



ATTORNEY GENERAL; MINISTER FOR COMMERCE

Our Ref: 44-24445 & 44-24501

Mr Mark Warner
Committee Clerk
Estimates and Financial Operations Committee
Legislative Council
Parliament House
PERTH WA 6000

Email to: lfefoc@parliament.wa.gov.au

Dear Mr Warner

2015-16 ANNUAL REPORT HEARINGS

Thank you for your letter dated 1 November 2016 regarding the Department of the Attorney General's appearance at the Estimates and Financial Operations Committee 2015-16 Annual Report hearings on Thursday, 27 October 2016.

Please find enclosed a copy of the answers to the questions taken on notice during the 2015-16 Annual Report hearing and the additional questions raised by Committee members following the hearing.

Yours sincerely

Hon. Michael Mischin MLC
ATTORNEY GENERAL; MINISTER FOR COMMERCE
14 NOV 2016

Attach: 2015-16 Annual Report hearings – Questions taken on notice and additional questions.

Public / Internet

21/11/16 AMM

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE

QUESTIONS TAKEN ON NOTICE AND ADDITIONAL QUESTIONS

Department of the Attorney General

C1. Hon Alanna Clohesy asked:

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

Answer:

The Start Court does not measure *"the average length of support time given to participants"*. The Start Court aims to address the clinical and social factors that underlie the higher rate of offending among people with a mental illness. In doing so, it improves participants' health and wellbeing and reduces the risk that mentally ill offenders pose to themselves and others.

Participants present with very different levels of both clinical and legal needs. Each participant is unique and the length of support time provided will vary depending on their specific situation.

The duration and intensiveness of the program is tailored to these specific needs (both clinical and legal). Individuals who have committed serious offences and have complex needs may remain with the program for four to five months or more. Conversely, low level offenders may, with the support of the clinical team, be diverted away from the criminal justice system and into treatment without entering the formal Start Court program.

A performance measurement/evaluation framework has been designed to meet the following objectives:

- Improve participants' health and wellbeing;
- Reduce participants' reoffending;
- To the extent appropriate, divert participants from prison and other criminal sanctions; and
- Assist the Magistrates Court to manage offenders with mental health issues efficiently and appropriately.

Public / Internet

21.11.16 MJ

C2. Hon Alanna Clohesy asked:

With regard to the State Solicitor's Office, for the significant commercial claims, particularly on page 33, what were the billable hours for the Bell Group litigation proceedings?

Answer:

The costs incurred, and the nature and extent of resources deployed, by the State in commercial/civil litigation may be of tactical significance to the decision-making of counter parties to that litigation. The Attorney General declines to provide that information until the case is concluded.

Public / Internet

21/11/16 *MS*

C3. Hon Alanna Clohesy asked:

In terms of the government asset sales program, could you provide the billable hours for the five dot points under the government asset sales?

Answer:

MATTER	2015-2016 BILLABLE HOURS
Perth Market site	803
Fremantle Port	804
Utah Point	287
Keystart	440.4
Totalisator Agency Board	Nil

Public / Internet

21 11 16 MJS

C4. Hon. Peter Katsambanis asked:

When determinations are made as to whether a particular place is an appropriate place for a person to be staying if they are to be released on bail, is there some sort of overview of what is around the proposed location that is done?

Answer:

The Office of the Director of Public Prosecutions (ODPP) assumes responsibility for prosecution of matters involving sexual offences against children once they have been listed for Disclosure Committal Hearing in Perth Magistrates Court or after they have been committed for trial or sentence from other Magistrates Courts.

In either case, where an accused is on bail at the time that the ODPP assumes responsibility for a prosecution, the conditions of that bail will already have been fixed by a Magistrate or an authorised police officer.

In the absence of any indication that the existing bail conditions are inadequate, inappropriate or ineffective then the ODPP will generally seek to renew those existing conditions at each stage of the prosecution at which bail arises for consideration.

The adoption of that approach reflects the reality that police have the greatest familiarity with the accused, his/her previous offending history (if any), the circumstances of the alleged offences and relevant local knowledge. Accordingly, police are in the best position to identify suitable bail conditions to ameliorate any risks involved in a grant of bail to an accused.

If, after assuming carriage of a prosecution, the ODPP receives information that suggests that existing bail conditions should be varied or supplemented then it will liaise with the Investigating Police Officer and may apply to the Court to vary the existing conditions as considered appropriate in the circumstances of the case.

Alternatively, if an accused seeks to vary a residential condition of their bail to permit them to live elsewhere then the usual practice is for the ODPP to notify the Investigating Police Officer of the proposed variation and to obtain their views on the suitability of the proposed new residential address.

Public / Internet

21 11 116 m/h

C5. Hon. Rick Mazza, Chair, asked:

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?

Answer:

The Family Violence list model has considered better coordination between services and includes joint partnership with judiciary, Police, Department for Child Protection and Family Support, Department of Corrective Services, and other stakeholders such as non-government organisations providing family violence services. This occurs by improving access to information and reviewing current and previous involvement from various sources.

The Department of the Attorney General's Family Violence Service at the Fremantle pilot site triages matters that are presenting in the Magistrates Court's weekly Family Violence List. This includes an assessment of known and available information from partner agencies. For those matters requiring additional assessment, a risk assessment report is compiled for the Magistrate to consider as part of the court proceedings.

For the Fremantle pilot, success has been measured by the ongoing involvement of all partner agencies including the sharing of information to ensure the risk assessment information is valid and presented to the Court. In addition, the Magistrate has commented about the benefit of the information when determining protective bail conditions that are designed to enhance victim safety and hold perpetrators accountable for their offending.

Public / Internet

21 11 16 *My*

C6. Hon Alanna Clohesy asked:

When are you expecting the report? What measure are you taking to demonstrate the success or otherwise? How do you measure better coordination?

Answer:

The report is currently being updated by the Department of the Attorney General and it is anticipated it will be submitted to the Attorney General later this month for consideration.

For the Fremantle pilot, success has been measured by the ongoing involvement of all partner agencies including the sharing of information to ensure the risk assessment information is valid and presented to the Court. In addition, the Magistrate has commented about the benefit of the information when determining protective bail conditions that are designed to enhance victim safety and hold perpetrators accountable for their offending.

Ongoing evaluation of the model is occurring as the Fremantle pilot continues.

Public / Internet

21 11 16 

C7. Hon Alanna Clohesy asked:

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?

Answer:

2015/16 figures (as stated in the DotAG Annual Report)

- 4,039 victims received family and domestic violence support.
- The Family Violence Service provided 27,949 services (safety planning, risk assessment, court support, information referrals).

2014/15 figures (as stated in the DotAG Annual Report)

- 3,321 victims (received services).
- The Family Violence Service provided more than 25,000 services (safety planning, risk assessment, court support, information referrals).

Public / Internet

21 11 16 ML

C8. Hon Alanna Clohesy asked:

Have you got a formal methodology for that review of assessment processes? 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?

Answer:

The methodology currently being applied relates to change management principles, specifically:

- **Strategy** - What are the key strategic objectives and implicit drivers for change?
- **Current situation** - What are the issues with the current structure and practices?
- **Future environment** - Who are your stakeholders and clients? What are their potential future business objectives, future trends, and future vision?
- **Issues and evaluation** - What key issues have emerged from the current situation? What issues are likely to emerge in the future environment?
- **Evaluation criteria** - Which organisation structure and design principles are the key criteria for the new structure?
- **Develop and evaluate options** - Develop models of possible structures. How do they address the evaluation criteria? Seek feedback from stakeholders, clients and current incumbents against your key evaluation criteria.
- **Agree on preferred structure** - Aim to get agreement on the preferred structure from key stakeholders.

In addition, the following risk assessment tools are being utilised:

- Victorian "Common Risk Assessment Framework";
- NSW "Domestic Violence Safety Assessment Tool";
- Department for Child Protection and Family Support; and
- Common Risk Assessment and Risk Management Framework.

Public / Internet

21 11 16

C9- C10. Hon Alanna Clohesy asked:

With regard to the Public Trustee, what is the case load of trust management like?
What is the average case load?

Answer:

Average number of files per Trust Manager by classification as at 30 June 2016:

Public Trustee	Files	Officers
Level 3	275	12
Level 4	115	12
Level 5	74	7

The number of Officers does not include team managers, relieving officers or trainee trust officers or the estate finalisation officer.

Public / Internet

21.11.16 Mj

C11. Hon Alanna Clohesy asked:

In terms of complaints regarding decisions or other actions, what was the total number of complaints received by the Public Trustee in the last financial year and what is the variation?

Answer:

Almost 50% of complaints are resolved within 48 hours through the Public Trustee's early resolution process.

The complaints figures below represent those that could not be resolved early and were recorded as complaints and responded to within ten business days. The vast majority of complaints are from beneficiaries of deceased estates with very few complaints from the most vulnerable clients.

Customer Feedback	2014/15	2015/16
Complaints	36	60
Compliments	13	21
Suggestions	7	6

Public / Internet

21 11 16 