

**STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS**

2015–16 ANNUAL REPORT HEARINGS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
THURSDAY, 27 OCTOBER 2016**

**SESSION THREE
DEPARTMENT OF THE ATTORNEY GENERAL**

Members

**Hon Rick Mazza (Chair)
Hon Peter Katsambanis (Deputy Chair)
Hon Alanna Clohesy
Hon Helen Morton
Hon Sally Talbot**

Hearing commenced at 11.46 am

Hon MICHAEL MISCHIN
Attorney General, examined:

Ms PAULINE BAGDONAVICIUS
Acting Director General, examined:

Mr MARK HAINSWORTH
Manager, Advisory Services, examined:

Ms JOANNE STAMPALIA
Acting Executive Director, Court Tribunal Services, examined:

Mr BRIAN ROCHE
Public Trustee, examined:

Mr PAUL EVANS
State Solicitor, examined:

Mr ALAN ANDERSSON
Director, Business and Financial Services, examined:

The CHAIR: On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I welcome you to today's hearing. Can the witnesses confirm that you have read, understood and signed the document headed "Information for Witnesses"?

The Witnesses: Yes.

The CHAIR: Everybody has indicated that they have. It is essential that all your testimony before the committee is complete and truthful and to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. It is also being broadcast live on Parliament's website. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question. Agencies and departments have an important role and duty in assisting the Parliament to review agency outcomes, and the committee values your assistance with this.

Hon ALANNA CLOHESY: I will start with the budget for the agency first up. What was the total income from commonwealth grants and contributions across the agency for 2015–16?

Ms Bagdonavicius: I will refer that to Mr Andersson, our chief financial officer.

Mr Andersson: Yes, I will just get that.

Hon ALANNA CLOHESY: It is on page 55.

Mr Andersson: It should be disclosed. On the income statement on page 48, the income there for 2016 was \$18.4 million, and in note 14 of the financial statements it is disclosed in greater detail.

Hon ALANNA CLOHESY: So, that is for the calendar year 2016; is that right?

Mr Andersson: No, it is for the financial year.

Hon ALANNA CLOHESY: What is the projected income from commonwealth grants and contributions for 2016–17?

Mr Andersson: It should be relatively similar.

Hon ALANNA CLOHESY: It should be relatively similar?

Mr Andersson: Yes.

Hon ALANNA CLOHESY: So, in essence, across the agency there has been no reduction in commonwealth grants and contributions over the last three financial years and projected forward estimates?

Mr Andersson: In the last two years it has been relatively similar. Prior to that there was the commonwealth arrangement for the Family Court change, where they started paying for the accommodation expenses about three years ago. But going forward there is nothing I am aware of that dramatically changes any of the numbers.

Hon ALANNA CLOHESY: In terms of court and tribunal services, there is no reduction now or projected?

Mr Andersson: Not that I am aware of.

Hon ALANNA CLOHESY: Can I go to the pages for the mental health court. For the financial year —

Hon MICHAEL MISCHIN: Which page are we looking at?

Hon ALANNA CLOHESY: Page 13. For the financial year, how many program participants were supervised through the court?

Ms Bagdonavicius: In terms of the START Court for 2015–16, we had 346 participants. Of that number, 53 per cent were referred for clinical assessments. In terms of children who were referred to the Links program, which is the one that runs through the Children's Court, in 2015–16 the figure was 412.

[11.50 am]

Hon ALANNA CLOHESY: For the adult component of the program, what was the average length of support time given to participants? Is that a measure that you take?

Ms Bagdonavicius: I do not believe that is a measure that we would have available to you.

Hon ALANNA CLOHESY: So how do you measure the length of time that program participants are provided with a service?

Ms Bagdonavicius: I will ask Joanne Stampalia, the acting executive director for courts and tribunal services, to answer.

Ms Stampalia: In terms of the work we do with our partners in that process, there is discussion that takes place in relation to how participants are managed, but I do not have the detail for you around how they measure that particular component of it.

Hon ALANNA CLOHESY: Is that something we could take on notice?

Ms Stampalia: I could provide that at a future point.

[*Supplementary Information No C1.*]

Hon ALANNA CLOHESY: And the way in which outcomes are measured for adults and children.

I go to the State Solicitor's Office. In terms of outcome measurements, does the State Solicitor's Office measure the total number of billable hours in the same way a lawyer in a private practice would measure them?

Ms Bagdonavicius: I will ask Mr Evans to speak to that—he is the State Solicitor.

Mr Evans: We do, although many of the hours that we account for are not in fact billed; in fact, about 85 per cent of them are not billed. We do operate on a timesheets basis. We do record nominal time and what I call finalised time, which is usually a lower number of hours; that is, there is an efficiency assessment done before a number of hours is finally posted to a file. Those are notified to our clients regardless of whether they are billed for those hours or not, effectively as a resource utilisation measure. So we do track on a daily, weekly, monthly and annual basis, by lawyer and by our chargeable paralegals, the hours that they work.

Hon ALANNA CLOHESY: If I just use the term “billable hours” loosely, for the significant commercial claims, particularly on page 33, what were the billable hours for the Bell Group litigation proceedings?

Mr Evans: I could not tell you off the top of my head.

Hon ALANNA CLOHESY: Is that something I could take on notice?

Mr Evans: The only thing I would say in relation to that is that the position we have taken in previous matters, including in estimates hearings previously, is that in relation to active litigation matters we do not disclose resource utilisation or costs because that is tactically relevant information in the litigation. That is across the board that we have taken the policy position that that is not information that should be disclosed while those matters are active. I defer to the Attorney General in relation to those.

Hon ALANNA CLOHESY: Perhaps the Attorney General might like to take that on notice and then consider a section 82 notice if that were the case or consider that the committee might receive the information in private.

Hon MICHAEL MISCHIN: All right. I will take advice on that and consider it, but as Mr Evans has pointed out, it is something that is of tactical value to opponents in litigation.

Hon ALANNA CLOHESY: And similarly, there are options available to the Attorney General to provide the information to the committee.

[Supplementary Information No C2.]

Hon ALANNA CLOHESY: In terms of the government asset sales program, if the billable hours could also be provided for the five dot points under the government asset sales.

Hon MICHAEL MISCHIN: We will take that on notice as well.

[Supplementary Information No C3.]

Mr Evans: I would indicate, member, that perhaps we may not record in exactly the way that those dot points are presented, because some matters would be co-joined and some matters would be distinct. I would have to look at how the particular matters have been opened and managed. What we are reporting against is activities rather than necessarily files, and how they are recorded.

Hon ALANNA CLOHESY: Similarly, if I could have the same information for the NorthLink WA project and the new Perth Stadium.

Hon MICHAEL MISCHIN: That is page 36.

Hon ALANNA CLOHESY: Yes.

Hon PETER KATSAMBANIS: Thank you for coming along. I have just a couple of questions. I notice in the financial summary on page 10 of the annual report that there is quite a significant difference between the original budgeted expenditure for the financial year that has just passed and the actual expenditure; in particular, there are significant increases to courts and tribunal services of around \$56 million additional. That is good—people often say that the legal service is underfunded. Here it is proving the reverse—there was a budgeted figure and then in the end there was a lot more spent. What drove those increases?

Hon MICHAEL MISCHIN: Mr Andersson?

Mr Andersson: The main reason, really, was the judicial pensions. The liabilities are actually held at the Department of Treasury, but with the judicial pensions, we bring the difference between the liabilities from one year to the next year to account in the financial statements. The liability went up this year by \$70 million, so that predominantly accounted for the increase in expenses, especially to the courts and tribunal services.

Hon PETER KATSAMBANIS: Okay. So there was not any increase in services? We did not predict these judicial pension increases at budget time?

Mr Andersson: The judicial pensions is a very variable figure. It is done through an actuary. Every year we get an actuary to actually value what the cost is. It just seems to fluctuate a lot from year to year. The reason it fluctuated this year was really because the discount rates changed. Effectively, it is like the interest rate changing. The discount rates changed from three per cent to two per cent, which effectively meant that the liability this year—the present value of the liability—actually increased, so that is why the cost has gone up. It is very, very difficult to actually predict what the judicial pensions liability is on an annual basis.

[12 noon]

Hon MICHAEL MISCHIN: It is not a cash figure, is it; it is notional?

Mr Andersson: It is a notional figure. The other item that actually affected the courts and tribunal costs was the increase in the criminal injuries payments, which increased fairly significantly last year as well. They were the two main reasons why. They were over budget by \$10.3 million.

Hon PETER KATSAMBANIS: They increased by \$10.3 million over budget?

Mr Andersson: Yes.

Hon PETER KATSAMBANIS: Going on to page 12 in relation to Court and Tribunal Services, it indicates here that the outcomes for the Supreme Court included this high demand for criminal trial time. The median time to criminal trial increased from 33 weeks to 36 weeks and it was above the budgeted target. I know it says there that it is due to continuing demands within the criminal jurisdiction. Is there anything specific that is actually driving that increase in median time?

Hon MICHAEL MISCHIN: I understand a number of factors come into play. One of them is changes to legislation—the burden on the Supreme Court in dealing with dangerous sexual offender cases. Part of that should be ameliorated by the recent amendments that, apart from the initial review after 12 months, will extend the period of review to two years. That will help spread the use of judicial resources in that regard. Some years ago, arson was elevated from the District Court to the Supreme Court by providing for a term of life imprisonment. Manslaughter prosecutions are now dealt with by the Supreme Court, following reforms several years ago, rather than in the District Court where it was a maximum penalty of 20 years' imprisonment, now it is life imprisonment—reverting to a situation that was in existence prior to 1983. That will have increased some of the workload on the Supreme Court.

More generally in the criminal sphere, it appears that criminal cases are becoming more complicated. There is a greater use of telephone intercept material and other material that extends the times of trials, judicial directions tend to be longer and investigations more involved. That, as I understand it, has increased the length of trials as a rule. The use of surveillance devices, undercover witnesses and forensics has become far more sophisticated and hence the evidence involved, that would not have been presented only 10 years ago, is now being presented. Some of that can be of a technical nature but will require explanations to juries. When I first joined the Crown in 1985, you could have one-day trials. I do not think we ever have one-day trials anymore. A number of initiatives have been introduced to try to alleviate that caseload, voluntary case conferencing being one of them, commencing proceedings for cases that will go before the

Supreme Court in the Stirling Gardens Magistrates Court to expedite proceedings, the prerecording of evidence and things of that character. Otherwise, I have been monitoring the use of judicial resources. Given that the courts operate and are administered independently of executive decision, the management of the lists is within the control of the head of that jurisdiction so I do not have any control over how the court manages its business. I am reliant on the court using its resources to the best available. But we have allocated additional judges over the last several years either to replace judges in the criminal jurisdiction or to give the Supreme Court additional experience in criminal matters rather than civil. More recently, the appointment, for example, of Justice Fiannaca who is a specialist in the criminal law, having come from the DPP—things of that nature—is hopefully expanding the court’s capacity to deal with criminal matters where previously there had been more of a bias towards experience and comfort in the civil jurisdiction.

Hon PETER KATSAMBANIS: Some of those changes are good, in particular the changes to dangerous sexual offenders; that is a great outcome. It will reduce the impact on the court. Given the complexity of matters has increased significantly, particularly over the last decade as you outlined, is the target still realistic? Are we working to a target that perhaps should be altered to reflect that complexity?

Hon MICHAEL MISCHIN: That is a good question and one that I have been giving some consideration to. The target that is currently in place, 28 weeks, is an aspirational target that was directed by Hon Christian Porter when he was Attorney General back in about 2009. I think that is when he set that KPI. Previously, the median time to trial was, I think, in the order of about 43 weeks.

Ms Bagdonavicius: Thirty-five.

Hon MICHAEL MISCHIN: I am sorry, 35.

Ms Bagdonavicius: Previously it was 38.

Hon MICHAEL MISCHIN: It was 38 weeks; it was much higher. There had been a decrease in the median time to trial. That was sustained for a very short period of time. Since then, it has started to creep up. But yes, it is a very good question as to whether it is a realistic KPI. We are talking about a median rather than the maximum—that is always the case. Some trials will take longer to get to trial due to their complexity. Sometimes they will be knocked off a lot quicker. Multiple-defendant trials, for example, will of course tend to take longer to get to trial because you are dealing with several parties that need to all be ready to get to trial before it can go ahead. The failure of one to be ready can hold up the proceedings for the others. There are a variety of factors, but it is a very good question as to whether it is a realistic target to aim for.

Hon PETER KATSAMBANIS: Sure. I know we are going to be comparing apples with oranges because each jurisdiction has different case mixes in the Supreme Court, but are we particularly out of sync either in the time taken or the fact that the time seems to incrementally increase with other states?

Hon MICHAEL MISCHIN: I have had a look at that. I am sorry; I cannot bring to mind what the figures are in other states. I think the last review of government services was not too unfavourable in respect of the time to trial.

Hon PETER KATSAMBANIS: I might go to ROGS to see what that says.

Hon MICHAEL MISCHIN: There were some differences in appeals and things.

The CHAIR: Do you want that on notice, member?

Hon PETER KATSAMBANIS: No, I will go to ROGS. If it is in ROGS, I can get that there.

Hon MICHAEL MISCHIN: You are quite right, other jurisdictions have a different mix of cases and jurisdictions and so you are not quite comparing apples with apples.

Hon PETER KATSAMBANIS: I have a couple of other issues. Again in Court and Tribunal Services, we talk about the move to the David Malcolm Justice Centre. I have not heard any bad reports about moving there, but there have been some concerns from practitioners. I do not know whether they are concerns because of a lack of understanding of the new process. They are concerns about accessing the Supreme Court library.

Hon MICHAEL MISCHIN: I will ask Mr Evans to address that because he was on the working group that has been labouring for something like five to six years now to bring together the old crown law library and the Supreme Court library and its various outposts. The legislation was passed some months ago, as you will recall, but he was very closely involved in that and in dealing also with the various objections and concerns that were expressed by practitioners and various other government agencies as to how the model would operate. Perhaps he can give you an explanation.

[12.10 pm]

Mr Evans: Thank you, minister. The former minister landed me with this cross—and I have been through all 12 stations of it!—some years ago. Hopefully, the practitioners and litigants in person are the last two we have got to deal with. At the moment, we have a somewhat clumsy system for practitioner access, which requires them, because of the security screening at the new centre, to pass security, go to level 23 and then be collected and escorted down to level 2. We are trying to find a better way of doing that. What that involves doing, however, is providing security access to the eligible group of users to level 2. Because of the security system which is in place in the building, that is no easy task. Also, because of the requirement to actually authenticate that the users are eligible users, that is not a particularly easy task. It is probably the highest priority of the survivors in the working group to try to fix. It is really the last thing to do. We do have discussions underway with an interested party with a view to solving that problem sooner rather than later, but they are not concluded.

Hon PETER KATSAMBANIS: I understand. I mean, look, I think anyone who has had experience in that area understands the issue, but is there any role in expediting this process with the representative groups—with the society and the bar association?

Mr Evans: We are dealing with representative groups in an effort to expedite a solution.

Hon PETER KATSAMBANIS: Yes, but can they actually expedite it themselves? Can they be the ones who issue these passes; is it possible?

Mr Evans: Without disclosing a confidential discussion which is currently underway, that is a possible solution.

Hon PETER KATSAMBANIS: I do not have any sort of transparency at all around those discussions. I was just thinking about that myself, I must say.

I have got one other area of questioning, if you do not mind. It is a sensitive area and I do not want it to meander off into the “Why did it happen?” or “Should it happen?” I just want a bit of clarity around what checks are made when people are to be released on bail about where they are likely to be placed. We had that coverage about one of the Evil 8 people who was placed into part of my electorate in North Metropolitan, effectively, almost right next door to a childcare centre, within easy access to schools et cetera. When determinations are made as to whether a particular place is an appropriate place for this person to be staying and if they are to be released on bail, is there some sort of overview of what is around the proposed location that is done?

Hon MICHAEL MISCHIN: I will have to take that on notice so that the Director of Public Prosecutions can respond to that.

[*Supplementary Information No C4.*]

Hon MICHAEL MISCHIN: I can say that back in the day, DPP prosecutors would tend to rely on the police to be satisfied with the conditions of bail that may be imposed. The more general

conditions—for example, amounts of surety and the like—would be determined by the court and the prosecution could make a submission as to whether that seemed to be a satisfactory amount, by way of either a personal undertaking or a surety or whatever it happened to be, in order to meet the imperatives of having an accused turn up for trial rather than disappear or become a fugitive, to abide by conditions and the like. So far as the vetting of locations as to residence, place of work and things of that nature, it would tend to be on the advice of the investigating officers as to whether they were comfortable with that, because the prosecutor, him or herself, would not have access to that sort of information. Generally, if the bail were to be a renewal of previous conditions that had been set in the Magistrates Court, there would generally not be an argument about it. If there was a change of bail, you might want to ascertain, as a prosecutor, from the police, whether they were comfortable with that variation.

Hon PETER KATSAMBANIS: I am asking across the whole court process, including the Magistrates Court.

Hon MICHAEL MISCHIN: Most of the Magistrates Court’s prosecutions would be conducted by police prosecutors, although, on occasion, if they are indictable matters, the DPP would send someone down, depending on the seriousness of the case. A more detailed answer as to what the process is now, I will obtain from the DPP.

Hon PETER KATSAMBANIS: I would appreciate that, but just for a process improvement—it was interesting you used the term “back in the day”. In 2016 we have gadgets that can provide us with information at our fingertips. I imagine it would not be that difficult for the court systems at all levels to subscribe to a mapping service that highlights to them, to within a few millimetres, how far away schools or childcare centres or any other inappropriate places, depending on the circumstances of the case, may be from the proposed location.

Hon MICHAEL MISCHIN: I think that is right, but, at the end of the day, the responsibility—although the court makes the relevant orders in accordance with law and the exercise of their discretion in a judicial fashion and having regard to the proper principles, the courts are relying on the parties to the case to give them information from which they can make those decisions. For it to work it requires appropriate input from not only the defence but also the prosecutor. The sources of information that the prosecutor has access to need to be reliable and the system needs to work in that regard. So, I do not blame the court for making this decision; it is not its job.

Hon PETER KATSAMBANIS: Okay. We will wait and see what the DPP says then.

The CHAIR: On page 14, we have got a subject there, “Family Violence List”, with some commentary. Could you give me a little bit more detail on how that operates and what measurable outcomes or positive outcomes have come from this family violence list?

Hon MICHAEL MISCHIN: I can give you a significant amount of detail on notice, but in broad terms, the dedicated family violence lists were a replacement of the specialist courts that were dealing with family violence and a number of other matters. The reviews of those courts revealed that there were no measurable changes in the way that those courts were dealing with those issues, as opposed to mainstream courts dealing with the cases in the usual fashion. The family violence list was a pilot that was launched in December 2015. It has been operating now in Fremantle since January this year. Its features are that there is a dedicated court list for family violence-related criminal charges. A brief risk assessment report, which draws on multiple information sources, is provided to the court and there is a greater element of interagency collaboration, including from the family and domestic violence response team, to improve the court’s ability to deal with those sorts of cases.

A review has been conducted and I hope to receive the report on that shortly. The anecdotal evidence I have received is that it has been a successful means of dealing with these sorts of cases. There is a second stage to all of this because the current bill—the restraining orders bill that is

before the Council at the moment—is, in a sense, an expansion of that and a provision legislatively of additional tools for the courts to deal with restraining orders but also in response to family violence-specific matters. But the idea of having a dedicated court list in each of the courts in order to deal with family violence matters was a hope to bring a more coordinated and structured response and to give the range of dispositions a court could give to those charges, rather than the previous model, which involved a fair bit of conciliation but actually no greater benefit than if the charges had been dealt with in the usual fashion. I can provide you with further information on notice, for the information of the committee, as to how it works and the value of it, but at the moment it seems that it has been a worthwhile exercise and I am hopeful that the report will support all of that. If it does not, we will look at tweaking it in order to make sure that it does work.

The CHAIR: We will look for that report.

[Supplementary Information No C5.]

[12.20 pm]

Hon ALANNA CLOHESY: When are you expecting the report?

Hon MICHAEL MISCHIN: I am not sure. It is imminent.

Hon ALANNA CLOHESY: Okay. Except a question about that one.

Hon MICHAEL MISCHIN: Soon-ish.

Hon ALANNA CLOHESY: This might be contained in that review. I think you said that what you were looking for was better coordination across the services. What measure are you taking to demonstrate the success or otherwise? How do you measure better coordination?

Hon MICHAEL MISCHIN: Well, dealing with the cases more expeditiously is one. I cannot recall now the formal measures that have been introduced for the monitoring. We can provide that. I would be looking at expeditious response and disposition of cases and, ultimately, levels of recidivism.

[Supplementary Information No C6.]

Hon MICHAEL MISCHIN: What was revealed in the other courts was there was no marked difference in recidivism and, in some cases, even worse.

Hon ALANNA CLOHESY: That other one was actually—I will not get into it, but it was a review on one court in Geraldton, was it?

Hon MICHAEL MISCHIN: It was a review of all the alternative courts, from my recollection.

Hon ALANNA CLOHESY: Can I go to the family violence service. Over 4 000 victims of family and domestic violence received support from the service last financial year. What is the variation of that on the previous year?

Hon MICHAEL MISCHIN: I do not have those figures. We would have to get them.

[Supplementary Information No C7.]

Hon ALANNA CLOHESY: In what way is the service reviewing its assessment processes? How is that review being undertaken?

Ms Stampalia: Internally, we are looking at the family violence services. We actually have six locations currently and we spread our resources across those locations and, obviously, with the family violence list piloted at Fremantle, there is a need for us to look at how we use the resources that we have in that service. We currently have 16 FTE in the service and we just want to make sure that the model that we have is sustainable and that the resources are being used in the best possible way. That review is being led by myself and the acting director of court counselling and support services and we expect to have that completed early next year.

Hon ALANNA CLOHESY: Have you got a formal methodology for that review of assessment processes?

Ms Stampalia: Definitely. The acting director has a background from the Department for Child Protection and Family Support, so we are definitely using a methodology in terms of her experience in the area, but we will also be talking to other stakeholders in the process as well to confirm recommendations that we make.

Hon ALANNA CLOHESY: Is it possible to get on notice that methodology or the terms of reference of the review, how you are actually carrying that out, what you are looking at, how you are doing it, those sorts of things?

Ms Stampalia: Yes, we can provide that.

[Supplementary Information No C8.]

Hon ALANNA CLOHESY: You said you had 16 FTEs. What was the variation over the previous year?

Ms Stampalia: It is the same. So, we have had that. Obviously, that fluctuates with vacancies and leave, but we have had 16 for a while.

Hon ALANNA CLOHESY: I turn to designated positions. What is the typical case load of those people who are working —

Ms Stampalia: It varies by locations. A number of our locations—for example, obviously with Fremantle having a pilot, we have supported the workers at Fremantle a little bit differently, but the average workload for the family violence service really depends on what comes through the door on any given day because it is a very responsive service based on the victims that are coming through on the day to seek the assistance of the service.

Hon ALANNA CLOHESY: Throughput is one of your outcome measures. What other outcome measures do you have?

Ms Stampalia: It is really again the anecdotal support that a victim gets in relation to the service. One of the big things that they focus on at the moment is safety planning and risk management. It is making sure that for the people that present at the service, they actually go through all the key processes, which for us at the moment the biggest one is safety planning.

Hon ALANNA CLOHESY: That is all that I have on that service. Can I go to Public Trustee?

Hon MICHAEL MISCHIN: On page 24?

Hon ALANNA CLOHESY: I just wanted to start with the number of new clients. There is a 13 per cent increase over the previous year, and that had been similar the year before, but it still seems like that is a significant increase in the number of clients. You do not think that that is —

Mr Roche: No, I do. It has been significant. Probably it has been accumulative over the three or four years, we have definitely seen new appointments. I think last year in terms of the most at-risk and vulnerable people through the State Administrative Tribunal we had about 600 appointments last year. The year that is just finished—the annual report that you are looking at—we had 684. The year before that it was about 572, so it has definitely been accumulative and growing. With the ageing of the population, the prevalence of dementia is more and more so that has seen us get more and more appointments. We are certainly very busy.

Hon ALANNA CLOHESY: What is your FTE?

Mr Roche: The FTE that we operate at the moment is about 154.

Hon ALANNA CLOHESY: What is the variation of that over the previous year?

Mr Roche: It probably has not varied a lot of over the last two years. Again, there is leave and vacancies, but it has not moved a great deal up and down over the past three years.

Hon ALANNA CLOHESY: What about your operational budget?

Mr Roche: The operational budget has probably decreased a little bit as a result. As with all agencies, we have been subject to some budget measures and so forth, so the budget has moved around a little bit. It is not a significant amount but we have certainly been subject to some measures.

Hon ALANNA CLOHESY: Are you receiving a significant increase in case load or management load, but not commensurate with the budget or FTEs?

Mr Roche: No, but we are having those sorts of discussions with both the Attorney General and the director general about how we best manage that going forward. Also there are a lot of things that we have control over that we can do that do not necessitate additional FTEs. That is one measure that we certainly are talking to the department and the attorney about going forward, especially as it seems you cannot do it off one year, you have got to do it off looking at the last three or four years, and we are having those discussions internally, to be honest, about how to go forward. There are also a number of measures we have taken internally to improve services and streamline automation. We automated the financial statements that go out. There are a lot of things that we can do internally to manage it as well.

Hon ALANNA CLOHESY: What is the case load like? What is the average case load?

Mr Roche: It differs between levels. Are you talking about trust management particularly?

Hon ALANNA CLOHESY: Yes.

Mr Roche: I do not, unfortunately, have that exact number in front of me. I am happy to take that on notice.

[Supplementary Information No C9.]

Mr Roche: We have level 3, level 4 and level 5 officers working in trust and they have a different cohort of clients depending on the complexity and each of them would have a significant file load. It may well be a level 5 you might have 40 or 50 but they are very complex, high asset level, and demanding in terms of how much day-to-day management is involved. The level 3s may have 200 or 300 files, but it may be people with little assets in an aged-care facility who require their pensions paid and those sorts of things.

[Supplementary Information No C10.]

Hon ALANNA CLOHESY: Do you benchmark that against other Public Trustees?

Mr Roche: We are fortunate enough to get together a couple of times a year, including a function we host as well, all the Public Trustees, and we each provide a state report and you can usually have a good look at how you benchmark against others, but it is never quite apples and apples. There is different legislation and different regulations and different ways that—in New South Wales they still provide cash to people. We do not do that. We do benchmark, but it is a little bit tough at times because you are not comparing apples with apples.

[12.30 pm]

We try to learn from the others in case there are things that they are doing or strategies they are implementing that we can; we often do that.

Hon ALANNA CLOHESY: In terms of complaints regarding decisions or other actions, what was the total number of complaints received in the last financial year and what is the variation?

Mr Roche: I have that in front of me in the annual report. I will not be two seconds and I will find that for you. I am sure I have that here. I thought I had it.

Hon ALANNA CLOHESY: You publish a separate annual report in addition to that.

Mr Roche: Yes, I am just looking through mine, because DOTAG's will not be broken down. I thought I had it very handy, but I might have to take that on notice. I honestly thought it would be easy to get.

[Supplementary Information No C11.]

Mr Roche: The numbers are not huge from the previous year, if you like.

Hon ALANNA CLOHESY: Although the Attorney General pointed out the way in which complaints were recorded, what was identified as a complaint and therefore recorded needed some work and that those complaints that were resolved within 24 hours needed to be considered as a complaint, and were not being registered as a complaint

Mr Roche: In the Australian standard on complaints you do not have to, and the Auditor General actually acknowledged that in the report. If you resolve the complaint, I think, within 48 hours and it is seen as something you have triaged and managed immediately, you do not actually have to record that as a formal complaint—that is in the Australian standard. However, the Auditor General did say that we did not include letters that perhaps go from members of Parliament—and there were some other gateways. We currently record all our complaints that come in through the formal complaints management system or written directly to me, but there are some other gateways a complaint can come in and we have not in the past recorded them. But the Auditor General acknowledged that we are doing it within current policy and has sought some advice in the report; he might see that they have actually sought some advice from the Ombudsman's office as to that matter, because it is a whole-of-government issue. I think overall he found we managed our complaints management handling very well.

The CHAIR: Noting the time, on behalf of the committee I thank you for your attendance today. The committee will forward the transcript of evidence, which highlights the questions taken on notice, together with any additional questions in writing after Monday, 31 October 2016. Responses to those questions will be requested within 10 working days of receipt of the questions. Should you be unable to meet this due date, please advise the committee in writing as soon as possible beforehand. The advice is to include specific reasons why the due date cannot be met. If members have any unasked questions, I ask them to submit them to the committee clerk at the close of the hearing. Once again, I thank you for your attendance. I remind members that the deadline for submitting additional questions is midday, Monday, 31 October, as stated in paragraph 8.2 of the procedure policy.

Hearing concluded at 12.33 pm
