



## Additional Questions submitted by Legislative Council Members

1.1 Hon Alanna Clohesy asked:

[page 25] Does the Department have sufficient resources to manage the 50% increase from 2014-15 in validation of birth, death, marriage and change of name certificates? Was this possible due to the project covering the conversion of 2 million paper based records into an electronic format?

**Answer:**

Yes the 50% increase in verifications during 2015/16 can be managed with existing resources given that all birth, death and marriage records are now in an electronic format meaning they do not require manual intervention to check their authenticity.

1.2 Hon Alanna Clohesy asked:

[page 30] What was the reason for the significant jump in Open Days from 39 in 2014-15 to 73 in 2015-16?

**Answer:**

The substantial increase in the number of Open Days was achieved through the clustering of targeted high risk communities and the inclusion of Open Days in the metropolitan area.

1.3 Hon Alanna Clohesy asked:

[page 39] How were the net savings of \$5 million achieved for the Fines Enforcement System replacement?

**Answer:**

The net saving referred to are not just for the Fines Enforcement System replacement but also the replacement of the Magistrates Courts case management system and the Courts Debtors payment system. The saving have been achieved through a combination of FTE savings, reduced support costs, reduced infrastructure costs and reduced licensing costs.

1.4 Hon Alanna Clohesy asked:

[page 43] With respect to the Office of the Public Advocate continuing to experience increasing demand for statutory services to vulnerable adults with decision-making disabilities, is the Office sufficiently resourced to cope with this demand?

**Answer:**

Additional funding of \$5.033 million was provided in the 2011/12 State Budget over four years in recognition of the growing demand for services.

The Department of the Attorney General internally funded an additional two FTE from the last quarter in 2014/15 and an additional \$82,000 for 2015/16. The Department has provided funding from internal resources for a further two FTE from 1 July 2016 to assist the Office of the Public Advocate to meet its statutory obligations.

1.5 Hon Alanna Clohesy asked:

On page 113, for the KPI *District Court – Criminal – Time to trial*:

- a) Why was the target of 32 weeks 7 weeks higher than the target for 2012-13 of 28 weeks?

**Answer:**

The budgeted KPI target for District Court – Criminal – Time to Trial was 32 weeks in both 2012-13 and 2015-16.

- b) Should not the Department be aspiring to achieve targets that are a reduction in time for matters to reach trial?

**Answer:**

The budgeted KPI target for District Court – Criminal – Time to Trial was 32 weeks in both 2012-13 and 2015-16. The actual result however did experience growth from 25 weeks to 32 weeks. The District Court continuously reviews its internal processes and where possible, its resourcing, to achieve the most expedient resolution to matters brought before it. A target of 32 weeks remains in line with national benchmarks.

1.6 Hon Alanna Clohesy asked:

On page 114, for the KPI *Family Court of Western Australia – Time to finalise non-trial matters*:

- a) Please give a more detailed explanation of the basis upon which the number of weeks is to ‘*first finalisations only*’. How does it differ from the former approach?

**Answer:**

The former approach reported the first court ordered finalisation on record, but due to system limitations did not exclude matters previously finalised due to prolonged inactivity under the deeming rule. Improvements to the reporting systems now allow these previously deemed finalised matters to be excluded from the KPI.

- b) Why does this more accurately reflect the court’s service delivery?

**Answer:**

Matters are deemed finalised if they have had no documents lodged by any party, nor any hearing events, for over 12 months. The practice of deeming matters finalised is used across Western Australia's civil court jurisdictions, and is consistent with the counting rules specified for finalisations in the national Report on Government Services.

Such inactivity may be temporary or permanent, and may occur in a range of circumstances including where the parties are allowing time to try interim orders made by the Court, or because they wish to deal with the remaining issues outside of the court process. Excluding matters with such prolonged disengagement from the Court process is considered a more accurate representation of the Court's performance, as periods of disengagement are often outside of the Court's control.

- c) Given that, despite this change, the number of weeks has exceeded the target by 9 weeks, what resources are being committed to address this increase?

**Answer:**

In order to increase the availability of judicial hearings for parenting matters the Court has increased the number of Child Related Proceedings (CRP) listings by 26.8% in the past 12 months. This does come at the expense of reducing the time available for Magistrates to progress matters to trial. The additional hearings have maintained the delay to CRP listings at 7 weeks.

- d) Is there likely to be a decrease reported for 2016-17?

**Answer:**

No. While the above initiatives aim to improve the KPI result a decrease is not anticipated at this time as lodgments continue to rise.

1.7 Hon Alanna Clohesy asked:

On page 114, for the KPI *Magistrates Court – Criminal and Civil – Time to trial*, noting the increase in the number of weeks each year since 2012-13 and the target of 19 weeks for 2015-16 being exceeded by 4 weeks:

- a) What resources are being committed to address this increase?

**Answer:**

An example of the strategies to reduce the overall KPI, the Chief Magistrate continues to provide extra assistance to Karratha from Perth two weeks per month. This has seen the KPI for Karratha reduce from 28 weeks in Quarter 2 of 2015-16 to 18 weeks at end of Quarter 1 2016-17.

This extra resource was able to be provided to Karratha as the number of magistrates in the Goldfields was reduced from three to two in July 2015.

Another strategy employed has seen call-over lists at Armadale and Midland Courts introduced to review all matters that have been listed for trial. This has resulted in a number of matters being settled and removed from the list. Anecdotal evidence suggests that this has saved up to two months of listing dates for other trials to be allocated, thereby reducing the time to be listed for trial. The success of this strategy will be able to be determined at the end of Quarter 2 2016-17.

b) Is there likely to be a decrease reported for 2016-17?

**Answer:**

Any decrease or increase will depend on the number of criminal and civil matters that proceed to trial. The numbers of criminal and civil cases lodged in Magistrates Court over the last five financial years have increased by 8.8% and 2% respectively.

1.8 Hon Alanna Clohesy asked:

On page 115, for the KPI *Coroner's Court – Time to trial*, it is reported the time to trial has reduced from 168 weeks to 164 weeks but is significantly above the target of 128 weeks.

a) On what basis did the Department believe the target of 128 weeks was obtainable?

**Answer:**

The target of 128 weeks was established some years ago based on the aspiration that coronial inquest cases should be finalised within 128 weeks (or 2.5 years). However, the reality is that an inquest case cannot commence without the final reports from other agencies such as WA Police and WorkSafe and in some circumstances reports from medical practitioners. These reports can take a far greater time to finalise than the target of 128 weeks which essentially means from the notification of death, the commencement of an inquest and eventual finalisation of an inquest will be in excess of 128 weeks. The median time to trial is dependent upon the age of a case and when it is finalised.

The State Coroner is keen to maintain a balance between public interest and family expectations by dealing, where possible, with the older matters as quickly as possible. The Court's focus on older and more complex cases has contributed to the current result of 164 weeks.

b) What resources are being committed to address this increase?

**Answer:**

The Coroner's Court is currently dealing with a number of high profile and sensitive coronial cases that will require considerably more investment of resources. The specific nature of these cases highlights the need for independent/specialised counsel assisting resources. The Department has provided an additional sum of \$343,000 to the Coroner's Court to engage independent/specialised counsel assisting resources during 2016/17.

c) What is the likely target for 2016-17?

**Answer:**

It is extremely difficult to predict a result for 2016/17 as it will depend on the age of the inquest cases finalised during that year.

d) Is there likely to be a decrease reported for 2016-17?

**Answer:**

As the older backlog inquest cases are finalised, it is expected that the median time to trial will progressively improve over time to be closer to the aspirational target of 128 weeks.

1.9 Hon Alanna Clohesy asked:

On page 120, for the KPI *Percentage of clients who have services provided by the Public Trustee under an operating subsidy*, a 53% rate is reported, which is significantly higher than the 35% target. How does the Department plan to address the increase?

**Answer:**

The higher than target result is directly due to a continual increase in the number of appointments from the State Administrative Tribunal, where the Public Trustee provides services at a subsidised cost to vulnerable persons. Unfortunately most appointments are for people who have little or no assets, and the Public Trustee has no control over the number of appointments it must accept. The Public Trustee funds its operational subsidy from its surplus common account interest and other revenue sources, and will continue to do so.