



**LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL
OPERATIONS**

**ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
2018-19 BUDGET ESTIMATES HEARINGS – QUESTIONS PRIOR TO HEARINGS**

**Department of Justice
Page No.**

The Committee asked:

1. What are some of the implications for your agency from the Commonwealth Budget released on 8 May 2018?

Answer:

1. The 2018-19 Commonwealth Budget contains several relevant initiatives with implications for the Department of Justice. These include Elder Abuse, OPCAT, Image-Based Abuse, Welfare, Domestic and Family Violence, the National Criminal Intelligence System, and the Royal Commission into Institutional Responses to Child Sexual Abuse.

Elder Abuse

In relation to Elder Abuse, the Commonwealth Budget provides for two measures with relevance to the Department. Firstly, a \$22 million package over five years from 2017-18 that includes an expansion and evaluation of specialist elder abuse units located in legal services, health-justice partnerships and family counselling and mediation services; an Elder Abuse Knowledge Hub; a National Prevalence Research scoping study; and the development of a National Plan to address elder abuse, that will be agreed between the Commonwealth, States and Territories, in close consultation with industry and relevant community groups.

Secondly, a collaboration between the Commonwealth and the States and Territories to develop a nationally consistent legal framework for Elder Abuse, and to establish a National Register of Enduring Powers of Attorney.

OPCAT

The Budget relevantly provides for the implementation of the *Optional Protocol on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) which was ratified on 21 December 2017. The Budget provides \$1.2 million over four years from 2018-19 to the Commonwealth Ombudsman to support its role as the National Preventive Mechanism (NPM) Coordinator and as a Commonwealth NPM body.

Public / Internet

15/06/18

The Royal Commission into Institutional Responses to Child Sexual Abuse

In respect of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), the Budget provides \$6.3 million over three years from 2017-18 for a taskforce to coordinate the development and implementation of the Government's response to the recommendations of the Royal Commission.

The Government will also provide \$1.6 million over two years from 2017-18 to develop and deliver a national apology to the victims of institutional child sexual abuse.

Image-Based Abuse

The Budget includes \$11.7 million for new functions undertaken by the Office of the eSafety Commissioner, relevantly including the administering of a new civil penalty regime to combat the non-consensual sharing of intimate images, and providing guidance and support to Australians of all ages who experience online abuse.

National Criminal Intelligence System

A provision of \$59.1 million over four years from 2018-19 in the Budget is allocated to establish the National Criminal Intelligence System (NCIS). The funds will enable the joint Commonwealth-States build of the NCIS, which will provide a national, unified picture of criminal activity to better enable law enforcement and intelligence agencies to combat criminal and national security threats.

Welfare

The Budget makes several provisions within the Welfare area that have implications for the Department of Justice. Firstly, the aligning of suspension periods for imprisoned recipients of the Disability Support Pension (DSP). From 1 January 2019, the maximum suspension period available to imprisoned DSP recipients will be reduced from two years to 13 weeks to be consistent with the suspension periods available to other imprisoned recipients of income support payments. This budget measure is expected to achieve efficiencies of \$5.2 million over five years from 2017-18.

Secondly, the establishment of a scheme to encourage lawful behaviour from income support recipients. Under this scheme, the Commonwealth will be able to make compulsory deductions from the welfare payments of serial fine defaulters who have outstanding State and Territory court-imposed fines. The Commonwealth will also be able to suspend or cancel the welfare payments of individuals who have outstanding State or Territory arrest warrants for indictable criminal offences. The measure is based over five years from 2017-18 to 2022-23, but the financial implications are not for publication as the scheme is subject to negotiation with the States and Territories.

Thirdly, the cashless debit card trial in the East Kimberly will be extended for one year to 30 June 2019. The Government will also undertake an additional independent evaluation of the cashless debit card trial. No financial implication information is available yet.

Domestic and Family Violence

The Budget provides for \$6.7 million in 2018-19 towards Domestic Violence Response Training (DV-Alert) for community and frontline workers to support women and children affected by domestic and family violence. This measure forms part of the *National Plan to Reduce Violence against Women and their Children 2010-2022*, and builds on the 2015-16 Women's Safety Package, where \$101.2 million was provided in 2015 and \$100 million was provided over three years in 2016-17.

Legal Assistance

The Budget is quiet on funding for Legal Aid services and Community Legal Centres, due to the fact that long-term arrangements for funding for these services fell under the previous 2015-16 Budget, with \$1.0 billion being allocated over four years to the National Partnership on Legal Assistance Services for the period 1 July 2015 to 30 June 2020.

Indigenous Affairs

The Budget is also quiet on Indigenous Affairs with implications for the Department of Justice. This follows trends since the 2014-15 Budget's \$534 million cut to the Indigenous sector.

Hon Peter Collier MLC asked:

1. How many Aboriginal people were employed by the agency/department on July 1st 2017 and April 30th 2018?

Answer:

- 1 July 2017: 345 Aboriginal people employed.
- 30 April 2018: 342 Aboriginal people employed.

2. How many Aboriginal people employed by the agency/department were Level 8 and above (including Senior Executive Service positions) on July 1st 2017 and April 30th 2018?

Answer:

- 1 July 2017: 3 Aboriginal people employed at level 8 or above.
- 30 April 2018: 3 Aboriginal people employed at level 8 or above.



Handwritten signature in blue ink, dated 8-6-18.

Hon Colin Tincknell MLC asked:

1. I note a reduction of 37 FTE in the Courts and Tribunals unit.

- a) Is the Minister able to provide a list of JDF of positions being cut? If this level of detail is not available, can the Minister outline the general roles and duties of the 37 FTE to be cut?

Answer:

The Department is unable to provide that level of detail at this time, however the general roles and duties are;

- Human Resources
- Information and Communications Technology
- Business and financial services
- Administrative roles

- b) Could the Minister also provide the last two years **trend** on key workload indicators for Department of Justice Courts and Tribunals?

Answer:

The last two completed and audited financial years of key performance indicators for courts and tribunal (data sourced from the Department's Annual Report):

Key Effectiveness Indicators	2015-16	2016-17
Supreme Court – Criminal – Time to trial	36 weeks	33 weeks
Supreme Court – Civil – Time to finalise non-trial matters	18 weeks	18 weeks
District Court – Criminal – Time to trial	32 weeks	34 weeks
State Administrative Tribunal – Time to finalise	16 weeks	12 weeks
Family Court of Western Australia – Time to finalise non-trial matters	38 weeks	40 weeks
Magistrates Court – Criminal and Civil – Time to trial	23 weeks	25 weeks
Coroner's Court – Time to trial	164 weeks	165 weeks

- c) Is the number of cases heard going up or down? By how much?

Answer:

A number of workload indicators in courts and tribunal demonstrate how the courts and tribunal are responding to demand:

- Lodgments – new work received by the court and tribunal, counted as cases;
- Finalisations- cases that have been heard and ceased to be an item of work for the court;
- Cases on hand – outstanding caseload of the court and tribunal; reasons that cases have not yet been dealt with can include waiting for discovery information, gathering of evidence, witnesses not being available and prosecution or judicial resources not being available. Cases that have been outstanding for long periods of time (e.g. more than 12 months) often indicate more serious offences or more complex civil cases.

The following tables outline the courts and tribunal workload indicators between 2015-16 and 2016-17, depicting the number of cases heard and the variance over the last two completed financial years (data sourced from the Report on Government Services 2018).

Table 1 – Supreme Court criminal and civil cases

Supreme Court - Criminal (appeal and non appeal matters)			
	2015/16	2016/17	variance
Lodgments	638	685	7%
Finalisations	597	629	5%
Cases on hand	390	441	12%
Supreme Court - Civil (appeal and non appeal matters)			
Lodgments	2,726	2,909	6%
Finalisations	2,592	2,499	-4%
Cases on hand	2,515	2,779	9%
Supreme Court - Criminal and Civil Combined			
Lodgments	3,364	3,594	6%
Finalisations	3,189	3,128	-2%
Cases on hand	2,905	3,220	10%

Table 2 - District Court criminal and civil cases

District Court - Criminal (non appeal matters)			
	2015/16	2016/17	variance (percentage)
Lodgments	2,448	2,532	3%
Finalisations	2,071	2,378	13%
Cases on hand	1,630	1,805	10%
District Court - Civil (appeal and non appeal matters)			
Lodgments	4,894	5,289	7%
Finalisations	4,969	4,990	0%
Cases on hand	3,823	4,117	7%
District Court - Criminal and Civil Combined			
Lodgments	7,342	7,821	6%
Finalisations	7,040	7,368	4%
Cases on hand	5,453	5,922	8%

Table 3 - Magistrates Court criminal and civil cases

Magistrates Court - Criminal			
	2015/16	2016/17	variance (percentage)
Lodgments	92,251	93,261	1%
Finalisations	93,959	98,513	5%
Cases on hand	14,576	14,415	-1%
Magistrates Court - Civil			
Lodgments	52,704	50,970	-3%
Finalisations	51,189	50,744	-1%
Cases on hand	20,016	17,334	-15%
Magistrates Court - Criminal and Civil Combined			
Lodgments	144,955	144,231	-1%
Finalisations	145,148	149,257	3%
Cases on hand	34,592	31,749	-9%

Table 4 – Children's Court criminal and civil cases

Children's Court - Criminal			
	2015/16	2016/17	variance (percentage)
Lodgments	6,349	6,627	4%
Finalisations	6,146	7,438	17%
Cases on hand	1,105	1,116	1%
Children's Court - Civil			
Lodgments	1,811	1,798	-1%
Finalisations	1,768	1,759	-1%
Cases on hand	772	817	6%
Children's Court - Criminal and Civil Combined			
Lodgments	8,160	8,425	3%
Finalisations	7,914	9,197	14%
Cases on hand	1,877	1,933	3%

Table 5 - Family Court cases

Family Court Civil (Appeal and Non Appeal matter combined)			
	2015/16	2016/17	variance (percentage)
Lodgments	16,240	16,195	-0.3%
Finalisations	15,773	14,953	-5%
Cases on hand	9,768	11,096	12%

Table 6 - Coroner's Court cases

Coroner's Court			
	2015/16	2016/17	variance (percentage)
Lodgments	2,214	2,422	9%
Finalisations	2,049	2,419	15%
Cases on hand	2,178	2,173	-0.2%

Table 7 - State Administrative Tribunal cases*

State Administrative Tribunal			
	2015/16	2016/17	variance (percentage)
Lodgments	8,094	6,855	-18%
Finalisations	8,367	6,921	-21%
Cases on hand	1,249	1,192	-5%

* Data sourced from the Integrated Courts Management System.

Note:

The following terms are used to describe the counting rules for the courts' workload indicators:

- a defendant/accused per case based unit for the criminal jurisdiction;
- a case based unit for the civil jurisdiction;
- a forms based unit in the family law jurisdiction; and
- a reported death based unit in the coroners' jurisdiction.

In the criminal jurisdiction, the common unit of measurement of workload is the number of defendants/accused per case. A defendant/accused is defined as:

- one defendant/accused;
 - with one or more charges laid on the same complaint / information / summons / notice; and
 - with all charges having the same date of registration;
 - each case with at least one defendant/accused and one or more related charges having the same date of registration should be counted as a separate lodgment.

In the civil jurisdiction, a case is defined as the group of issues, grievances or complaints which constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group of entities). A case is countable at each court level at which it becomes an item of work.

2. I note a reduction of 62 FTE in the Adult Corrective Services unit.

- a) Is the Minister able to provide a list of JDF of positions being cut? If this level of detail is not available, can the Minister outline the general roles and duties of the 62 FTE to be cut?

Answer:

The Department is unable to provide that level of detail at this time, however the general roles and duties are;

- Team leader roles
- Operational support roles
- Human resources services
- Business and financial services
- Administration and clerical support roles
- Cashier and customer service roles

- Prison based management roles
- Education assessors and assistants

b) How does this reduction of FTE compare to the two year trends for numbers of adults within the corrective services framework?

Answer:

The following are the Adult Custodial trends for numbers of adults within the corrective services framework:

Adult Custodial Trends 2016 to 2018

Adult Prisoners in Custody	31-Mar-16	31-Mar-17	31-Mar-18
Overall	6,057	6,776	6,919
Gender			
Male	5,470	6,092	6,169
Female	587	684	750
Aboriginality			
Aboriginal	2,329	2,551	2,688
Non-Aboriginal	3,728	4,225	4,231
Sentence Status			
Sentenced	4,303	4,774	4,917
Un-sentenced	1,754	2,002	2,002

John Ringle
13/6/18