

Mr John Quigley; Dr Kim Hames; Mr Murray Cowper; Ms Lisa Baker; Dr Tony Buti; Mr John McGrath; Mr Shane Love

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**Division 46: Attorney General, \$387 788 000 —**

Mr I.M. Britza, Chairman.

Dr K.D. Hames, Minister for Health representing the Attorney General.

Ms C.M. Gwilliam, Director General.

Mr A. Andersson, Director, Business and Financial Services.

Ms P.M. Bagdonavicius, Public Advocate.

Mr P.D. Evans, State Solicitor.

Mr W. Hewitt, Executive Director, Corporate Services.

Ms J. Hoffman, Commissioner for Victims of Crime.

Mr A.J. Marshall, Manager, Research and Analysis.

Mr B.E. Roche, Public Trustee.

Mr R. Warnes, Executive Director, Court and Tribunal Services.

Mr G. Turnbull, Director, Legal Aid Western Australia.

Mr M. Bradshaw, Director, Business Services, Legal Aid Western Australia.

[Witnesses introduced.]

**The CHAIRMAN:** Member for Butler.

**Mr J.R. QUIGLEY:** I refer to page 576 of budget paper No 2, and the list of expenses that appears there. The estimated actual figure for criminal injury payments is \$5 million, and then \$5 million for each of the years over the forward estimates. Given the increase in crime and the rise in population, are we to expect that there is to be a decrease in payments to individual applicants? How is it that there can be no rise at all, over the forward estimates, in the levels of criminal injury compensation payments?

**Dr K.D. HAMES:** I ask Ms Gwilliam to answer the question.

**Ms C.M. Gwilliam:** The Department of the Attorney General currently spends roughly \$31 million on this category. The amount of \$5 million shown in the budget papers reflects an increase in the allocation, compared with what we previously had allocated in the budget. Over time, yes, the member will probably be right; there may well be a need for an increase. We advise Treasury about expenditure limits in this area, and it adjusts the budget accordingly. What the member is seeing in the out years is an uplift in the total budget.

**Mr J.R. QUIGLEY:** Of \$5 million per year?

**Ms C.M. Gwilliam:** An extra \$5 million per year, bringing us to about \$30 million a year.

**Mr M.J. COWPER:** I refer to page 584 of budget paper No 2. Under the heading “Works in Progress” there is a line item relating to the Carnarvon police and justice complex. I am very keenly interested in this issue, because it has been discussed over many years and I have a nephew who is stationed at Carnarvon, so I am sure that there is some very keen interest locally on the progress of this particular project.

**Dr K.D. HAMES:** That will clearly go very well with all the money we are spending on the hospital up there—\$27 million, I think.

**Ms C.M. Gwilliam:** The member is right; this is a very exciting project. There is \$52.5 million for the project, which includes \$9.5 million from royalties for regions. The project is well underway and, in fact, if the member has been there, he will have seen tremendous construction activity. There are the retaining walls; the boundary fencing is completed; all ground services are in; infrastructure has been connected; and it is anticipated that completion will be next year. At the moment, it is on time and on budget.

**Mr J.R. QUIGLEY:** I refer again to page 576 and the line item “State Solicitor’s Office Prohibited Behaviour Order Scheme”. I note that there are currently 27 prohibited behaviour orders; \$604 000 in the estimated actual; \$676 000 for the 2013–14 budget; and nothing over the out years. Could the minister explain these costs, and the number of practitioners in the State Solicitor’s Office engaged in obtaining prohibited behaviour orders?

**Dr K.D. HAMES:** I refer the question to the State Solicitor, Mr Evans.

**Mr P.D. Evans:** Mr Quigley, we were funded for a period of two years to get prohibited behaviour orders up and running, for four FTEs. That comprises a dedicated paralegal, who performs the coordination function; two pretty well dedicated full-time lawyers; and other legal assets on a needs basis for particular hearings. There are

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approximately three professional staff on a more or less full-time basis, who not only prosecute the applications, but also train police and undertake precedent development and other issues arising.

**Mr J.R. QUIGLEY:** I have a further question.

**Dr K.D. HAMES:** Representatives on our side, we are not supposed to refer to people by their name, so if you could just answer the question, he is the member for Mindarie.

**The CHAIRMAN:** Butler.

**Dr K.D. HAMES:** Butler, sorry! He moved north!

**Mr J.R. QUIGLEY:** I have a further question. I am trying to work out the cost of each prohibited behaviour order. There are 27 listed on the Attorney General's website, the majority of which prohibit people from being inebriated in a public place. I do not know how many have been achieved over the last 12 months for the cost that has been incurred. Can the minister advise us on that?

**Mr P.D. Evans:** I can tell the member about the current status of applications and achieved applications. There is a lot of work progressing that has not yet produced an order, but there are many, many applications in progress. We have looked at a total of some 231 applications over the course of approximately the last 15 months. Of those, 28 have been granted, five of which were granted but are not effective until the relevant offenders are released from custody; two refused; seven withdrawn; and one cancelled. There are 52 awaiting conviction, sentence and application; 79 awaiting trigger offences; 36 listed for mention; and 21 listed for final hearing, at the present time.

**Dr K.D. HAMES:** I will just ask Ms Gwilliam to add to that answer.

**Ms C.M. Gwilliam:** Further to that, we have two years' funding so that we can bed-in training, advice and support for the prosecutors. This is over two years, so that we can have everyone skilled to be self-managing. Our involvement is limited for the two years of funding, as Mr Evans has described.

**Mr J.R. QUIGLEY:** There is two years' funding, and it is the hope then that the police will take it up?

**Ms C.M. Gwilliam:** We hope to be able to simplify the processes because they will be experienced in it through the support that has been provided by the SSO.

**The CHAIRMAN:** Before I give the call to the member for Maylands, I will just say, for the sake of Hansard, that I inadvertently put the question for division 46; we had completed only Native Title. We are still on division 46.

**Ms L.L. BAKER:** I refer to page 576 and the chart under the heading "Spending Changes". We talked about the establishment of a Commissioner for Victims of Crime, and that is fantastic. I would just like to know what we are buying for \$367 000—what is the FTE; the support; how does it fit in with the overall agencies; and how is it integrated into other parts of the agency?

**Dr K.D. HAMES:** I will ask Ms Jennifer Hoffman to answer that.

**Ms J. Hoffman:** I take the member's question to require a description of resources for the office and how we will acquit those.

**Ms L.L. BAKER:** That would be a good start. I know you are there, even though I cannot see you!

**Ms J. Hoffman:** Obviously the office includes me, the Commissioner for Victims of Crime, Jennifer Hoffman. I also have in place a very experienced policy officer. There is also —

**Ms L.L. BAKER:** Could you tell me the levels that the positions are funded at? Are they level 8, level 9? What are the FTE levels?

**Ms J. Hoffman:** At this stage it is not appropriate, in that we have not entirely settled the staffing profile for the office. We are obviously working up an initial program; we are still within the first month of our operation.

**Ms L.L. BAKER:** But you guys must be getting paid.

**The CHAIRMAN:** Member, can you let the commissioner finish, and then you can ask a supplementary question.

**Ms L.L. BAKER:** I asked to find out the levels, the positions and the structure, so I am wondering if it is possible to find that out.

**The CHAIRMAN:** Let the commissioner complete her answer and then we can pursue that.

**Dr K.D. HAMES:** We will go to Ms Gwilliam.

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**Ms C.M. Gwilliam:** There are four FTEs in terms of the structure of the office. The commissioner is a level 9 officer. At the moment, the other two officers are levels 5 and 3. Ms Hoffman is correct in that I have given utmost flexibility for her to work out what she needs. At the moment she is staffed with a level 5—a very good policy officer—and a very good level 3 officer. But until she is in the role, she will not quite know what she needs, so I have not actually formalised those levels. Also, because Ms Hoffman is a lawyer, what we had planned for the office is a bit different. We hope to be in that position in about three months to formalise the positions, and they will be permanently advertised.

[2.30 pm]

**Ms L.L. BAKER:** I am interested in the comparatives across commissioners, basically. I am sure the minister would be aware of the Commissioner for Children and Young People and other commissioners in government. At this point we have pegged this position as level 9, which seems to me fairly modest for the role of a commissioner and for the level of responsibility—end-of-line responsibility—accountability, interaction with the community and all the other wonderful measures that BIPERS is used to check out. Will the minister comment on how he thinks this position might evolve when the process has been completed? Is this person being appointed permanently, or is it just an interim measure; and is there scope for the position to be more comparative with other commissioners?

**Dr K.D. HAMES:** I am sure Ms Hoffman will be very pleased to hear the member suggesting she should be getting a lot more money, but I think Ms Gwilliam will be able to answer the specific question.

**Ms C.M. Gwilliam:** I suppose the principal comparator that was utilised, in fact, was the position in South Australia, which is a significantly lower graded position. So when we put the submission for classification to the Public Sector Commissioner, we were contemplating a level 9 or a class 1. At this stage it has been determined that it is a level 9, and Ms Hoffman has been appointed to that position at that level. I am always open to what the position should be over time; if it turns out to be higher, I am more than happy with that.

**Ms L.L. BAKER:** In relation to the work of the commissioner, will the commissioner have any involvement in—at the bottom of that table—the support service for victims of crime and the allocation of funding, or will the commissioner's role only be in examining cases that come to her attention?

**Ms C.M. Gwilliam:** The roles are very different. What the member sees at the bottom of the paper is a significant expansion in our current victim support services. So moneys have already been allocated, but this is a significant expansion in service delivery. It is actually dealing with victims of crime. Ms Hoffman's role is very much policy, strategy, systemic issues, so she will certainly have an involvement. She is not responsible for service delivery, but she will be a significant player in improving service delivery. If I may, Ms Hoffman may have comments there already, as she has been speaking to different stakeholders in terms of how things can be improved.

**Ms J. Hoffman:** Yes, even though we are in our first month, I have already had extensive opportunity to speak with a range of stakeholders, both external to government and within government. We are confident that, through this new role and the support for the role with the Department of the Attorney General, we will be able to add significant value both in terms of suggesting areas where there may well be gaps or providing advocacy from time to time, and also being able to suggest areas for reform. For instance, we are already working on some issues in relation to the Attorney General's reference to the Law Reform Commission.

**Ms L.L. BAKER:** It has been mentioned that the support service for victims of crime has been dramatically increased, and it looks like it has gone from zero to \$750 000. Could the minister just explain that? Sorry, I am having a bit of a crisis on reading the budget papers here.

**Dr K.D. HAMES:** I think the member might benefit from reading at the top of the page, which shows that these figures are increases in cash flow on top of what was already in previous budgets, but I am sure Ms Gwilliam can answer further.

**Ms L.L. BAKER:** Could the minister just tell me how much specifically is going into the sustainable support services for victims of crime?

**Dr K.D. HAMES:** Mr Warnes.

**Mr R. Warnes:** It is new funding that has been allocated to a service that already exists. That service exists both in the metropolitan area through officers within the District Court, which is where they are based, and we have service providers—some are our own staff; some are contracted staff—in country areas. In a number of the regional areas—Derby, for instance—they have three days of service, and that region is really underserved in terms of the amount of work our victim support officer or a contractor could provide. So, that funding goes

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towards providing five days of service. Most of the regional areas where there have been part-time service providers now have a full-time service provider. That is where the funding has gone.

**Ms L.L. BAKER:** Just to clarify the first question: the \$750 000 is new funding, going in on top of what has previously been invested in the service?

**Dr K.D. HAMES:** Yes.

**Dr A.D. BUTI:** I refer the minister to the third dot point on page 577 of the *Budget Statements*, which reads —

The Department is investigating the establishment of after-hours Magistrates Court sittings to deal with bail and remand decisions, as well as to fast track traffic and impoundment matters.

I notice that it is only an investigation. Is this part of the government's so-called rapid justice initiative, which I thought was up and running, or was about to be up and running? I did not know there was an investigation into it. Can I have a bit more information on that?

**Dr K.D. HAMES:** I am told the answer is yes, but I am sure Ms Gwilliam can add a bit of meat to the bones.

**Ms C.M. Gwilliam:** This funding commences in 2014-15, not 2013-14, so in the next four to six months we will be liaising with the different players, particularly the Chief Magistrate, and police and other bodies on how this should work. We have been allocated \$3.2 million for DOTAG, and \$1.1 million for Legal Aid, and at the moment we are trying to work out, with the Perth police complex, the best way to administer this—whether it is night court, whether it is weekend court—and we are still in discussions with the Chief Magistrate on that.

**Dr A.D. BUTI:** Is that investigation only looking at court sittings for the central Perth court, or is the court positioned or stationed at Perth lockup being considered?

**Ms C.M. Gwilliam:** Yes, it is.

**Mr J.E. McGRATH:** My question refers to page 583 of the *Budget Statements*. I, like a lot of people, am very interested in what is going to happen as part of the E-Court strategy. It is the first item under “Asset Investment Program” and refers to an amount of \$10 million; I was wondering whether the minister could tell the committee the current status of this project?

**Ms C.M. Gwilliam:** This project is well underway. We were given \$10 million in the 2011-12 budget. This year, we are anticipating spending probably over half of that money to bring the project to advanced stage. It is basically about replacing legacy systems, and things are moving very well there. It is also about electronic records, and I can ask Mr Warnes, if the minister agrees, to add a bit more to that.

**Mr R. Warnes:** The legacy systems it is intended to replace are those criminal systems used by the Children's Court and Magistrates Courts. They are the only ones we have left to put into an integrated court management system. Those systems are 22 years old and are well beyond their licence support, and are a huge risk for us of falling over. At the same time we are working with police as we build a new system to look at how we can have a better electronic exchange of information between police for their bail, and with the Director of Public Prosecutions as well. So, integrating the court management system is not just about courts; it is about the other justice system agencies.

**Mr J.R. QUIGLEY:** My last question is on prohibited behaviour orders.

**Dr K.D. HAMES:** Page number?

**Mr J.R. QUIGLEY:** Sorry; page 576 of the *Budget Statements*; that was the increased amount to allow for the concentrated effort on prohibited behaviour orders. I think it was outlined that there were 231 live matters, and 28 prohibited behaviour orders, although disclosed on the Attorney General's site as 27. Are the 231 files that are currently being worked on reflective of, in broad terms, the matters that have already been the subject of prohibited behaviour orders, the majority of which are to prohibit people impaired by alcohol from being in public places, and the majority of those orders are against Indigenous people, or are we talking about more serious matters?

[2.40 pm]

**Dr K.D. HAMES:** Mr Evans.

**Mr P.D. Evans:** I would have to take that question on notice if the member wants precise proportions. A variety of behaviours are the subject of these applications. They include graffiti-related offences, so they may relate to people carrying graffiti implements in the area, people carrying various other implements in the area, or people being in shopping centres or specific shopping areas.

**Extract from Hansard**

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**Mr J.R. QUIGLEY:** I appreciate that, but, by a small number, the majority of the 27 seem to require people affected by alcohol not to enter areas.

**Mr P.D. Evans:** Those will represent the present granted applications. I could not say that those are representative of the 231 in progress.

**Mr J.R. QUIGLEY:** Are any of the matters that the department is working on for breaches of existing prohibited behaviour orders?

**Mr P.D. Evans:** Not to my knowledge.

**Mr M.J. COWPER:** I refer to page 578, which refers to Indigenous people being over-represented in our justice system. We have just had a discussion about services being provided for victim support. Everyone will be aware of what we are trying to do in the driver training area, but I wonder about the various other programs that the department may have to deal with the challenges that face Aboriginal people in regional areas.

**Dr K.D. HAMES:** Ms Gwilliam.

**Ms C.M. Gwilliam:** Although those programs are significant, we are spending \$5.5 million on driver training courtesy of royalties for regions. The extra money for victim support is in the order of \$3 million over three years. Together with a range of other agencies, both commonwealth and state, we run open days throughout the state. We held 39 last financial year. They are utilised to assist people to attend to outstanding fines, particularly to maintain drivers' licences. The member will realise that from his earlier work on transportation issues. We have assisted in conducting driver's licence theory tests. We have also assisted many Indigenous people with their birth registrations and birth certificates, because that is vital for school enrolment and also for Centrelink. That is a very important hands-on role for people. We are also very active in assisting Indigenous people who appear before the court, and we have a number of Aboriginal liaison officers who assist in that regard. We also have dedicated staff to assist in facilitating Indigenous people in relation to fines enforcement.

**Mr M.J. COWPER:** I am curious to know how the department would conduct an open day in Halls Creek, where I lived for a number of years. How would that work? There is a particular challenge in that a lot of Aboriginal people in that part of the world are very transient. How does the department manage the information when assisting them with the paperwork for birth certificates and the like? Can the director general give me an idea of how an open day would work?

**Ms C.M. Gwilliam:** A lot of work is done with community members before we arrive. We support the community in making sure that there is awareness of the services that we can provide and the services that are needed. For example, staff from the Registry of Births, Deaths and Marriages attend and they can do the checks and the birth registrations online, so we take it as a mobile office. If transportation is needed, we assist with transportation; if people need to come from outlying areas, we can help them. In addition, staff from the Department of Transport attend and they have their own support mechanisms vis-a-vis drivers' licences and driver checks.

**Mr M.J. COWPER:** I have firsthand knowledge of this area, and I also did some work in this area with the minister when I was a parliamentary secretary. There are five skin groups in Balgo. How does the department manage their information? It is great to have an open day and to provide them with birth certificates and all the necessary details, but one of the stumbling blocks for Indigenous people is that if they have to come back for some other reason, whether it be a medical reason or some other reason, all their paperwork gets lost because they are not particularly good at keeping information. Is there an arrangement with Aboriginal corporations to record and make their information available?

**Ms C.M. Gwilliam:** Yes. We work with community groups before and after the open day. The idea is certainly not to fly in and fly out. We will be there for days. We will go back repeated times. We are available to assist. We work with the development commissions and the Department of Transport, which often has regional facilities. Of course, the department has court facilities in the main regional centres where we have staff who can assist.

**Ms L.L. BAKER:** I refer to the line item for the second component of the sustainable funding and contracting with the not-for-profit sector outlined on page 576 of the budget papers. I gather from the amounts shown in the columns that the department has a substantial commitment around the not-for-profit sector delivering some services. Would it be possible to obtain a list of the not-for-profit services that are funded? If the minister cannot give it today, I am happy to take it as supplementary information.

**Ms C.M. Gwilliam:** It would probably be easier to provide it through supplementary information, but it is principally the not-for-profit organisations that we use in victim support services that Mr Warnes has spoken about—that is, Anglicare and so on. But we will provide the details in supplementary information.

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**Dr K.D. HAMES:** We will provide information on the NGOs that we fund to provide assistance.

[*Supplementary Information No A54.*]

**Ms L.L. BAKER:** This is a self-serving question. An agency in my electorate called Angelhands has for some time been attempting to deliver services under one of the department's contracts and has applied for funding in various different areas. Would the director general be able to tell me off the top of her head whether it has received any funding?

**Ms C.M. Gwilliam:** I do not believe it has received funding in this area. It has received funding through grant programs—that is, a grant program from the proceeds of crime. That was a finite grant period, which I think has ended.

**Mr R.S. LOVE:** I refer to page 584 and to the two large courthouse construction projects in Kununurra and Kalgoorlie. How are those projects progressing and when might they be completed?

**Dr K.D. HAMES:** They look as though they are going very well, because they are in their last year of construction. I am sure that Ms Gwilliam will give us a much better story.

**Ms C.M. Gwilliam:** They are fantastic projects. The replacement Kununurra courthouse is scheduled to be opened late next year. Construction at the site is well advanced. That \$43 million project is all royalties for regions dollars. The Kalgoorlie project is worth \$41.72 million, and it will be opened this year. The project is well advanced. It takes advantage of a beautiful heritage facility in Kalgoorlie, with a modern facility behind that annex. All of our construction projects are on time and on budget.

[2.50 pm]

**Mr M.J. COWPER:** Is the new courthouse in Kununurra on the same site or is it located elsewhere? I have not been there lately.

**Ms C.M. Gwilliam:** The new courthouse is on the same site, so the courthouse has been demolished. Since October 2012 we have been operating out of a \$4.5 million temporary facility on the hospital site. It is a beautiful transportable facility.

**Dr A.D. BUTI:** How does the funding of these country or regional courthouses fit within royalties for regions funding? I did not think royalties for regions was actually to be used in this manner. Secondly, while we are on courthouses, when will a new courthouse be built in Armadale?

**Dr K.D. HAMES:** I will answer the first part of the question about the way royalties for regions funding operates. Most departments, mine included, have to fund a large number of things. We fund whatever we can internally. Sometimes there are things we would like to have as a government but do not have sufficient funds for in the short term. With those, we go to the royalties for regions fund. The northern health initiative of \$161 million is a good example. I could not possibly have funded that within my current health budget, but through royalties for regions I was able to get those additional dollars to provide it. That is the answer to the first part of the question. Ms Gwilliam will answer the second part.

**Ms C.M. Gwilliam:** Regretfully, we do not have funding in our budget at this point in time for Armadale. As the member is aware, Armadale is our highest metropolitan priority. In 2014–15, we intend to seek funding to do the land acquisition on a site that is with the Disability Services Commission. We are currently working with police on that proposal. We anticipate that the first step will be acquiring the land. The second step will be seeking the capital funding for the new facility. It remains the highest priority metropolitan project. I think it is fair to say that the focus with the department and the government has been on ageing regional court infrastructure, which, as the former Attorney General Christian Porter mentioned last year, is more derelict than the Armadale one but that is not to say that Armadale does not need a new courthouse.

**Mr J.R. QUIGLEY:** The minister just said that the health department—which is not the division we are dealing with—and as with other ministers, when there are not enough funds to meet capital expenditure or recurrent expenditure within budgets, they just revert to royalties for regions. Royalties for regions was promised as new money for the regions to provide facilities that would not otherwise be provided. This is just blurring the lines, is it not—using royalties for regions funds for normal budgetary expenditure?

**The CHAIRMAN:** What is the question?

**Mr J.R. QUIGLEY:** My question is: this is just using royalties for regions for normal budgetary expenditure, is it not?

**The CHAIRMAN:** That is a statement, member.

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**Dr K.D. HAMES:** I am sure I can squeeze an answer out of that! That is just not the case. Each year there is a budget to do things. If there is no capacity within the budget to do certain works, they do not get done. I am talking about health, but presumably it relates to these projects as well—there would not be funds within the normal capital. Armadale is missing out. If Armadale was in the regions and we were able to use those funds, we might have been able to get it. Armadale is missing out for the reason that the government does not have enough money to fund it, even though there is a clear need. Royalties for regions gives us an opportunity to get things done in rural areas, outside the metropolitan area, that would otherwise have to wait. They might not be waiting indefinitely. With time, the government would presumably put together funds out of consolidated revenue to fund those things, but this gives us a fantastic opportunity to get additional things done or to get things done sooner that would otherwise be provided well into the future.

**Dr A.D. BUTI:** I refer the minister to “Office of the State Coroner – Funding Increase” under “Spending Changes” on page 576 of the *Budget Statements*. Will any of that funding increase be utilised towards trying to track the coroner’s recommendations? Is there a central registry of the coroner’s recommendations? Is it possible to access the coroner’s decisions online?

**Ms C.M. Gwilliam:** The additional funding that we have received is to turn temporary funding into ongoing funding for the coroner. As the member would appreciate, there was a backlog and temporary funding was provided by the government. The government has now determined that that funding is ongoing. What we see in the spending changes is the fact that that has been locked into the out years. That will significantly expand permanently the resources of the coroner for coronial work. That is basically an extra 12 FTEs, including two new coroners, counsel assisting, counselling staff, a files clerk and other departmental officers. In relation to the question about the Law Reform Commission of WA and other coronial reports, that work is not tracked with this money; that is tracked within the policy area of the Court and Tribunal Services Division. It is not this money.

**Dr A.D. BUTI:** Is there a registry of the coroner’s recommendations?

**Mr R. Warnes:** There is a register. The coroner’s office keeps those decisions.

**Dr A.D. BUTI:** The coroner makes recommendations. Is there any tracking of what recommendations are complied with, and are the actual decisions electronically available to the public?

**Mr R. Warnes:** I think the tracking of decisions came up in the Law Reform Commission report. I do not think that has been established yet; it is still under consideration. In terms of the coroner’s findings, my understanding is, yes, most of those are available when the time comes to make those decisions.

**Dr A.D. BUTI:** They are available to whom?

**Mr R. Warnes:** Online. Most court decisions, when they are of public interest, are put up online.

**Dr K.D. HAMES:** The Department of Health very much welcomed the additional funding to the coroner because delays in procedures have been a significant problem.

**Mr J.R. QUIGLEY:** The minister’s adviser answered that the rapid justice initiative —

**Dr K.D. HAMES:** I need a page, member.

**Mr J.R. QUIGLEY:** Sorry, I am looking at page 576 but I refer to the last paragraph on page 577 commencing, “The department is investigating the establishment of”. Do I understand the minister, through his adviser, to be saying that no decision has been made on how to deliver this? There is an investigation going on; it may include night courts or it may not and it may include weekend courts or it may not, or, as the Chief Magistrate alluded to, it may include videoing bail applications after hours. At the moment it is all in a state of flux and is under investigation—is that the situation?

**Ms C.M. Gwilliam:** Yes, that is the situation. The money is in 2014–15, so we are spending the time to work out the best way to deliver a service that particularly the police would want. We are talking to police about what their needs are, what is the data, and how we should service deliver. We are working with the Chief Magistrate on the best way to deliver the service. It could well be night court; it could well be weekend court. We are not closed to any idea.

**Dr K.D. HAMES:** Mr Chair, I would rather put a different interpretation on what the member for Butler said. He said it is in a state of flux. Clearly the funding is in a year’s time, so it is in a state of planning. We are currently planning the services that will be provided.

**Mr J.R. QUIGLEY:** It is true, is it not, that the Premier said—he said this in relation to airport rail and other things in the forward estimates—as far as forward estimates go, they are not government commitments; they are government aspirations?

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**Dr K.D. HAMES:** The Premier made it quite clear about forward estimates, because forward estimates, when they become the budget, can change. At this stage with that process, it is anticipated that in a year's time, after the planning, that amount will be spent. It is not locked in concrete for this year. We have to finish the planning and the final determination on the funding of that will be made in a year's time with next year's budget that contains that fund. We have to prepare and plan, so an estimate of the cost has clearly been put in the budget.

[3.00 pm]

**Mr J.R. QUIGLEY:** But a very expensive court was built, was it not, at the new police complex without committed funding to man the court with a judicial officer, legal aid staff and police staff? At the moment the court is not utilised as a full-time court. Is it utilised at all?

**Dr K.D. HAMES:** The only question I heard amongst all that was: is it utilised at all?

**Mr R. Warnes:** As the member may know, magistrates used to go to the police lockup on weekends to hear matters. They now go to the Northbridge site, so it is used on the weekend. The Chief Magistrate has expressed interest in placing a magistrate at that site on a full-time basis and has expressed interest in working with police to extend the hours that may be necessary to hear matters. He has had discussions with police already. A survey is being undertaken to consider the volume in the new Perth lockup. Based on that, I think he will be prepared to roster magistrates differently.

**Mr J.R. QUIGLEY:** Mr Warnes said that either the Chief Magistrates or the magistracy—I am not quite sure which—has expressed interest in locating a magistrate at that site. Is he talking about an extra judicial officer or about relocating one from the Central Law Courts, thereby depriving those courts of a magistrate to hear cases, to Roe Street?

**Mr R. Warnes:** The usual practice to deal with police arrests in the metropolitan area on weekends and public holidays is for a magistrate to be rostered on. Those magistrates will be rostered and have been rostered on for the new Northbridge complex.

**Mr J.R. QUIGLEY:** Is it the case that at the moment it is used only for Saturday mornings?

**Mr R. Warnes:** That is the case.

**Mr J.R. QUIGLEY:** Therefore, it is only being utilised only Saturday mornings.

**Mr R. Warnes:** That is the case.

**Mr J.E. McGRATH:** I refer to the first dot point under “Significant Issues Impacting the Agency” on page 577. Changes made to the Juries Act in 2011 have resulted in fewer people being summoned for trials and fewer people being drawn from the electoral roll to serve on juries. Has this resulted in savings for the government; and is it making life less inconvenient for members of the public who in the past were called up for jury duty at fairly inconvenient times?

**Ms C.M. Gwilliam:** The change in legislation has been very beneficial to not only members of the public, because they can defer, but also, significantly, to government, the community and the department. There has been a drop in the excusal rate, which was 72 per cent. In year one it was 30 per cent and in year two it was 27 per cent. Fewer people are wanting to avoid jury duty. The member is right about the benefit to government. We have saved \$1.2 million a year as a result of not needing to call as many people to jury duty.

**Dr A.D. BUTI:** I refer to “Equitable access to legal services and information” under the heading “Outcomes and Key Effectiveness Indicators” on page 579. It states that the percentage of eligible applicants who receive a grant of legal aid is 70 per cent. Has the eligibility criteria been narrowed? Is that success rate based on narrower criteria?

**Mr G. Turnbull:** An eligible applicant is a person who satisfies the needs and means test and the guidelines and, in most cases, a test of merit. The gap between the people who receive aid and those who are eligible varies depending on the state of funding because we operate under a system of priorities. Another factor that comes into it is that we cannot assume that the number of applicants who come through the door are correctly reflective of the number of people who are eligible in the sense of fulfilling those basic requirements. The reason for that is that most applicants come through practitioners who understand the likelihood or otherwise of their client receiving a grant of aid. If they consider that because of the guidelines or for other reasons that their client is not likely to be successful, it is quite likely that they will not pursue the application in the first place. In general terms, it varies depending on a number of factors; essentially, however, it comes down to our level of funding. At the moment we are restricted in what grants of aid we can provide for cases in the Magistrates Court. But I hasten to add that any matter in any of the superior courts automatically receives funds and is granted aid if the person satisfies the eligibility criteria.

**Extract from Hansard**

[ASSEMBLY — Thursday, 22 August 2013]

p463b-471a

Mr John Quigley; Dr Kim Hames; Mr Murray Cowper; Ms Lisa Baker; Dr Tony Buti; Mr John McGrath; Mr Shane Love

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**Dr A.D. BUTI:** Has the eligibility criteria been narrowed; that is, is it harder to comply with the criteria?

**Mr G. Turnbull:** The eligibility criteria in a broad sense remain the same. We have a system of priorities. For example, under our criteria we can aid a witness who is required to appear in a coronial hearing, but it is not a high priority. Depending on the state of our budget, such a case would not necessarily receive a grant of aid.

**Dr K.D. HAMES:** Largely, it is up to opposition members—but all committee members—to decide how long they want to spend on each division. Members should note there are nine divisions. We could spend all night on this division, but it is good to try to be above it.

**Dr A.D. BUTI:** We have one more question.

**Mr J.R. QUIGLEY:** Turning again to legal aid eligibility, Mr Turnbull explained what the eligibility might be. We have heard from the minister through the State Solicitor that it has \$604 000 for prohibitive behaviour orders and to conduct hearings on prohibitive behaviour orders. Does the capacity exist to grant legal aid to people to be represented on applications of prohibitive behaviour orders against them?

[3.10 pm]

**Mr M. Bradshaw:** As a general rule, we would not grant aid for representation for a prohibitive behaviour order. I understand that our civil law division may have undertaken some applications for PBOs before the State Administrative Tribunal. I cannot be certain of that and would need the member to place that matter on notice before I can provide a firm answer. I also understand that the Northern Suburbs Community Legal Centre, which is funded partly by the state and commonwealth, has represented a number of people against prohibitive behaviour orders. As a general rule, representation on PBOs would not necessarily form a major part of our representation services.

**The appropriation was recommended.**