

APPENDIX B

LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

ANSWERS TO QUESTIONS PRIOR TO HEARING

Department of Justice

The Committee asked:

1. In 2019-20, did your agency receive a qualified audit or 'matter of significance' or an 'emphasis of matter' from the Auditor General:

- a) If so, outline the reason and your plan to remedy the issue by 2020-21?

Answer: In 2019-20, the Department of Justice did not receive a qualified audit or 'matter of significance' or an 'emphasis of matter' from the Auditor General

2. With respect to the Voluntary Targeted Separation Scheme:

- a) Have all separations been completed; and

Answer: Yes, completed July 2018.

- b) If not, when do you expect the remaining separations to occur?

Answer: Not applicable.

Minister's initials



Department of Justice

Hon Alison Xamon asked:

1. I refer to the WA State Budget 2020-21, page 439, Explanation of Significant Movements, 7. about the Fines Enforcement Registry:

a) What was the average debt load per case for infringements on:

(i) 30 June 2019; and

Answer: \$329.54 per infringement
\$724.90 per person

(ii) 30 June 2020;

Answer: \$312.42 per infringement
\$685.39 per person

b) What is the current highest infringement debt load experienced by an individual;

Answer: \$175,529.50

c) Has any progress been made on infringement reform;

Answer: Yes

d) If yes to (c), what progress has been made; and

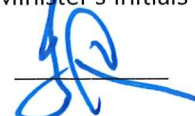
Answer: The Department of Justice continues to progress initial scoping and identification of the complex issues to be addressed in infringement reform, noting this project will require whole-of-government consultation and input.

The *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* (WA) commenced full operation on 30 September 2020. While that Act was primarily focused on fines enforcement, the new prohibition on issuing licence suspension orders to people whose last known address is in a remote area extends to infringement notices as well as fines and is now in effect, as are garnishee orders.

e) If no to (c), why not?

Answer: N/A

Minister's initials



Department of Justice

Hon Nick Goiran asked:

1. I refer to p. 433 of Budget Paper No.2, Volume 2 which details the total appropriations for Justice. I also refer to the answer from the 2019-20 Budget Estimate Hearings:

- a) Did the 'new project' providing a range of programs, including programs for family violence commence on 1 July 2019;

Answer: Yes

- b) What is the name of this program/ these programs;

Answer: The Parole in-reach Program (PiP).

- c) If no to a) when did it commence;

Answer: N/A

- d) Is attendance to this program voluntary or mandatory for FDV perpetrators;

Answer: Voluntary

- e) What are the objectives of the programs;

Answer: PiP aims to better prepare parole offenders for release by providing them with access to targeted programs in the months leading up to, and immediately following, their release back into the community.

- f) Which facilities are offering these programs;

Answer: The PiP service is being piloted at Acacia Prison and Wooroloo Prison Farm in the metropolitan area and Roebourne Regional Prison in the regional area.

- g) Further to b), what is the cost of these programs; and

Answer: In the first year of the PiP's operation, \$1.365M of the total Project budget has been allocated specifically to the procurement and/ or provision of rehabilitation programs, equipment and training of the PiP program staff.

Minister's initials



h) Further to g), what is the mechanism for assessing the efficacy of these programs?

Answer: At the conclusion of the pilot project, the PiP will be subject to an evaluation to determine efficacy and costs-effectiveness.

2. I refer to the answer from the 2019-20 Budget Estimate Hearings, that stated perpetrator behaviour change programs are not a mandatory requirement of prison sentences served for family and domestic violence related offences, and I ask:

a) Is this still the case;

Program participation for all criminogenic needs interventions in prison is voluntary. Program completion will reduce a prisoner's security rating and facilitate placement in medium or minimum security facilities, which many prisoners consider an inducement to participate. Program completion will also improve their prospects of attaining parole.

This is different from criminogenic needs interventions facilitated in the community, as the assigned Community Corrections Officer will provide the offender with a direction to attend the program. If they do not attend the program they will be in breach of their order/parole, and will attract a range of negative consequences.

b) Why are perpetrator behaviour change programs not a mandatory requirement of prison sentences served for family and domestic violence related offences; and

Answer: All prisoners with a sentence six months or greater are assessed for their criminogenic treatment needs and a program recommendation is made. Once that program has been recommended, it is an expectation that the offender will complete the program. So while participation is not mandatory, it is expected. An offender can sign a waiver indicating they do not wish to participate, but they do so on the understanding that it will negatively impact on their chances of parole.

In terms of why program participation is expected rather than mandatory, the offender will not engage effectively or maintain motivation unless they agree to participate rather than being mandated to do so. All Corrective Services' criminogenic needs interventions are facilitated in a group work format. If the offender does not fully and actively participate in the group process this not only impacts on the individual, it impacts on the whole group. If the group is impacted, this has negative flow on effects in terms of program integrity.

c) Are there any plans to make perpetrator behaviour change programs a mandatory requirement of prison sentences served for family and domestic violence related offences?

Answer: No

Minister's initials



3. I refer to p. 433 of Budget Paper No.2, Volume 2 which details the total appropriations for Justice and I ask:

- a) During the reporting period, how many notifications/reports about the unnatural deaths of babies born alive after an abortion, were received;

Answer: Assuming this question refers to individual cases of terminations performed at gestation in accordance with section 334 of *Health (Miscellaneous Provisions) Act 1911*, no cases were notified or reported to the State Coroner between 1 July 2019 and 30 June 2020.

- b) Further to a), were all these notifications/reports from the Department of Health;

Answer: No cases were notified or reported to the State Coroner.

- c) During the reporting period, how many investigations into the unnatural deaths of babies born alive after an abortion, were:

- i) Commenced;

Answer: The State Coroner does not publicly confirm the referral or progression of any such investigation. The Coroners Act 1996 does not allow for information to be released in the public domain other than as prescribed for where inquests are conducted.

- ii) Finalised;

Answer: Investigations finalised other than by a public inquest are not disclosed.

- iii) Finalised with an inquest; and

Answer: None.

- iv) Finalised by means other than an inquest and what were those means;

Answer: Investigations finalised other than by a public inquest are not disclosed.

- d) Further to a), how many 'Record of Investigation of Death' Forms were completed by the Coroner;

Answer: With respect to an inquest, none. With respect to an administrative finding, investigations finalised other than by a public inquest are not disclosed.

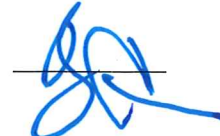
- e) Further to a), will a 'Record of Investigation of Death' Form be completed for each of these cases;

Answer: As no notifications were received, no 'Record of Investigation of Death' Forms were completed.

- f) If no to e), why not;

Answer: Not Applicable

Minister's initials



- g) What is the process for obtaining information about the outcomes of the finalised cases;

Answer: With the exception of inquest findings, which are published on the Coroner's Court website, the outcomes of finalised cases are confidential and cannot be disclosed other than to family members of the deceased person.

- h) What is the number of backlog cases as at 30 June 2020;

Answer: There were 497 backlog cases as at 30 June 2020.

- i) What additional resources are being funded by this budget to manage the backlog;

Answer: The figure of 497 coronial cases includes both inquests and administrative findings. There has been no increase in the backlog of inquest cases. The backlog of inquests as at the end of 2019-20 was 109 and has since come down to 99 cases as at September 2020 – the lowest level in the last three financial years after 100 in 2018-19 and 128 in 2017-18. To address the backlog of coronial cases, an additional temporary coroner was appointed for 6 months in early January 2019 and non-recurrent funding was also provided specifically for former Deputy State Coroner Evelyn Vicker to be appointed for 12 months on a 0.5 full time equivalent basis to complete investigations into 44 Long Term Missing Persons. While the overall backlog of coronial cases increased by 39 compared to 2019-20, the growth in lodgements during this period was 125, and the number of finalisations increased by 433. The funding of the Coroner's Court is continuously monitored, however it is anticipated that while the number of finalisations continues to outstrip the number of lodgements, the backlog will reduce over time.

- j) How many of the cases are over 12 months old;

Answer: All 497 cases are over 12 months old.

- k) How many of the cases are over 24 months old;

Answer: Of the 497 cases, 163 cases are over 24 months old.

- l) What is the age of the oldest case and?

Answer: According to the Integrated Courts Management System, the oldest case is from 2004. This case was the subject of criminal proceedings and is now the subject of an appeal. Therefore section 53 of the *Coroners Act 1996* (WA) applies and the inquest can't proceed until the criminal proceedings are concluded.

Minister's initials

