

Ms Sue Walker; Mrs Cheryl Edwardes; Mr Max Trenorden; Dr Elizabeth Constable; Mr Dan Barron-Sullivan;
Mr Tony Dean

DIVISION 27: JUSTICE

Supplementary Information Request No B29.

Question: Ms S.E. Walker asked the Minister for information on the number of applications filed in the Family Court in respect of the de facto property jurisdiction, but also the type of applications, for workload purposes.

Answer: 62 applications filed up to 12 April 2003 (limit of available information), comprising 20 for final orders, 34 for consent orders, 7 for interim orders and 1 child support application/appeal.

Supplementary Information Request No B30.

Question: Mrs C.L. Edwardes asked the Minister to provide tables on the timeliness of civil and criminal cases in the District and Supreme Courts.

Answer:

**WA court timeliness results against national “benchmarks” from the
Report on Government Services 2003
(for 2001/02 year)**

CRIMINAL

| | Supreme Court Criminal Cases finalised within 12 months | | | |
|----------|--|-------|-------|---|
| | 99/00 | 00/01 | 01/02 | |
| WA | 95 | 96 | 98 | Result is amongst the best in Australia |
| National | 85 | 82 | 89 | Above national average |

| | Supreme Court Criminal Appeal Cases finalised within 12 months | | | |
|----------|---|-------|-------|---|
| | 99/00 | 00/01 | 01/02 | |
| WA | 86 | 76 | 74 | WA result is mid range of all jurisdictions and 8% below national average |
| National | 85 | 82 | 82 | |

| | District Court Criminal Cases finalised within 12 months | | | |
|----------|---|-------|-------|--|
| | 99/00 | 00/01 | 01/02 | |
| WA | 76 | 75 | 74 | Result is below national average |
| National | 83 | 84 | 89 | WA result is relatively consistent with previous year. Other jurisdictions have improved, hence national shift. Re alignment strategy has potential to improve WA result |

| | Magistrates Court Criminal Cases finalised within 12 months | | | |
|----------|--|-------|-------|---|
| | 99/00 | 00/01 | 01/02 | |
| WA | 98 | 98 | 98 | Result is amongst the best in Australia |
| National | 97 | 96 | 96 | Result is above the national average |

CIVIL

| | Supreme Court Civil Cases finalised within 18 months | | | |
|----|---|-------|-------|---|
| | 99/00 | 00/01 | 01/02 | |
| WA | 88 | 72 | 96 | Result is amongst best in Australia Above national average |

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| | | | | |
|----------|----|----|----|--|
| National | 75 | 77 | 84 | |
|----------|----|----|----|--|

| | Supreme Court Civil Appeal Cases finalised within 18 months | | | |
|----------|--|-------|------|--|
| | 99/00 | 00/01 | 01/2 | |
| WA | 92 | 73 | 90 | Result is mid range of all jurisdictions, and 3% below national average |
| National | 89 | 78 | 93 | |
| | District Court Civil Cases finalised within 18 months | | | |
| | 99/00 | 00/01 | 01/2 | |
| WA | 55 | 64 | 72 | Result is below national average Case type plays a large part WA and SA are based predominantly around personal injury WA/SA results are comparable |
| National | 72 | 75 | 82 | |

| | Magistrates Court Civil Cases finalised within 12 months | | | |
|----------|---|-------|------|---|
| | 99/00 | 00/01 | 01/2 | |
| WA | 95 | 94 | 99 | Result is amongst best in Australia Result is above national average |
| National | 97 | 94 | 96 | |

Supplementary Information Request No B31.

Question: Mrs C.L. Edwardes asked the Minister to provide details of the current number of outstanding applications for hearing before the Equal Opportunity Tribunal.

Answer: As at 29 May 2003, there were 100 outstanding matters at the EEO Tribunal. Of these:

- 9 have been listed for trial;
- 13 are awaiting a listing date;
- 3 are awaiting decision;
- 18 have been listed for mediation;
- 3 are awaiting a mediation date;
- 13 have been listed for a directions hearing;
- 20 are awaiting compliance with directions;
- 10 are awaiting notice of discontinuance; and
- 11 are awaiting the parties' instructions on progress.

Supplementary Information Request No B32.

Question: Ms S.E. Walker asked the Minister regarding Hakea Prison what will the amount of \$1 million allocated in this budget be spent on? Will it be for cameras or state-of-the-art detection systems on the internal link mesh barrier?

Answer: Hakea Prison Complex perimeter fence upgrade is planned over three stages and estimated to take three years to complete. Stage 1 will commence during the financial year 2003/2004. An amount of \$1,630,000 has been allocated to the first stage and it is anticipated that Stage 1 will be financed over two years. Stage 1 will comprise the following:

- Establish internal detection zones, lighting and CCTV surveillance to the existing exercise oval, linked in with the existing perimeter detection system.

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- Establish inner management fence to entire perimeter

Supplementary Information Request No B33.

Question: Mrs C.L. Edwardes asked the Attorney General:

1. *To explain the increase in the average number of juveniles on community orders from 577 in 2002-03 to 601 in 2003-04. Does the increase in orders successfully completed from 62% to 65% mean an increase in juvenile crime?*
2. *What number of juveniles are in detention and are subject to community orders for 2002-03?*
3. *In relation to the orders successfully completed and the rate of return to detention, to identify the difference between 65% and 46%?*
4. *How many juveniles go through the juvenile justice teams and do not figure in these output performance measures?*

Answer:

1. The average number of juveniles on community orders is expected to increase at a rate of approximately 4%. This is in line with expected increases in the general juvenile population.
The expected increase of 3% in orders successfully completed does not relate specifically to an increase in juvenile crime, but more to improvements in managing juvenile offenders in the community.
2. Juveniles in detention are not subject to community supervision orders
3. 65% of juvenile community supervision orders are targeted to be successfully completed in 2003/2004. 46% of juveniles, who have been released from detention within a two year period, are estimated for return to detention in 2003/2004.
4. It is estimated that in 2003/2004, 93% of all juveniles appearing before the Juvenile Justice Teams who agree to the Action Plan will complete their plans successfully.

Supplementary Information Request No B34.

Question: Ms S.E. Walker asked the Minister to provide the number of staff working at the Canning Vale and Murdoch juvenile facilities, taking into account any auxiliary staff?

| | | |
|----------------|--------------|-----------|
| <i>Answer:</i> | Rangeview | 76 staff |
| | Banksia Hill | 136 staff |

Supplementary Information Request No B35.

Question: Mr M.W. Trenorden asked the Minister to explain:

- (a) *The apparent variance of \$8 million in 2003/04 between the Statement of Financial Performance and Statement of Cash Flow.*
- (b) *Between the 2002/03 estimated actual and the 2003/04 budget estimate, the running total varies \$15 million while the ratio does not stay the same. That would be explained, I would imagine, by higher paid individuals, but I would like to know that. The variation is quite significant.*

Answer:

- (a) The superannuation expense for 2003/04 recorded in the Statement of Financial Performance (\$30.9m page 469) includes judicial pension expenses (\$6.0m) and expensed entitlements for Justice employees who continue to be members of the Government Employees Pension Scheme and for transferred entitlements of employees from the pension fund (\$2.1m). Whilst the pension entitlements applicable to the financial year are an expense to the Department of Justice, the liability is simultaneously transferred to the Treasurer (see page 469 under the heading "Revenues From State Government – Liabilities Assumed by the Treasurer"). Consequently there are no cash outlays by the Department of Justice for these items.
- (b) The budget estimate for employee expenses for 2003/04 is \$14.7m higher than the expected 2002/03 cost due to the full year impact of salary and wage increases made in 2002/03 by the Salary and Allowances Tribunal (December 2002), under public sector award arrangements (January 2003) and to Prison Officers together with estimated salary and wage movements in the 2003/04 financial year.

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Employee expenses include funding for judicial salaries. Because Judges are on a pension scheme and liabilities are determined on an actuarial valuation basis, there is no direct link between the employee expense increase and the superannuation expense. Additionally, employee expenses include workers compensation costs subsequently recouped from the workers compensation insurer. Once adjusted for these expenses the movement in superannuation is within forecast parameters.

Supplementary Information Request No B36.

Question: Dr E. Constable asked the Minister to provide the following:

- (1) The estimate amount that will be spent next year on professional development for prison guards and how much money was spent this year?*
- (2) How many prison officers had access to professional development? If there are about 1,100 prison guards, how many had professional development this year and what is the proposed number for next year?*

Answer:

1. \$1.188 million was allocated to prison officer training through the Training Branch in the 2002/03 financial year and a similar amount will be spent in the 2003/04 year. Training is also provided at a local level at each prison.
2. In total the Training Branch has provided general training courses which have been attended by prison officers on 3,687 occasions and comprised 25,577 hours of training. A similar amount of training will be provided during the 2003/04 year.

Supplementary Information Request No B37.

Question: Dr E. Constable asked the Minister to provide details in regard to:

- 1. What is the workers compensation costs for prison officers for 2002/03 and projected costs for 2003/04.*
- 2. What is the number of sick days taken by prison officers on workers compensation*

Answer:

1. The premium for workers compensation cover for the Prisons Division was \$5,788,831 for 2002/03. The projected premium for the Prisons Division for 2003/04 is \$5,263,873. The Prisons Division includes prison officers, public servants and miscellaneous employees. Information on workers compensation premiums in relation to prison officers only is not readily available.
2. The Department of Justice does not, as a routine, record the number of sick days taken by prison officers who have made a workers' compensation claim. On some occasions where Risk Cover undertakes an investigation into a claim, this information is sourced for the Insurer. Consequently, I am unable to commit resources to what would be a significant labour intensive exercise and provide the information requested by the Member. However, supplementary information request B38 provides information on sick days taken by prison officers generally.

Supplementary Information Request No B38.

Question: Dr E. Constable asked the Minister whether he could provide details with regard to sick leave for prison officers this year and next, and the appropriation for that. What is the expected cost to the Department of Justice?

Is it possible to give some indication of stress leave days, if that is recorded for prison officers?

Answer:

1. The number of sick days taken by prison officers from 1 July 2002 to 30 April 2003 was 8,894. Because prison officers work 12-hour shifts, these are reported in Departmental systems as each representing 1.5 x 8 hour shifts (ie total of 13,340 equivalent shifts). The approximate cost of that sick leave is \$2,371,665. Due to the need to maintain minimum staffing requirements in prisons, an additional overtime cost of \$1,464,654 has been incurred backfilling prison officers on sick leave.
2. The reasons for sick leave are not recorded.

Supplementary Information Request No B39.

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Question: Mrs C.L. Edwardes asked the Minister, in relation to union representatives accredited with the right of entry available on the Western Australian Industrial Relations Commission register, to provide a list of any convictions against any of those union officials.

Answer: The Register kept by the Western Australian Industrial Relations Commission of accredited union representatives with right of entry contains 303 names; this information is available via the Internet. Given the resource requirements, and possible inaccuracies (and consequences of any such inaccuracies) to determine whether there are any convictions against those persons, I am unable to provide the information requested by the Hon Member.

Supplementary Information Request No B40.

Question: Dr E. Constable asked the Minister to provide the cost of the electronic monitoring system contract.

Answer: Supply and delivery of central monitoring system including hardware, UPS and one time software licence for unlimited units - \$389,220.

Supplementary Information Request No B41.

Question: Dr E. Constable asked the Minister to provide the number of warrants that were issued following breaches of home detention in the past year.

Answer:

| |
|------------------------|
| Home Detention Bail |
| 30 (2001/02) |
| 27 (2002/03 YTD April) |
| Home Detention Prison |
| 22 (2001/02) |
| 21 (2002/03 YTD April) |

Supplementary Information Request No B42.

Question: Mrs C.L. Edwardes asked the Minister in relation to home detention to provide the statistics for the past ten years to look at the trends.

Answer:

| Year | Home Detention Bail | Home Detention Prison |
|---------------------|---------------------|-----------------------|
| 1992/93 | 32 | 202 |
| 1993/94 | 54 | 295 |
| 1994/95 | 50 | 261 |
| 1995/96 | 86 | 235 |
| 1996/97 | 124 | 236 |
| 1997/98 | 131 | 247 |
| 1998/99 | 139 | 460 |
| 1999/00 | 89 | 545 |
| 2000/01 | 150 | 435 |
| 2001/02 | 219 | 336 |
| 2002/03 (YTD April) | 165 | 279 |

Supplementary Information Request No B43.

Question: Dr E. Constable asked what is the proposed contribution of the Department of Justice to the Francis Burt Law Education Centre for the coming year, and what was the contribution this year?

Answer: The funding commitment to the Francis Burt Law Education Centre is \$15,000 per annum for both the current and 2003/04 financial years.

Supplementary Information Request No B44.

Question: Mr D.F. Barron-Sullivan asked whether the Minister could provide a full breakdown of how much money came into the Confiscation Account last year, how much is budgeted this year, how it has been

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administered and how much has gone back to the DPP – basically a good indication of the financial situation in relation to the confiscation of assets in 2002-03 and the projection for 2003-04.

Answer: The following information summarises the projected payments into, and out of, the Confiscation Account established under the *Criminal Property Confiscation Act* for 2002-03 and 2003-04:

2002/2003

| | |
|--|-------------|
| Opening Balance: | \$792,000 |
| Estimated Receipts from Confiscation proceedings: | \$1,385,000 |
| Estimated Payments for costs associated with administering the <i>Act</i> : [DPP \$500,000, Police Service \$150,000, Costs \$20,000] | \$670,000 |
| Grants to community and other organisations: | \$421,000 |
| Estimated Closing Balance: | \$1,086,000 |

2003/2004

| | |
|--|-------------|
| Opening Balance: | \$1,086,000 |
| Estimated Receipts from Confiscation proceedings: | \$1,100,000 |
| Estimated Payments for costs associated with administering the <i>Act</i> : [DPP \$500,000, Police Service \$150,000] | \$650,000 |
| Estimated Grants to community and other organisations: | \$770,000 |
| Estimated Closing Balance: | \$766,000 |

Supplementary Information Request :

Question: Mr M.W. Trenorden asked the Minister to provide details in relation to complaints received from some community groups that when the Public Trustee undertakes burials, the graves are not identified. Apparently that is a legislative requirement. Has that process been considered by the Minister's office?

Answer: When administering deceased estates, the Public Trustee does not as a matter of course get involved in organising the burial of the deceased. The family members or beneficiaries of the estate usually carry out this function.

If the family or beneficiaries wish to have a plaque or headstone placed on the grave of the deceased, the Public Trustee will provide funds from the estate for the provision of the plaque or headstone, provided all beneficiaries agree. The provision of a plaque or headstone is not considered to be a testamentary expense.

There are occasions when the Public Trustee does become involved in organising the burial of the deceased. The main situation that arises and causes the Public Trustee to become involved is when the deceased is an unclaimed body. Unclaimed bodies occur when the deceased has died intestate and there are no family or friends who are willing to come forward to arrange the burial of the deceased or administer their estate. Where the deceased has sufficient funds in their estate, the Public Trustee will arrange a funeral through funeral contractors and the funeral is paid from the estate. Plaques or headstones are not included on the grave as part of this service.

If in the case of an unclaimed body there are insufficient assets in the estate to pay for a funeral, then the Department of Community Development will arrange and pay for a funeral for these people. The Department of Community Development have their own contractors who provide this service. Since July 2002 the Department of Community Development has arranged 423 funerals for people who have had insufficient funds in their estate to pay for a funeral, 44 of which came through the Office of the Public Trustee. The Department of Community Development does not include plaques or headstones as part of the burial service they provide.

Our inquiries indicate that small plaques cost between \$200 and \$250 and the price of headstones start at \$1,000.

Supplementary Information Request

Question: Mr A.J. Dean referred to pages 454 and 455 of the Budget Statements and asked whether the Minister could provide the percentage of money that will be allocated to Acacia Prison? What is the cost per head at Acacia Prison? What is the comparison of the cost per head between Acacia Prison and other maximum-security prisons? Is an annual increase built into the Acacia Prison contract?

Answer: The appropriation of \$294 million for Output 7 is for the whole of adult offenders managed and not just the cost of prisons. The cost of the Acacia contract amounts to 8.5% of that amount.

It is not possible to give the full accrual cost of prisoner per day for Acacia Prison however, the cash cost to Prisons Division is \$133.08. Acacia is a medium security prison and it would not be appropriate to compare it

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with a maximum security prison. The comparable medium security prisons are Bunbury and Greenough and the costs per prisoner per day are \$223.58 and \$210.21 respectively.

The annual adjustment in funding for both contracts is as follows:

Operations Operational charge is paid monthly and is based on the average daily prisoner population for that month. Annual adjustments are made and based on CPI increases.

Maintenance The maintenance fee is paid monthly and is based on a schedule of agreed annual fees. Annual adjustments are made and based on CPI increases.