister, page 514, probably a fairly simple one for you, dot point 2. In terms of the Integrated Courts Management System, can you please provide me with a little more detailed information on what the wider benefits are going to be, or are, and how does this streamline the system?

Mr MCGINTY: I will ask Alan Piper to answer that.

Mr PIPER: The courts have been working, as is indicated in this dot point, on improved technology for a number of years and in fact it may surprise the Committee that there are, for example, still court locations and people working in the court system who will get their first personal computer this year ever. There has been a very significant productivity issue in terms of the availability of basic technology and personal productivity tools for people working in the courts. The Integrated Courts Management System is a very significant initiative to unify across the court system things like listings, case management of the court system and also enable the court

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system to take on a more established and electronic relationship with other parts of the justice system - for example, police. Members will be aware that the police system is expending considerable money at the moment on new systems.

All matters that come to the court at the moment from the police, and they are in the order of 90 000 a year, come by paper and so there is considerable room for reform. You would also probably be aware of the move towards electronic lodgments generally in court systems so that is also a part of this product. The most recent example of what has been delivered is a so-called listings module for the District Court and that enables a contemporary allocation of resources within the District Court using more modern techniques to do that and improve the efficiency of listing but it also, for example, identifies parties who appear in the District Court which enables their resources to be listed as well. This is a very far-reaching initiative which will be progressively implemented across the court system to enable it to take the advantage of new technology to improve its services.

Mr EDWARDS: Thank you, Mr Piper. Statewide linkage?

Mr PIPER: Absolutely. One of the things that the department has done over the last couple of years is establish a network for all of its locations and that common network is being used for all parts of the department. There are obviously some circuit locations where courts travel where network connection is difficult. However, all of the main locations that have permanent staff will be on the network. In fact one of the things this does, for example, is allow consolidated management of circuit listings in a way that is much more efficient for the circuit magistrates. It is, I think, a very good initiative which will significantly improve the practical operation of the court system.

Ms QUIRK: Minister, page 509 of the document, under "Major Policy Decisions" at point 6 in relation to parliamentary counsel. You will see there that the decision is for maintenance of legislative drafting capacity. I have to say that I was very disturbed when I read that. It is my experience that parliamentary counsel has moved with glacial speed and if we maintain the current service, then a Government such as ours which is progressive with an agenda of social reform is not going to be able to achieve much. Firstly, I seek your assurances that in fact we are going to be at least improving our service in regard to drafting of legislation and in particular we will be able to service stated outcomes such as was recently announced where the organised crime package, for example, can be expedited through and other measures to combat serious crime such as homicide.

[11.20 am]

Mr McGINTY: Thank you, member for Girrawheen, for that question. We are talking about allocating additional funds to the parliamentary counsel to enable them to do their job. I must say in some very important areas that I have been involved in the service delivered by the parliamentary counsel has been superb and I refer particularly to the mammoth drafting task that was involved in preparing the set of legislation to refer corporations' powers to the Commonwealth - an enormously complicated job, very long legislation - and it was done with great expedition to get those changes into the Parliament.

Similarly, and I am sure members sitting on my right will be delighted, the speed and alacrity with which the one vote, one value legislation was drafted by parliamentary counsel was quite outstanding. Other important areas do take time and we need to make sure we get them right, and I refer to legislation that we will be debating when we return after this budget session in relation to de facto property rights, again quite complicated legislation and in many respects groundbreaking, and a very good job has been done there by parliamentary counsel and the instructing staff from the Crown Solicitor's Office.

They are currently undertaking a fairly massive task in respect of gay and lesbian law reform which will involve changes to dozens, if not hundreds, of pieces of legislation. You need to be rigorous, you need to be thorough, you need to take your time, reflect on what you are doing, and this additional allocation to the Crown Solicitor's Office will be, I think, something which will boost their capacity to be able to deliver what I regard as a fairly good service.

The other key piece of legislation that is being prepared at the moment by the parliamentary counsel is the organised crime package. It is a crucial piece of legislation and it will give to our law enforcement agencies in this State an increased capacity to be able to deal with the most serious crimes. We have been careful, and this is a challenge for the parliamentary counsel in preparing that drafting, that we do not impinge on the proper civil liberties of individual citizens in this State, particularly in relation to that power to be able to get an uncooperative individual before a judge, to compel them to testify in a way that takes away their right to silence and their right to plead privilege against self-incrimination. That is very significant legislation and it is not something that we have done lightly. It took something like the assassination of Don Hancock and Lou Lewis to appreciate the need to attack the code of silence of organised crime figures - whether they be bikie gangs, drug

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groups or whatever - that operated there and we also need to be able to attack the massive resources with which they are able to defend themselves and where traditional law enforcement measures have shown themselves to be deficient.

Consequently what we have done is to instruct the parliamentary counsel to prepare legislation which will enable someone to be brought before a judge to be examined in detail in two circumstances. The first of those is based upon the American RICO or racketeering legislation and that is where one of the most serious crimes known to the Criminal Code is committed and the purpose for which it is committed is financial profit. That is classically what organised crime is about - that in relation to the investigation of that crime, then these powers will be able to be used, but we have - and this I do not think has been appreciated so far in what has been said - also made provision in the drafting instructions, where the offence of homicide has been committed, that in those circumstances these powers of compulsion will also be able to be used. I can give one very simple illustration of the need for these powers and that is the Claremont serial killer. Conventional policing methods have not brought the perpetrator of that crime to justice.

What we need to be able to do is to give the law enforcement agencies greater powers to be able to investigate the worst sorts of crimes in our community in order to bring the perpetrators to justice. While this legislation is aimed at organised crime and bikie gangs, it will also be able to be used in the case of homicide to require people to come forward and tell what they know of the most serious offence that can be committed against the community here in Western Australia. So this legislation will have a wider impact than simply organised crime. It will also be able to be used, and I hope used to great effect, in investigations such as the Claremont serial killer and other homicides.

The other thing we are doing as part of this package - and the Parliamentary Counsel are working on it as well and it is a very complicated area - is the question of DNA legislation, because I think the ability to be able to use DNA evidence more exhaustively, to be able to take samples from people to be part of the National Crim Track DNA register are all crucial contemporary crime-fighting tools. I think that package that I have spoken about will be a very significant addition to the crime-fighting powers of the State and what we will see from that is a greater clear-up rate of serious crimes in Western Australia.

Mr JOHNSON: I hope the minister gives that legislation more priority than the other stuff mentioned prior to that.

Mr MCGINTY: I think it was the tragic events of Don Hancock and Lou Lewis's absolutely outrageous murder on the streets of Perth that have meant that this is the sort of legislation that we need to be bringing in and it will be targeted so that it will not be able to be used for people committing everyday offences or other offences under the Criminal Code. It is the people at the top end of the scale, the most horrendous offences, and particularly those related to organised crime or wilful murder, and I think the public will by and large welcome the ability for the law enforcement agencies to be able to deal effectively with these problems.

Mr JOHNSON: They have to, and they will also see it as a priority over and above the other legislation mentioned prior to that.

Mr MCGINTY: They are all priorities. We need a balanced legislative program. The Crown Solicitor's Office and the Parliamentary Counsel are working on all of them. We must have a strong law enforcement agency and we must also have a Parliament with integrity.

Dr WOOLLARD: Minister, I refer to the Family Law Court Bill. My concern with this Bill is that it would appear that this Bill will give more rights to a de facto of two years than it would to a wife and a mother of some 20 years, and I would be interested in the response to those concerns.

Mr MCGINTY: In the Bill that we have introduced there is a provision under the Administration Act in the event of a death, dealing with how the property is divided up if someone does not have a will. In the draft that we have brought before the Parliament we have indicated, assuming it is a man, that if he has been living in a de facto relationship for two years, then that will in the absence of a will override the marriage which is obviously finished in terms of the then division of property. If there is a will, then it will be divided in accordance with the will.

I have had a chance to reflect on that provision which was taken from the provisions elsewhere in Australia, but I have been very impressed with the provisions that are contained in the ACT legislation. We might well be bringing forward an amendment to that legislation in respect of the deceased's estate to say that where there is no will and somebody has lived in a de facto relationship after a marriage, where the marriage is obviously finished, that there is a sliding scale, depending upon the length of that de facto relationship, where the surviving de facto partner will get an increase in share of the estate. That will also be further accentuated if there is a child of that de facto relationship. I think there is a greater permanence and need to make provision in that regard.

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As the member would be aware, currently a divorce terminates a will if the provision of the will is that it goes to the spouse. In effect, what we are talking about here is while technically there has not been a divorce, in a very real sense there has if someone has left a marriage relationship and gone to live in a de facto relationship. I think that that reflects an evolving community standard, but I am acutely aware of the point raised and there might well be an amendment on that point.

[11.30 am]

Dr WOOLLARD: So the minister will be looking after the interests of perhaps a mother with six children.

Mr McGINTY: Hopefully they would make provision in the case of providing for a will, but this is only in the circumstances where there is no will. There is also an ability for people to be able to challenge a will to make sure there is a fair distribution of the proceeds from that estate, but where there are no other challenges the law currently lays down a prescription. I do not know, and I think we need to debate this when it comes before the House, whether a former marriage which, although it has not legally been ended, has ended perhaps 10 or 20 years ago - I am not so sure that that person ought to be able to claim on the death of their husband a share of that estate if it is so long ago finished in every relevant sense, but they are the matters we will be debating in that Bill. That is part of the complexity of this new arrangement, but that is one area that I would certainly appreciate your input, with a view to making sure we get that bit right.

Mr WATSON: Minister, my query is on page 534, "Capital Works Program", dot point 6. Can the minister provide more information as to how far the minister has proceeded with the planning and design of the wonderful new Albany courthouse complex? We must thank the minister very much. The people in Albany love the complex, or the idea. Question 1, is it true that it might be established on the Albany foreshore; question 2, are there any alternate sites under consideration; and question 3, when does the minister anticipate commencement of construction and the completion?

Mr McGINTY: In the context of very tight budgetary situation we have had to tighten up the belt in almost every area of operations, and that is reflected in answer to a number of the questions that have been posed here today. One of the significant bright lights is the new justice complex for Albany which will incorporate both a new courthouse and a new police station. In terms of the detail of that proposal I will ask the director general if he can respond to the issues raised, but as chairman of the implementation committee for the new Albany Justice Centre I am sure the member will have perhaps a greater input into it than I will.

Mr PIPER: The previous work that had been done on the Albany Justice Centre, which would incorporate both significant improvements to the court facilities but also the co-location of the community based services part of the department and close integration with a police complex, has been to date based around the existing court complex. As the member would be aware, while there are some issues about the existing court building's functionality, particularly in the area of handling prisoners in custody and some other matters to do with adequate space for administration and for those using the service, it is a very significant heritage building for Albany.

Certainly in the view of many of the people involved and who have looked at the complex, the existing court space is worthy of preservation as a working court, and certainly there is significant precedent for that. When the heritage renovations were done to the Geraldton court complex back some 10 years or so ago, what has emerged is a really excellent contemporary court space based around a genuinely nice old building that now works well and has been articulated with a new police complete right next door.

Certainly from all the advice we have received to date it is our intention to restore and preserve the functioning court within that building. Designs that have been produced to date, or the outline concepts, show a new building to the west of the existing court on a number of levels that would enable things like lifts to be installed to access the old court from that side while preserving both the facade and the functioning of the heritage elements of the court.

There were two proposals closely examined to date. One is a justice complex including police that runs from the courthouse fully west along that location with the police having a facility on the far west. The other involves all the justice department components integrated with the court and a new police complex sitting behind the court and sharing parking and other common facilities in the area around the old lockup. Both of those I think have been reasonably well aired. I think they are excellent from the point of view of functionality and how they will work.

Some members of the community I know have raised the issue about shifting to a new built facility on the foreshore. My own personal view, and it is my own personal view, is that that needs to be well and truly talked through because I believe that there are significant issues about abandoning the heritage facilities of the old

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courthouse and I think there is a view about the heritage and community amenity about using things for what they were intended in a contemporary way which I think would be lost otherwise. All of those are to be explored under this program.

You asked the timing of the expenditure. Significant expenditure appears in the estimates in 2003-04, 2004-05 and that matches the construction period, and as I understand there is matching funding within the police budget that shows their complex in effect continuing as a single project with phases. The intention is that all of this will be built with significant expenditure starting in about 2003 and, as the minister has indicated, it is a significant commitment to improve service in that location.

Mr QUIGLEY: This will involve probably advice from Mr Turnbull again but I want to turn to the Legal Aid budget again. You have indicated that \$1.25 million is set aside for investors' legal actions. This is on page 532, "Legal Aid Assistance" under "Total Cost of Output". My questions now relate to the family law aspect of that budget and I have this question to ask. Given its mission statement of providing access to the courts for as wide a group of litigants as possible, is the commission satisfied that all parents in contested access or custody proceedings can be granted legal assistance for court litigation, and as that is a federal matter, is our Government satisfied that the Commonwealth Government is sufficiently funding our commission for the resolution of these federal matters - that is, contested access and custody proceedings?

Mr MCGINTY: Can I defer to Mr George Turnbull of the Legal Aid Commission?

Mr TURNBULL: I think my answer would have to be that we are not satisfied in relation to family law matters that there is sufficient funds to satisfy the need that we perceive as being out there, particularly in relation to contested matters. Not so much in terms of child access issues, not so much in terms of residence and access issues involving children, but particularly in relation to property disputes where we are extremely limited in our ability to be able to fund people in serious dispute over assets. I suppose it is a question of what priorities the Government place on these matters but we would see it from our perspective that the funding is inadequate, but as you rightly point out the Commonwealth Government has assumed sole responsibility in relation to the funding of family law matters.

[11.40 am]

Mr QUIGLEY: What we are saying is the Commonwealth are not sufficiently funding the Legal Aid Commission to properly represent litigants in Family Court matters.

Mr TURNBULL: Correct.

Mr QUIGLEY: The supplementary question would then be, under the present Government's indicated changes to the legislation concerning de facto disputes, disputes between de factos and de facto property rights, are you anticipating an increase in applications?

Mr TURNBULL: We have made no assessment in any detail of that but we do believe there will be some increase, yes. To what extent, we are not able to say.

Ms QUIRK: Attorney, I want to quickly look at the Crown Solicitor's Office, it is on page 519, and in particular the output measures. If you look at the output measures under "Quality and Timeliness", you would have to assume that any lawyer jokes were not made about officers of the Crown Solicitor's Office. They are extraordinarily high, but then when you go across to the right-hand column you say "small client numbers" which begs the question, are the clients voting with their feet? Are they going somewhere else because the level of service is not good, not fast, not thorough and not of high quality? Also, certainly in my recent experience I have found advice cursory, arrogant and incomplete.

Mr MCGINTY: I presume that was a doroxy dixer.

The CHAIRMAN (Ms Guise): It is a difficult question I am sure you will answer very quickly, minister.

Mr MCGINTY: I will defer to the director general, Mr Piper.

Mr PIPER: The smaller client numbers is really an indication that the Crown Solicitor's Office confines itself in large measure to specialist matters of state. It has a very small commercial arm and that is directed to again matters of salience generally. I do not think it is true to say that we have a problem with quality of people within the Crown Solicitor's Office.

Ms SUE WALKER: Certainly not.

Mr PIPER: In fact my advice on the latest recruitment of articled clerks into the Crown Solicitor's Office is that their level of acceptance from absolutely the best graduates coming out of the university to the preference of some of the major firms around town indicates that it is a place that is a preferred location to work, and certainly

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my experience has been that there are people of significant expertise. The member indicates a particular issue or problem and I would be happy to offer on that matter, if the details could be made available, that we will examine the issues of service involved in it, but certainly there are a number of people of very high calibre. But there are also a number of departments who for quite routine matters use other legal services, and I believe that is appropriate.

Ms QUIRK: I just want a point of clarification without the supplementary. Firstly, I did not say the people, I talked about the advice, so I think that distinction needs to be made, Minister. The other thing is I find these figures in terms of client satisfaction to be implausible and I really need a little bit of clarification about how those figures are obtained.

The CHAIRMAN: Member, were you asking that the minister provide supplementary information?

Ms QUIRK: I can, if that is the way.

The CHAIRMAN: Minister?

Mr McGINTY: I think most probably the best way to handle this subject, in view of the member for Girrawheen, is that I will take that as the most critical question that has been asked today from my own side. I will certainly undertake to raise those matters with the Crown Solicitor, the nature of the criticisms, and provide feedback to the member, perhaps on an informal basis, given the nature of the issues raised, if that is acceptable. I am happy to do that.

Ms QUIRK: Yes, thank you.

The CHAIRMAN: That is satisfied. Thank you.

Ms SUE WALKER: Minister, I refer to page 514. My question has several components. Dot point 6 says -

A slight decrease in the District Court criminal jurisdiction backlog has occurred, together with the average listing delay in Perth (from lodgment to trial) in August 1999 of 66 weeks, now being within the courts standard of 52 weeks.

The first part of the question is, what is the backlog and what is the slight decrease in the backlog, given that the statement has two parts? What backlog is there? What is the backlog and what percentage is a slight decrease?

Mr McGINTY: I will try to dig up that figure as I respond to your question. One of the major areas of concern is the inordinately long delay time in my view between when a person is arrested on an indictable criminal offence and the District Court dealing with them. We will be bringing in legislation, I hope this year but if not this year then certainly early in the new year, to abolish committal hearings.

Ms SUE WALKER: Preliminary hearings.

Mr McGINTY: Preliminary hearings, committal hearings. Of the approximately 150, as I understand it, hearings that take place each year, a number of them are fairly short but there are equally a number that go for an inordinate length of time. While there has been an adverse reaction from the Criminal Lawyers Association and one or two of my colleagues, they are matters that we will need to work through in terms of the detail. I would certainly appreciate any support, member for Nedlands, that you can offer to persuade Government members of the wisdom of this particular course of action. That is something which will contribute towards that reduction in the time, because I think particularly in criminal matters there is an overwhelming need to have the trial and the punishment proximate to the commission of the offence. If it is two years later, it loses an awful lot of its impact with the criminals who are the perpetrators of these crimes.

I am aware that Chief Judge Kevin Hammond in the District Court has done a great job in battling this issue. I am hopeful that he will continue to be able to reduce that time. We have certainly indicated to him that we will undertake a range of legislative matters, the first of which is the abolition of the committal hearings, and also the requirement of disclosure for both the prosecution and the defence will be written into the statute as well as part of that package.

We will then be looking next year at adjusting the jurisdiction between the District Court and the Magistrates Court in respect of a number of again minor criminal matters, if I can put them that way, that currently proceed to trial in the District Court before a jury which in the view of the courts and a range of other people can be more expeditiously and perhaps more justly dealt with before a magistrate. We might well do that by means of an adjustment to the either way offences to enable the more serious ones to be dealt with by the District Court but the lesser offending to be dealt with in the Magistrates Court. Mr Piper has I think the figure you were asking for, so I would ask him to give that to you.

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Mr PIPER: For example, the numbers I have in front of me show that number of cases sitting on hand with various waiting times. In the category of 39 weeks or less, in February this year there were something in excess of 800 cases in that category out of a total of just under 1 600. The number of cases has increased to just over 1 600, yet the number of cases now in 39 weeks or less is over 1 100. What is happening is that the number of cases that are waiting for longer periods is significantly decreasing, with the introduction of another judge. If you take the number of cases that are more than 52 weeks, which is the standard, there was something in the order of 500 in February. There is now a couple of hundred.

[11.50 am]

Ms SUE WALKER: I think we are getting off track of the question here because what is suggested here is that the -

The CHAIRMAN: Member for Nedlands, please direct your interjections and your further questions to the minister.

Ms SUE WALKER: What appears to be said by this major achievements statement is that the backlog has now come down to 52 weeks. In August 1999 it is said it was 66 weeks. In my experience it took from the time a person was arraigned until trial approximately 18 months to get a trial. If that is correct, and that is the perception at the DPP office - here it says 66 weeks. I presume when you say from lodgment to trial you are talking about arraignment to trial within the court system. I am astonished now that the length of time an offender has to wait is 52 weeks. Is this what you are saying, Minister?

Mr McGINTY: The figures are kept by the District Court. I can either provide them by way of supplementary information because Chief Judge Kevin Hammond provides comprehensive statistics on this, or you could obtain them yourself, whichever you prefer; but I am aware from discussions I have had with him and also reading his monthly or quarterly reports that the waiting time from indictment to trial is the indicator that they use, not from the initial arrest and appearance before the Magistrates Court. That is excluded from these figures.

Ms SUE WALKER: You mean that lodgment to trial in that statement is arraignment to trial.

Mr McGINTY: I think it most probably should be from when the indictment is lodged in the District Court, rather than when the complaint is originally made in the Magistrates Court. The procedure in the District Court is the figure that is used.

Ms SUE WALKER: It is usually 18 months. I am startled at 52 weeks.

Mr McGINTY: It peaked in August 1999 and it became a major issue at that time.

Ms SUE WALKER: That is 15 months, is it not - 66 weeks?

Mr McGINTY: That is right. This is the average. Of course some will take more than that but it has come down due to the good work of the court.

Ms SUE WALKER: To 52 weeks.

Mr McGINTY: To within the 52-week standard. I do not accept that a year is good enough. I want to see it reduced to months.

Ms SUE WALKER: You will have to appoint judges. Can I have the statistics for that please that show that it is 52 weeks?

Mr McGINTY: I will undertake to provide by way of supplementary information the most recent report of the Chief Judge of the District Court in relation to court waiting times.

Mr WATSON: Minister, I noticed on page 508 under dot point 1 -

Reforms in the way offenders are managed in the community and in prison including development of improved targeted strategies for female, indigenous and regional prisoners with regard to the planning of new prisons for these target groups.

Could the minister explain that?

Mr McGINTY: Yes. I thank the member for that question. The issue of female imprisonment was the subject of a ministerial statement to the Parliament following a visit that I made to some of the jurisdictions in the world that have best practice, particularly Canada and to a lesser extent one or two prisons in the United States and in the United Kingdom. What I found was that they were dealing with very much the same problems that we have here; that is, their clientele were very badly damaged women, often the product of physical or sexual abuse,

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generally unemployed or of low employment standing, generally uneducated and often drug related. They have responded in different ways.

Here in Western Australia, the Bandyup Women's Prison is in my view not fit to house women prisoners. That is in part at the moment because we have a large number of women concentrated together while there is construction work being undertaken at Bandyup. I found my visit there a few months ago to be quite distressing because of the conditions that the women were under, compared with the world's best practice, particularly in Canada. We have a unique opportunity as a result of this budget over the life of this Government to rebuild the women's prison facilities in Western Australia.

That will be done in two primary ways. Firstly, we will start on the construction of a new maximum to medium security women's facility and we will also be constructing a minimum security facility based upon what we saw in Canada. In Canada there is a well expressed philosophy in relation to the women prisoners and it is a policy, if I can summarise it, with the word normalisation. That policy then reflects itself down into the building design where, instead of having a cell block, you have a suburban street with houses in it, where women have to live together, have to control their anger together, have to clean, cook, do laundry as part of a cooperative exercise, and that will in many ways address some of the underlying causes of their offending behaviour.

There is also provision for families to visit, as a reward for good behaviour when in prison, in another house in that street, so it reflects itself in the design. It also then reflects itself in the management philosophy of the prison. In the past what we have done wrongly here, in my view, is, because women have been four or five per cent of the overall prison population, regarded them as a subset of the males and we have built a small male prison which has not recognised the life experience or the needs of women prisoners.

There is one yardstick when dealing with imprisonment and whether it is a success or not and that is whether these people reoffend and come back into the prison system. That is to my way of thinking the only yardstick that ought be employed. There is great success on that front in Canada, both among indigenous prisoners where some quite revolutionary things are being done and also among mainstream prisoners as well. We can reduce offending by the way in which we treat women in prison and we do not treat them well at the moment, and by "well" I mean in a way that is conducive to them turning their backs on their offending past. But hopefully we will in the future and I am hoping that will see a significant reduction in the incidence of female offending. That is quite an exciting part of what is provided for in this budget so far as women's incarceration is concerned.

I pay tribute to a program that was started by the former attorney general and that was the work camps that were established throughout different parts of the State. I went to Bungarun just out of Derby to open a work camp that was started under the previous Government with the idea of taking people out of the Broome Regional Prison. Broome prison reminded me of the South Perth Zoo when I was a kid. Animals are not caged like that any more, but we do in Broome and there is one very simple reason why that is the case and it is a disgrace and that needs to change. To get people out of those caged enclosures, out there working for their community on environmental, heritage and other projects, repaying their debt to the community they have offended against, is a very important way to go, particularly for the indigenous offenders. So in relation to particularly women and certainly to indigenous offenders in the remote and regional parts of the State, we can make significant headway. I do not want to pretend that we have all of the answers to the problems of prisons. Many of the problems are intractable, but I am going to do what I can in areas where it will make a difference and hopefully, as I said, the one yardstick is reduced offending as the end result.

Ms SUE WALKER: On that point, "Strategies for Women in Prison", what does the attorney intend as strategies for women in prison for heinous crimes? We have talked about women who have committed less serious offences. How do you intend to deal with women like Catherine Birnie strategically in relation to the prison system?

Mr MCGINTY: She is not part of the equation as far as I am concerned. For people who commit major crimes, incarceration is the only answer. Where we can have a very big impact though is either in relation to offending at the minor end of the scale or for young women who, because of their life's experiences and circumstances, get caught up and more often than not in drug related crime. What I saw in the United States and also in Canada was very intensive involvement to address the underlying causes of the drug related criminality and there are a number of women in Bandyup today who are there for very serious crimes, generally armed robbery. It is a very serious crime, but we can still do something with those women, particularly the younger ones, if we can address the drug problem that underpins their criminal behaviour.

What I saw there, particularly I must say in a place called Shakopee, Minnesota, was an incredibly intensive and invasive drug intervention program for women prisoners and that was for hard core, drug related women offenders and we might be able to do something in that area. A lot of younger women particularly get caught up

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in it as a lifestyle with boyfriends involved in the drug industry. They commit serious crimes and therefore get serious sentences, but are capable of responding positively to significant assistance, so over the course of the next three and a half years this is one issue that I wish to drive so that Western Australia is regarded as the world's best practice when it comes to not only women's imprisonment but also treatment for drug dependency among women prisoners, in the hope that we can turn that around.

While there is limited public tolerance of male offenders and juvenile offenders, there is considerable public sympathy for the plight that a lot of women find themselves in, and I made the point in my statement to the Parliament that most women while they are in prison have children on the outside and remain the primary caregivers for those children while they are locked away, quite often for long terms. If we can build on those links with their families, which are more important to women than they are to men, build on their links with their communities with employment, we can do something significant about stopping reoffending. I am hopefully not a newcomer who is enthused, but this is somewhere where we can make a real difference.

[12 noon]

Ms SUE WALKER: The attorney has categorised the group he is looking at in relation to drug offenders. What about women caught in poverty and who commit crimes under the Commonwealth Crimes Act for social security? Will the attorney be looking at them in relation to strategies?

Mr McGINTY: Absolutely. Many years ago it used to be said of women in prison that most were there for social security fraud. That is no longer true, although they are still a reasonably large group within the prison. There are a range of women who are in prison because they are poor. Their offending is not excused on that basis, but things can be done while women are there because what we can do with women, that will prove far more difficult with men, is to put them into an environment which gives them an alternate lifestyle that they can hope to aspire to when they get out, and that comes down to the design of the prison. They have to live and interact, get on well with, control their anger in relation to other people and control all of those things that lead to criminality on the outside and focus particularly, and this is just for women, on their links with the families and have the children able to come into the prison and spend a night or a weekend with their mothers, things of that nature.

For instance, when I went to the United States, if a woman was pregnant and went into gaol, she would go to hospital, have her baby and that would be the last she would see of her baby unless it came to visit you for an hour or so at a time, but she was not allowed to bring her child back into the prison. Here women are allowed to keep their children until they turn one. In Canada it is until they turn four they are allowed to keep their children in the prison, but there is a lot more we can do to foster those links as the means of giving people some links back into the community which will hopefully be a reason why they will not reoffend.

Mr JOHNSON: Page 510, Minister, output 1, the bottom table. In the first line, the total cost of output, Minister, why did the cost drop so sharply last year? In 1999-20 it was \$43 800 000 and \$35 500 000 last year. It is a very sharp drop.

Mr McGINTY: Yes, it is. It was a drop from the previous year, \$43 million down to \$35 million as the actual for last year and it has gone up to \$37 million for this year. I will ask Peter King, the director of finance, to explain that. Given that it relates to the previous year, I am not sure of the reason.

Mr JOHNSON: Can you also tell me, under "Adjustments", what makes up the figure of \$6 million?

Mr McGINTY: Again I will ask Peter if he can answer those questions for you.

Mr KING: The improvement the minister and now the department has made over time is improving allocation of overheads, in particular where a fairly loose overhead allocation of corporate overheads such as my area in finance and others was distributed basically on an FTE type basis back in 1999-00. Also relevant at the time was that the cost of depreciation on court buildings was distributed between this output in respect of courts. Now that has been reworked to take all those allocations away and apply them directly into output 2 which is case processing where they properly belong. That accounts for the movement. It is a methodology change. I am happy to detail as a supplementary how that movement has occurred.

Mr JOHNSON: I would appreciate that. The minister has to authorise that.

Mr PIPER: Can I make a comment for the benefit of the Committee? There has not in fact been a decrease in the real resources applied in this area. In fact there has been an increase in real terms which follows the Salaries and Allowances Tribunal determination for judicial salaries so that the apparent shifts in here are purely to do with accounting changes with respect to the application of overheads and the allocation of depreciation, but the underlying funding of this output has not been cut. For reassurance of the Committee, there has not been a

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movement in terms of reallocating effective resources. They are accounting changes that have affected the numbers that you see.

Mr McGINTY: Was there information you wanted by way of supplementary information?

Mr JOHNSON: Yes, which Mr King intimated he would be very happy to supply.

Mr McGINTY: I am very happy to supply that, Mr Chairman.

Mr JOHNSON: Minister, did Mr King explain the \$6 million adjustment figure?

Mr KING: The \$6 million consists of what would be deemed to be non-cash transactions. They are the transactions that take up matters such as accounts payable that are relative to that output, together with superannuation movement. For judicial superannuation we meet the cost of the liability in the year. Judicial pensions are in fact transferred to the Treasury each year and their payment is met through the Treasury, not through the department. In large part the \$6 million would be to deal with movements in judicial superannuation. It is a pension scheme which is non-contributory and it is calculated each year on the basis of a forecast by an actuary. Again as part perhaps of our explanation of cost allocations we can give those movements. There are retirements and there are new judges appointed for a time. Particularly on superannuation and because it is a pension scheme and not a defined benefit scheme, it is subject to quite significant movement, as it is for increases in remuneration each year under the Salary and Allowances Tribunal.

Mr EDWARDS: Minister, page 536, "Adult Work Camps". Could the minister please update me on the status quo and the future of the adult work camps.

Mr McGINTY: We have recently shut two adult work camps, one in Toodyay and the other one in Badgingarra. The reason for that was not our commitment to work camps. I have indicated I think they were a great initiative and we intend to open a new one in the East Kimberley based most probably on Wyndham. Work is currently being done on that. Given that there is only one prison in the Kimberley region and that is Broome, the ability to be able to use East Kimberley prisoners, who are incarcerated in Broome, on their own lands to do work for the community I think will be very popular.

The reason that the two work camps were shut down is because there was simply not enough people who wanted to go and live in the camp in these two locations to make them viable. We have indicated to the two communities involved that we will continue to do prison based work at those two locations via section 94 of the Prisons Act. So prisoners will go there to do work in the community, but the cost of running a prison camp with a prison officer, accommodation and a number of prisoners, if the number is small, becomes a very expensive option. If your numbers are large, then that is great.

I had dinner with one of the State's historically worst offenders down at the Walpole prison camp, which has been a great success. By all reports the town of Walpole has had an enormous number of minor capital works done in the town courtesy of the prisoners from Pardelup Prison who actually live in the little collection of dongas just outside the town of Walpole. The impact on the town was great and the response from the town was great. I would like to see more prisoners engaging in this sort of work camp activity outside of the confines of the prison, but we find if there are five, six or seven prisoners only, economically it becomes an issue.

The new Bungarun work camp out at Derby will have about 25 and it is then very economically viable. It is cheaper to do that than to have them incarcerated in the prison. It is a question of where we can establish work camps that have sufficient critical mass to make them economically viable and that in turn comes back to interest to be able to go and do those things because some of the work that was done under the previous Government at the work camps on the Bibbulmun Track, for instance, the work in Walpole, are much heralded and acclaimed.

[12.10 pm]

Mr EDWARDS: Minister, to follow up on that, currently I know they are voluntary and that is the way they go in there. Are there any thoughts to making it a no questions; they have to go to work there.

Mr McGINTY: This will warm the heart of the member for Hillarys. One of the things that surprised me was the extent to which prisoners have an option within the system not to work, not to go to school or not to be involved in different programs in the prison. One of the things that is very much a feature of particularly the Canadian and the United States prisons is it is not an option. The prisoner is in there. The prisoner goes to work from 9.00 to 5.00 or 8.00 till 5.00, or whatever the appropriate time for working in their various industries is, or the prisoner is engaged in full-time study. The option of simply doing the time is not available to the prisoner. That experience of what we observed internationally is something which I am keen to see applied far more rigorously as part of our prison system here. Whether that will extend down to saying, "You don't have an option about going and working out in the community," or not I do not know, but certainly in terms of making

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sure that people are living a flat-out existence in prison rather than simply serving their time is something that I want to see changed.

Can I then come to the question of the work camps? Given that there is minimal supervision - for instance, the Walpole camp that I went to had one prison officer supervising a number of prisoners who had committed many years ago now some significant crimes in the State - I think points to the fact that if we compel people to go into this minimum supervision arrangement against their will, we might in fact be asking for trouble. The success of these has been that people are accepted by the communities and they interact well with the community. It is not uncommon for members of the community to come out with morning tea and things like that for the prisoners and interact very positively socially with them, even where there was initial reluctance to have these people in their communities. We might well be setting ourselves up for failure if we require people to go against their will. That is the problem that I see with that, but otherwise we intend to get a bit tougher on prisoners who are just serving their time.

Mr QUIGLEY: I have two questions. I do not know whether the first one fits within this section this afternoon so I can perhaps get some guidance on that, Mr Chairman.

The CHAIRMAN: Yes.

Mr QUIGLEY: Earlier this year in a grievance debate I raised the possibility of publishing sentencing transcripts on the Internet. It was a proposal that found some merit with the member for Nedlands as well and with the attorney. When I look at this budget I do not see an allocation. I remember at the time you said it cost about \$75 000 to \$85 000 to get up and going. Will there be money in this year's budget to get such a project going?

Mr MCGINTY: There is not a specific allocation made here. Without running foul of the Chair, it is something which I think fits within the global allocation to the department and it could well result from a reallocation of expenditure within the context of this particular budget. What I have done since you raised that matter by way of a grievance debate is to liaise. In fact I sent a copy of the *Hansard* to the heads of the three jurisdictions to raise with them - it was only the two jurisdictions that we were really concerned about but I think I might have sent it to the Chief Magistrate as well.

The Chief Justice has responded that he thinks it would be a good idea because, if I can paraphrase him, it drew attention to the fact that in his view the separation of powers would require that the sentencing remarks be published on the Supreme Court Web site rather than the Department of Justice Web site. I have not thought through whether I agree with that separation of powers argument but nonetheless it most probably is something which we need to have a look at.

He also pointed out the fact that the current Supreme Court Web site had fallen into a state of disrepair and would need significant resources to get it up to the requisite standard. It is a matter that we are pursuing in consultation with the heads of jurisdictions. It is apparent that there will be resources required but if I can indicate, member for Innaloo, that we will be bringing forward changes to the sentencing laws in this State and, as I think was indicated in the previous Parliament, there is not much support from our side of politics for the sentencing matrix concept.

If we are not going to proceed with that greater measure of accountability that was implied in the sentencing matrix so far as the judgments of the courts are concerned, then I think we need to have something of an alternative in place and one way which will lead to a greater public understanding of the judgment is if the sentencing comments are published on the Net and openly accessible for whoever wants to access them. I am keen to press ahead with that. It is something that in recent weeks there has been movement on. We are not in a position to make a more precise announcement at this stage but I compliment you on your initiative in suggesting that as a way to greater understanding of judgments of the courts.

The CHAIRMAN: Attorney general, can I confirm before we take further questions in and around this issue that you said from the general allocation you were considering this issue?

Mr MCGINTY: Yes.

The CHAIRMAN: I ask that because members would have been reminded at the outset of this session that we can only deal with matters for which there is a vote of appropriation.

Mr JOHNSON: Mr Chairman, it would not come out of this particular division, that is for certain. It would come out of your other divisions. I cannot think for one moment it would come out of these divisions.

Mr MCGINTY: The total allocation for justice is \$510 million, page 507. It would be somewhere in that.

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Mr JOHNSON: So it would come out of this figure here.

The CHAIRMAN: I just want confirmation it is coming out of division 30 appropriations.

Mr McGINTY: Yes, if it happens at all.

Ms SUE WALKER: I am glad the member for Innaloo raised that, Minister, because I wanted to raise with you the fact that the Supreme Court Web site, as I understand it, when you want to access case judgments, has a backlog of several months.. Of course the judgments will contain the sentencing transcript. Is it your intention to provide money in relation to supporting the Supreme Court Web site and the judgments, and the District Court having a Web site in relation to their judgments because they have the major load of criminal cases?

Mr McGINTY: Apart from the member for Innaloo who raised this question which then brought about the response and then my dialogue with the heads of jurisdictions, I have not had in any way raised with me the question of additional support for the Web sites of the courts. It is something which as a result of this debate today I will now need to take back and discuss with the Department of Justice and the heads of jurisdictions in addition to the provision of sentencing comments.

Ms SUE WALKER: Because it is a matter of public record in any event.

Mr McGINTY: Yes.

[12.20 pm]

Ms SUE WALKER: I refer to page 522, output 7. You have stated that daily number of adults that will go on community orders will be 5 800, up from 4 900. I have several parts to my question.

Mr McGINTY: Sorry, where was this?

Ms SUE WALKER: Under "quantity".

Mr McGINTY: 522, is it?

Ms SUE WALKER: Yes, output measures number 2, Minister.

The CHAIRMAN: You are looking at the table output measures?

Ms SUE WALKER: Yes - 2001 estimated 4 900, 2001-02 target 5 800. What basis is this for the estimation and to what extent is it based on early release of prisoners from custody; an increase in crime or a change of sentencing policy by the courts?

Mr McGINTY: I will ask Robert Harvey to answer that question.

Mr HARVEY: The numbers up until 1999-2000 of people on community orders have in fact remained surprisingly static in recent years. We have seen a sudden surge, and in fact in 18 months we saw something in the order of a 25 per cent increase. The underlying reasons for this are not particularly well understood and there is a considerable amount of work currently being undertaken to try and unpack this. It certainly has led to a rapid increase in the amount of work and supervision but these figures do not include any explicit modelling of changes of policy or changes in practice that the new Government might be promoting.

Ms SUE WALKER: What is your basis? That is my question.

Mr HARVEY: Linear extension.

Ms SUE WALKER: My supplementary then to the minister is how do you intend to manage this increased workload because I note that the increase in the workload is 18 per cent whereas the increase in FTEs is nine per cent, under (a) underneath the output measures quantity.

Mr McGINTY: Yes.

Ms SUE WALKER: How is this going to be managed, Minister?

Mr McGINTY: The auditor general brought down a report that was critical of community based services earlier this year and my recollection is that that report came down in the midst of the budget preparations. I must say we are grateful to the auditor general for his report, even though it was critical, because it drew attention to areas that needed greater attention. The Department of Justice has focused in on that report and is looking at ways in which we can improve the community based services.

The other comment that I would make is that we are looking towards punishing more people in the community rather than in prison, as we have said here today and on previous occasions. That will require a very effective community based service so that the punishment will be real, it will be seen by the community to be real and will hopefully be very effective as well. Mr Harvey may be able to add to that answer in terms of the specifics of

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your question of how we are going to manage that with the staffing allocation that is contained here which does not keep pace with the rate of increase.

Mr HARVEY: It is true that the staffing allocation here is not keeping pace. There is significant challenge here. We are looking at a number of initiatives here. One is to revamp the way we manage the supervision of work in the community with the potential for employing larger numbers of people in a group being jointly supervised for work. We are also looking at the introduction of newer technologies for home detention. Our current technologies which we employ are what they call a passive technology and most other jurisdictions in Australia long ago moved to what they call an active technology.

The current technology is clumsy and intrusive upon the rest of the family. The proposed technology is much more sophisticated and not a lot more expensive. We are looking at, as was made reference to earlier, a revised and I think a better structured approach to breaching, which was discussed earlier. Some of the increased imprisonment that we saw during the 1998 period was due in part to an increase in risk aversion, partly in response to community concerns, and an increase in the breach rate. We suspect that if we put in a more structured approach to breaching, they will in fact slowly return back to a normal breaching environment. These are the sorts of initiatives that we are trying to put in place. We are also, I must say, reallocating some funds internally within my division to try and deal with this huge increase in workload.

Mr MCGINTY: Mr Piper might be able to add a little to that answer as well.

Mr PIPER: If I understood the member's question, it is basically an issue about output related to FTEs. We are not proposing to increase the number of locations at which we provide this service. As you would be aware, to establish an office requires administrative and other staff. The people who will be put in to support the increase in workload are people who will be directly dealing with the caseload, so you would not expect a proportionate increase in the number of staff to the number of offenders because in every organisation there are a number of people who do not carry a full caseload. To that extent we believe that we can in fact cover, together with the measures that Mr Harvey mentioned.

Talking about the increase in workload, what we have seen in terms of imprisonment was a very significant increase in imprisonment occurring around 1998. In a feed-through effect about two years later, which is about the average length of imprisonment that you would expect, we are starting to see a significant increase in orders, so the shift in workload for CBS that is in these papers are largely a flow-on of what we saw in imprisonment two years before. They are not reflective of policy changes that may have been discussed here today and which may be implemented and require modelling.

Ms SUE WALKER: Minister, a supplementary. Given that staffing is not going to keep pace with the workload, is it not already the case that staff have an excessive workload and often are not of the appropriately senior level?

Mr MCGINTY: I think those sorts of issues were alluded to in the auditor general's report. There was also a problem of the existing staff in community based services being employed on temporary contracts. I must say I was amazed at the number of people who are on short-term contracts. You cannot expect to run an efficient, focused service if the majority of your staff are on short-term contracts, so what we did in this area was to move to appoint a number of those people permanently to those positions to do away with the contractual arrangements that were then in place. The figure of 40 comes to mind, but something of that order anyway were made permanent instead of the three or six-month contracts that were previously in place. There are a range of things that need to be done with staffing in community based services and I think the comment you made has some validity and that is something we are trying to address now.

Ms SUE WALKER: One more supplementary in relation to what was said, Minister, regarding developing new technologies in relation to home detention under community based services. Are you aware that home detention counts towards custody in relation to sentencing?

Mr MCGINTY: Yes.

Ms SUE WALKER: In my own personal experience, it is very poorly policed. It is very ineffective. I do not know if you are aware of that.

Mr MCGINTY: I am. I am aware of the criticism. I am also aware that there is a general view that if you have a community based sentence you have got off.

Ms SUE WALKER: Yes, because it will be given as time in custody in the courts.

Mr MCGINTY: Yes, I am aware of those criticisms and I made the comment earlier on that I want the community based sentence to be seen as a punishment and I want it to be also effective. They are some of the things that are driving change in this area, so I would anticipate that there will be, both in relation to staffing and

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resources, significant changes to pick up the sort of shortfall that you are referring to there over the year or two ahead.

[12.30 pm]

The CHAIRMAN: Members, I just want to draw your attention to the time. The member for Innaloo has indicated he has a point of order to make.

Mr QUIGLEY: I wanted to raise the same matter as a point of housekeeping, really. We have spent three and a half hours on division 30 and I am prepared to drop off the speaker's list if we can just get on to division 35.

Mr MCGINTY: Mr Chairman, I do not think we have anyone here from the Office of Inspector of Custodial Services. He is conducting an inspection himself today down at Casuarina, so if there are questions on that, we are happy to take them, but I think the overwhelming bulk of the activity is in the area that we have been addressing.

The CHAIRMAN: I am just raising it. It is a matter for the Committee to determine.

Mr MCGINTY: Are there questions in relation to division 35? If not, I am more than happy to continue on the justice portfolio.

Mr JOHNSON: Further to the member's point of order, it is not really a point of order, is it?

Mr QUIGLEY: I had a point of housekeeping.

Mr JOHNSON: Normally it is the province of the Opposition to be able to stay as long as they want on one particular division.

Mr MCGINTY: I am happy to do that.

Mr JOHNSON: If they have questions to ask, they normally do it.

Mr QUIGLEY: You are just sitting with your back to the clock and I was just wondering -

Mr JOHNSON: I have a watch in my hand, do not worry, but we would get a few more questions asked and answered if some of the Government members took it a bit easier and gave the Opposition the opportunity to ask the questions that they want to ask. I think the Government members have had a very good run this morning, more than they would normally get.

Mr QUIGLEY: No more than an Opposition would be given under a Liberal Government, is what you mean.

Mr JOHNSON: I think the minister would agree with that.

Mr MCGINTY: It would all be very harmonious.

The CHAIRMAN: We might return to the call list. It is the member for Hillarys.

Mr JOHNSON: Thank you. Minister, page 515, output 3, the table there. There are three parts to this question. Why did the total cost of output 4 last year have a 35 per cent drop, what is the source of revenue, and why was revenue expected to fall last year from \$6.7 million to \$307 000 and why did it not fall?

Mr MCGINTY: I will ask Gary Thompson, director of courts, to respond to that question.

Mr THOMPSON: The major component of the revenue was in relation to the fines enforcement process and in relation to recoveries that we received via the #(indistinct) contract, which in fact went well above what was estimated to be the revenue target. Where there was a drop in revenue in fact was in fees revenue and our civil litigation areas, which were affected in some ways by a reduction in filings by the Taxation Office. That is where there were some changes to that figure.

Mr MCGINTY: Does that cover the issue you are raising?

Mr JOHNSON: Yes, I think so. I think you explained it there.

Ms SUE WALKER: I refer to page 513, "Costs", in relation to the Magistrates Court. There has been a significant increase in the average cost per case finalised and I ask why it is escalating. I suppose while someone is coming, Minister, are you aware - and the member for Innaloo might agree with me on this - that there are difficulties in the procedures in the Magistrates Court? For instance, when I was there on any given day, I think 2 o'clock in court 32, the Con Zempilas court, there would be a group of people waiting for a file to come around through the whole system of the Petty Sessions from one court to the other, a whole group of police officers and lawyers, whereas in the District Court if a file goes from one judge to the other, it is just transferred

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automatically. I do not know whether that procedure is still as antiquated as that, but I am wondering if it is part of the procedural cost escalating under the costs of the Magistrates Court.

Mr McGINTY: Your question relates to cost in the Magistrates Court.

Ms SUE WALKER: Yes. Why is it escalating?

Mr McGINTY: I do not know the answer to your question about where the files go, I am sorry.

Ms SUE WALKER: There are a whole range of people on a lot of money sitting there waiting for the file to come a system.

Mr McGINTY: While I am not familiar with those procedures, I am sure that the Chief Magistrate Steven Heath -

Ms SUE WALKER: It may have changed since then.

Mr McGINTY: There are a number of things he is now doing within the system with a view to greater efficiency within the magistrate system. I will ask Mr Thompson if he can comment specifically on it but we will certainly draw the attention of the Chief Stipendiary Magistrate to the comment that has been made.

Mr THOMPSON: In relation to the cost shift in the Magistrates Court, part of the explanation towards that - and the CFO may well be able to add - is that the offset in revenue in relation to activity in the Local Court area has also affected this area by lifting the cost per activity. That is really the area that I can provide at this stage.

Ms SUE WALKER: Minister, it is the Local Court that is increasing?

Mr THOMPSON: There certainly was a reduction in revenue taken in Local Court proceedings because of a reduction in filings by the ATO. That would have contributed to the increased cost factors there.

Mr McGINTY: Mr Piper can add to that.

Mr PIPER: The other effect in the Magistrates Court is that we are starting to see some increases in court times - in average times in this jurisdiction and in the District Court. There is a tendency for matters to take slightly longer. What that means obviously with the same resources tied up is that the average cost goes up. There are a couple of factors that are impacting on that performance indicator.

Ms SUE WALKER: What are they, Minister?

Mr PIPER: If the minister agrees, we would be happy to provide a reconciliation of that cost by supplementary information.

Ms SUE WALKER: Yes, Minister - a supplementary question. I am just wondering why the court's cases are taking longer increasingly. The member for Innaloo is not there any more.

Mr QUIGLEY: Matters are becoming more complicated.

Ms SUE WALKER: No, not overall. Is that a procedural thing?

Mr PIPER: This is an off-the-cuff comment. I think in many matters of court procedure, not so much in the Magistrates Court but there were matters of discovery and other things, there is a tendency all the time for these things to be pushed out. What is happening in the District Court, for example, is very strong management of the list in order to run an expedited list and in order to try as far as possible to control the parties. Obviously with large numbers of smaller matters, it is a little harder to do that but that tendency is in both jurisdictions for a slight increase in timing. It would require a much more detailed answer than we are able to give as an off-the-cuff analysis of that, given the large numbers of small matters in the Magistrates Court.

Ms SUE WALKER: Can I ask that you provide that information?

Mr McGINTY: I am happy to but I am not sure what the information is.

Ms SUE WALKER: Neither am I. I want to know why it is taking longer, Minister.

Mr McGINTY: Information as to why the average length of trial is increasing?

Ms SUE WALKER: Overall in the courts.

Mr McGINTY: We will provide that.

Ms SUE WALKER: It could be purely defence counsel.

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Mr QUIGLEY: Do you keep those statistics in relation to the different suburban courts, or is it just an overall figure? I notice in the Joondalup court, for example, they have their own case management system. Can you tell whether Joondalup is operating more efficiently under that case management system than, say, Port Hedland?

[12.40 pm]

Mr THOMPSON: We have access to figures by location which we can collate into the total State picture as well.

Mr QUIGLEY: Is there any particular court which hears cases in a shorter amount of time or more rapidly than others? Can you rate their different management systems?

Mr THOMPSON: All the benches are acutely aware of this issue. It certainly has been commented on in annual reports as well. One of the other contributing factors is in relation to an increase in self-represented litigants and to the process that that plays within the time frame of a case. It is not simply an issue that a whole process may be dealt with by somebody representing himself but it is also the issue about when lawyers come in to the process. We have a raft of issues there that are in fact taxing each of the jurisdictions. The Chief Justice is certainly conscious of this and is working towards that.

In relation to a comparison between a location and another location there is a whole raft again of issues that we would need to take into account to do that. The danger is of course that we do not analyse those figures to the environment stage and just measure A against B because that in fact will not give us the answer.

Mr QUIGLEY: On page 525, the first dot point is, "Explore flexible detention options for regional juveniles". There is mention made there of a regional bail facility in the east Kimberley at Ball Springs. Has any thought gone into a children's detention area in the northern part of the State?

Mr MCGINTY: One of the things that is showing up, particularly in relation to the three strikes legislation, section 401 of the Criminal Code, is that this is a law that falls disproportionately on Aboriginal offenders from the country areas of Western Australia. It quite surprised me. I thought home burglary was predominantly an urban problem but there is a disproportionate number of young people from the country who are being caught by this law.

The review of section 401 of the Code is also currently showing that about 85 per cent of young offenders are Aboriginal who are caught by this particular law. That brings home two things. It is an Aboriginal problem and it is a country problem. That is, as I see it, one of the problems we need to come to grips with in this legislation. The ability to be able to deal with Aboriginal offenders in their own region, I think, is crucially important.

At the beginning of the process when someone is arrested, currently they will be brought down to Rangeview Juvenile Remand Centre which, as you can imagine for an offender from the Kimberley or Fitzroy or Halls Creek or Kununurra, would be quite a counterproductive experience. There will be the ability pending their trial to be able to have those people dealt with by bail hostels. The Bell Springs one - and I would urge any members who are interested to have a look at it - is inspirational. It is just out of Kununurra. There is an Aboriginal woman and her non-Aboriginal former partner. It is a great scenic setting. He is a stockman. He gets the young Aboriginal kids and teaches them the skills of being a stockman. While it has only been up and running for a very short period of time, I am extremely hopeful that kids who commit crime on the streets of Kununurra will be able to be taken out there and be given a new lease on life.

Mr QUIGLEY: Only for the bail period or the custodial period?

Mr MCGINTY: At the moment it is only there for the bail period. One of the things that I am very keen to pursue is whether that facility can also be used as part of a custodial sentence in appropriate cases, not in all cases because the objective in all of this is to stop reoffending. As I said, I am inspired by what I have seen there. I did not particularly like the bungarra that I ate while we were up there but that was a unique experience as well. That is the way ahead for medium to low-level offending among juveniles, in my view, from remote parts of the State rather than bringing them down to Rangeview or to Banksia Hill once they are sentenced. I am keen to develop on that initiative and to press ahead with extending it as a custodial option as well because I really think it offers an awful lot of hope for young Aboriginal kids from the remote parts of the State in particular.

Mr QUIGLEY: There is a lot on the wish list there that is possible within our first term of government.

Mr MCGINTY: Yes, from what I have seen of it. I will certainly be watching for more reports as we go along. It is something that I would like to see developed. All of these things constitute part of that mosaic which collectively constitutes the attempt to prevent reoffending and prevent young people in particular from falling permanently into a life of crime.

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Mr EDWARDS: Minister, page 522, bottom of the page under "Major Initiatives for 2001-02", third dot point, "Continuing the expansion of prison industries to improve employment", etc, "and increase inflow revenue". What happens the inflow revenue provided by prison industries? Does this revenue go back into general revenue and, if so, where is it shown? Is it prison by prison or remand centre, whatever it may be, that the industry increases the inflow revenue?

Mr McGINTY: I am delighted that you have asked that question because we were going to go through all of the morning without Mr Terry Simpson, who is the director of prison services, having to answer a single question.

Mr SIMPSON: The revenue from prison industries, which incidentally is showing a considerable improvement as a result of the increased commercial focus of our industries, in fact is dealt with by way of the net appropriation in terms of our allocation of funding so that at the end of the day we would see an allocation that is the net result of that. What it does allow us to do, though, as our industry production improves and our revenue improves, at least in the year that that improvement occurs, is to use some excess funds generated to in fact reinvest back in industry infrastructure so that in fact capital development - we need machinery to expand our industry. We are able to fund from that. Ultimately it becomes through the net appropriation arrangements a way of reducing the overall costs to the taxpayer because our cost structure becomes lower as the proportion of industry revenue grows.

Mr McGINTY: For more specific information can I alert you to page 544 of the document. I think it is the seventh item down, "Proceeds from sale of prison produce", and it is projected there be \$1.1 million income on that basis this year.

Mr EDWARDS: Through you, Chairman, thank you, Minister. Thank you very much for that.

[12.50 pm]

Mr WATSON: Is there any dropping of that at the Albany Regional Prison, of the industry there?

Mr SIMPSON: No, there is no intention to decrease industry in any prison and certainly not in Albany.

The CHAIRMAN: In fact would it be fair to say, given your earlier attempt to warm the heart of the member for Hillarys, with the direction focusing on the introduction of a work ethic, you are likely to see over a period of time an increase in all facilities? Would that be true?

Mr McGINTY: I think that is right, notwithstanding the fact that it received a cold response from the member for Hillarys when we tried to warm his heart. I think as we require prisoners to be more industrious, either in terms of educational programs, other programs or prison industries, that is something which I would expect to increase. Members of the Committee may be interested in visiting some of the prisons. Casuarina in particular has quite an impressive industry section there and I am sure the Department of Justice would be more than happy to facilitate those visits by any members to look at what goes on in those prisons.

The CHAIRMAN: Member for Nedlands, to clarify your question, all members of the Legislative Assembly are entitled to attend and participate in -

Ms SUE WALKER: No, I have my answer from you.

The CHAIRMAN: It was directed towards me and I wanted to clarify -

Ms SUE WALKER: No, it was not. It was directed to this one.

The CHAIRMAN: It certainly came within my earshot so I am just making sure that you understand -

Ms SUE WALKER: I have the answer.

The CHAIRMAN: - that all members of the Assembly are equally able to participate in this committee process. Attorney?

Mr McGINTY: I think Mr Piper wanted to add briefly.

Mr PIPER: There has been a significant shift in prison industries from what I would describe as a craft focus to a much more structured process around employment. While the focus of the question here has been upon revenue, I think it is very fair to say that employment post present is a very significant issue. Part of this, while it is increasing clearly the performance of industries, is about getting more prisoner engagement with things that they can then subsequently use and linking the work in prisons to training and accreditation as well, things like WorkSafe certificates for safety equipment or use of forklifts or all sorts of other things that mean that they have a better prospect of employment after present.

Ms QUIRK: I refer the attorney to 518 which is in relation to steps taken to ensure indigenous witnesses and victims of crime are communicated with in a culturally sensitive and appropriate manner. What I want to ask

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you, Mr Attorney, is whether that program is going to be extended to other cross-cultural groups, which I understand is consistent with the recommendations of the DPP in his report on victims of crime and witnesses.

Mr THOMPSON: In relation to recommendations of the DPP, we are still working through those and trying to understand how implementation will occur. In relation to the current process I have to say we have a way to go before we in fact get the process right with indigenous before we are in fact, I believe, in a position to move on. We have certainly made some significant progress in identifying issues and the VSS division are working with communities across the State now to engage and in fact to develop some better strategies. They are developing a video process for taking the stand. As I say, in my view I think we have a way to go in getting the indigenous issue right before we then expand further. Clearly that would be our strategic direction.

Ms QUIRK: What are the impediments at the moment? You say there seem to be some problems.

Mr THOMPSON: The impediments really are in fact, in my view, a process of communication, engaging the right people to help develop the process to go forward. It is also ensuring that the infrastructure is in place so that once we start this process we do not then drop the ball and end up going backwards. I would suggest that the work that has occurred in the victim support services and the amalgamation there with child witness places us in the best foundation we are now to be able to go forward and develop those strategies.

Mr JOHNSON: Minister, mine is a general question in relation to the budget. We can take the first page as being a page of identification. My question is in relation to the comments that have been made and the decision that has been made to close Riverbank and that is against the recommendation of the inspector of custodial services which he quite clearly said he would prefer it to be refurbished rather than closed. Where is it intended to move those prisoners who have intellectual disabilities? If they are moved into mainstream, there is an argument to say that they will suffer if that happens. That is the first part of the question. The second part of the question is that we are also going to expand Nyandi and my question there is, has there been any consultation with the local residents? I certainly have had correspondence and phone calls from them and they are not very happy, so I would like to know what consultation has been had in that respect.

Mr MCGINTY: With Riverbank, when we were made aware of the recommendation from the inspector of custodial services, if I can paraphrase it, it was either upgrade it and use it as a therapeutic community based prison or shut it down because of the structural defects there. His preference was obviously for the former of the two of those. I went out to Riverbank and had a long chat with the staff and the prisoners there in order to properly understand what was going on there. There were also in the inspector's report on Riverbank a number of criticisms of the way in which the prison did operate at Riverbank. The decision was taken that it should shut. There are about 50 prisoners accommodated there. They will be transferred en masse to a discrete unit of another prison. Each will be assessed on their own particular needs because not all of them have either an intellectual disability or have some other impairment which requires that treatment. One of the prisoners, for instance, was a well-known former AFL footballer who does not suffer, to the best of my knowledge, any of those disabilities.

We are looking at the most appropriate placement for the individual, and what is going to be happening generally in the prison system over the next six to nine months is significant numbers of people are going to be taken from existing prisons which are overcrowded to be placed at the new privatised prison at Acacia near Wooroloo. Currently there are just over 200 prisoners at Acacia. It will rise to 750 by about the middle of next year and so that is going to be a significant drawing down on the number of people currently in the prisons. That will have an impact on prison staff and on industrial relations issues.

We have already seen the manifestation of concern about some of those problems in industrial action being taken by the Prison Officers Union. I can say in relation to Riverbank the decision was taken that, rather than spend the money upgrading what was a deficient building, that alternate accommodation within the prison system could be found, particularly with this great amount of capacity at Acacia which is going to be drawing people out of the current prison system in any event.

In relation to the proposal to redevelop the Nyandi Longmore site as a minimum security institution for women, we have engaged in a community consultation process which has consisted of letters out to all of the residents in the adjoining and affected areas and personal consultation with the institutions that surround it. It must be remembered that this Nyandi Longmore site is surrounded by Curtin University and the Swan Cottage Homes and the nearest residents are some considerable distance away. We have received significant support for the redevelopment proposal. To the best of my knowledge, there have been two residents who have raised objections to the redevelopment occurring and the continued use of that site for minimum security women prisoners.

Mr JOHNSON: Where has the support come from?

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Mr McGINTY: There is support from Curtin University and from feedback from the community consultation. We have arranged for letterbox drops. We have arranged for face-to-face meetings with all of the major organisations in that area as well. So it has not raised significant community opposition as has occurred on almost every other proposal in relation to a prison site. That is no doubt because this is its historical use. It is a continuation of what it is currently being used for. Given that this is intended as an extension of the current Nyandi facility which is a minimum security facility for women and in the light of what I have been speaking about today and prior to this, I hope this is something which would enjoy the support of members of Parliament generally because there is no doubt there are difficulties in providing adequate facilities to meet the needs of all classes of prisoners but particularly the minimum security women that I have referred to. The feedback that we have received has been a very positive one to date and I am quite heartened by that.

[1.00 pm]

Mr McGINTY: Mr Chairman, before we close, can I thank all members of the Committee that have participated? It has been a very constructive exercise and we have tried our best to answer all of the questions and I extend a particular thanks to the departmental staff who have been here to assist in answering questions.

The CHAIRMAN: Yes, Attorney, I think that is right. I have only been here for a couple of hours but the Committee members have done particularly well and the staff have been terrific in assisting them.

Sitting suspended from 1.02 to 2.03 pm

The CHAIRMAN (Ms Guise): This Estimates Committee will be reported by contractors to the Hansard office. The daily proof *Hansard* will be published at 8.30 pm tomorrow. Members should not raise questions about matters of general concern which do not have an item of expenditure in the consolidated fund. The Estimates Committee's consideration of estimates will be restricted to discussion of those items for which a vote of money is proposed. We are dealing with estimates of expenditure and that should be the prime focus of this committee. While there is scope for members to examine many matters, questions need to be clearly related to matters of expenditure. For example, members are free to pursue performance indicators which are included in the *Budget Statements* while there remains a clear link between the questions and the estimates.

It will assist in the Committee's examination if questions and answers are kept brief, without unnecessarily omitting material information. It is the intention of the chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee Clerk by 12 October 2001 so members may see it before the report and the third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available. Details in relation to supplementary information have been provided to both members and advisers and, accordingly, I ask the minister to cooperate with those requirements.

I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information which the minister agrees to provide will be sought by 12 October 2001. It will also greatly assist Hansard staff if, when referring to the program statements, volumes or the consolidated fund estimates, members give the page number, item, program and amount in the preface to their question.