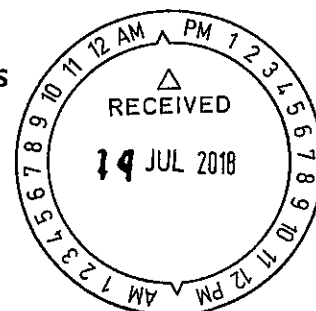


LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2018-19 BUDGET ESTIMATES HEARINGS – ADDITIONAL QUESTIONS



Department of Justice

The Committee asked:

1. I refer to the Statement of Cashflows table on page 360. I note that you derive some income from 'regulatory fees and fines', 'sales of goods and services' and 'other receipts':

(a) Do you allow a person to pay for goods and services with credit or debit cards

Answer:

Yes.

(b) If so, when a person pays a fee or fine by credit card or debit card

(i) What surcharge do you apply to process that card payment

Answer:

No surcharge.

(ii) Do you impose the same surcharge irrespective of which type card is used

Answer:

Not applicable.

(iii) Is that surcharge authorised by a legislative Instrument, for example, by regulations

Answer:

Not applicable.

(iv) What steps have you taken to ensure compliance with Reserve Bank of Australia Standard No. 3 2016 titled 'Scheme rules relating to Merchant Pricing for credit, debit and prepaid card transactions'

Answer:

Not applicable.

(v) As per the Standard, is your surcharge no greater than the average cost of acceptance of the lowest cost system, not an average of all costs systems?

Answer:

Not applicable.

Hon Alison Xamon MLC asked:

1. I refer to page 345 Spending Changes, and to the first line item under 'other'; 'Cost and Demand Forecasts', please explain how the \$2.4 million anticipated saving in the 2020-21 forward estimate was determined?

Answer:

This is a result of a revised prisoner population across the forward estimates. Growth in the average prisoner population in 2017-18 is now projected at 5%, which is 1.5% lower than the original budget projections.

2. I refer to page 346, Spending changes table, fifth from the bottom – 'Regional Workers Incentive Allowance Payments', please advise the nature of these payments and why no funding is allocated in the forward estimates?

Answer:

Regional Workers Incentive Allowance payments relate to regional District Allowances provided for under the District Allowance (Government Officers) General Agreement 2010 and the District Allowance (Government Wages Employees) General Agreement 2010 (the Agreements).

The amount in the budget reflects the change in payments for 2017-18. Annual changes to Regional Workers Incentive Allowance payments are funded by the Royalties for Regions program, as advised by the Department of Primary Industries and Regional Development during the budget process. There is \$2.1m of annual funding contained in the Department's budget in each year of the forward estimates.

3. I refer to page 346 - Significant Issues Impacting the Agency, fifth dot point, and I ask, could the Minister please advise, other than the services to be provided at the dedicated AOD rehabilitation prisons being developed at Wandoo and Casuarina:

- (a) How many AOD programs are provided in WA prisons;

Answer:

During 2017/2018, 59 programs were provided in WA prisons.

- (b) How much funding is allocated to each program;

Answer:

A specific answer cannot be provided as funding is not calculated or reported on per program.

- (c) Whether there are waiting lists for each program; and

Answer:

No.

For prisoners the timing of placement in a program is dependent on a number of factors, including the date of treatment assessment, level of risk, their eligibility for parole date, and parole decision. Those assessed and recommended for a program will be booked to the most appropriate program based on these factors.

- (d) Whether each program is available to prisoners on remand or only to sentenced prisoners?

Answer:

Criminogenic offending programs are only available to sentenced prisoners.

Supplementary Information:

The annual budget for the Offender Programs branch for 2017/2018 was \$12m, and this is to fund the scheduling, coordination and delivery of all programs across WA, including programs for AOD, sex offending, violent offending, cognitive skills, and general offending.

Internal program staff are deployed across multiple program categories, and prisons and community centres, in line with the demand for programs.

The annual funding for external Contracted Services to deliver AOD programs is \$2.9m. As above, pricing is not broken by program as programs are scheduled as per demand and resources are deployed to where they are needed.

Criminogenic offending programs target offending behaviours and the offender's capacity to change. A person on remand has not yet been convicted of any offence, and therefore there is no offending behaviour to target or attempt to change.

4. I refer to page 346 Significant Issues Impacting the Agency, last dot point, and I ask how many people are currently in prison in WA due to fine default?

Answer:

As at midnight on 28 June 2018, there were 6 adult prisoners in custody for reason of fine default only.

5. I refer to page 347 – first dot point regarding diversion and post-release initiatives, and I ask:

- (a) Have any specific initiatives been identified; and

Answer:

The Department of Justice, together with other justice agencies and the Department of Premier and Cabinet is working on a number of specific proposals across all of the key areas of focus.

- (b) Please provide information about any initiatives that have been proposed or are being developed?

Answer:

The proposals have yet to be considered by the Government.

6. I refer to page 350 Outcomes and Key Effectiveness Indicators, fifth line item from the bottom 'Average Out of Cell hours,' and I ask:

- (a) Would the Minister please advise the average out of cell hours for youth detention only; and

Answer:

The information provided in the Budget Statements under Outcomes and Key Effectiveness Indicators for the 'Average out of cell hours', relates only to adult custody facilities.

However, the average out of cell hours for Banksia Hill Detention Centre, for the period 1 July 2017 to 31 March 2018 is 9.55

- (b) Is it possible to have this figure broken down into the out of cell hours for each individual unit at Banksia Hill Detention Centre?

Answer:

Banksia Hill Detention Centre Units	Average out of cell hours per prisoner per day
Cue	11.07
Detainee Reception	11.25
Harding	10.25
Intensive Support Unit	11.22
Jasper	9.14
Karakin	9.32
Lenard	9.03
Murchison	9.73
Ravensthorpe	10.20
Serpentine	9.98
Turner	9.17
Urquhart	9.16
Yeeda	9.18
Banksia Hill Detention Centre (total)	9.55

7. I refer to page 354 - 7. Adult Corrective Services, and I ask:

- (a) Has any funding been allocated to increasing access to digital technology for prisoners, and in particular to in-cell technology as recommended by the Inspector of Custodial Services earlier this year;

Answer:

No.

- (b) If yes, how much;

Answer:

Not applicable.

- (c) How much funding has been budgeted for prison health provision;

Answer:

Approximately \$38m per year.

- (d) Has any funding been allocated for reform of prison health and transfer of these services to Department of Health;

Answer:

Yes.

- (e) If yes, how much; and

Answer:

\$400,000 in 2018-19.

- (f) If no to d), why not?

Answer:

Not applicable.

8. I refer to page 356 'Works in progress', fourth from last line item - Cell Upgrade and Ligature Minimisation Program, and I ask:

- (a) Would the Minister please explain why no money has been allocated to this program over the forward estimates; and

Answer:

The Department's priority is to ensure that each custodial facility in the State which has secure accommodation has sufficient ligature minimised cells to manage prisoner's identified to be at risk of self-harm within the facility. The funding provided to date has enabled the number of fully ligature minimised beds across the custodial estate to be increased, with a focus on facilities which previously had limited or no fully ligature minimised cells. The Department will continue to monitor demand and either fund additional works through existing funding sources or submit a business case for additional funding as required.

- (b) Has ligature minimisation now been undertaken in all WA prisons?

Answer:

Following completion of the current program of works, all WA Prisons with secure accommodation will have ligature minimised cells to enable the safe management of prisoners identified to be at risk of self-harm. Open minimum security accommodation is not ligature minimised.

9. I refer to page 345 Spending Changes – fourth line item under 'other', 'Enhanced Fines Enforcement Team,' and I ask:

- (a) What is the Enhanced Fines Enforcement Team;

Answer:

The enhanced fines enforcement team (or Criminal Enforcement Team) was established in 2013 to implement the Enhanced Fines Enforcement Sanctions Strategy of the then Department of the Attorney General.

The strategy gave effect to the amendments to the *Fines, Penalties and Infringement Notices Enforcement Act 1994* which provided the Sheriff with additional enforcement measures including wheel clamping, licence plate removal and the seizure and sale of assets for aggregated infringements over \$2,000.00. The strategy was funded for five years with ongoing operation being subject to it being evaluated.

- (b) How many FTE are in the Team;

Answer:

Nineteen.

- (c) Where are the members of the Team located; and

Answer:

Sheriff's Office, Level 5, Central Law Courts, 501 Hay Street and Level 17 International House, FER Contact Centre.

- (d) Why is there no funding in the forward estimates for the Team?

Answer:

An independent evaluation of the strategy was completed in February 2018 and in March 2018 the Attorney General approved the continuation of the strategy and potential expansion throughout the State.

Expenditure of \$2 million in 2018-19 has been approved to allow the Sheriff's Office to continue the Criminal Enforcement Team while a submission for ongoing funding is being prepared by the Department of Justice. The increased expense will be met by own source revenues from the continuation of the enhanced fines enforcement measures.

10. I refer to page 346, Significant Issues Impacting the Agency, first dot point, and I ask when do you expect to introduce amendments to The Criminal Code to introduce offences against the non-consensual distribution of intimate images?

Answer:

The Criminal Law Amendment (Intimate Images) Bill 2018 (the Bill) was introduced to the Legislative Assembly on 28 June 2018. The Bill creates a new offence relating to the non-consensual distribution of intimate images; empowers courts to issue 'rectification orders' against persons charged with this new offence; and amends existing threat offences to ensure that they apply to threats to distribute an intimate image.

11. I refer to page 350 Outcomes and Key Effectiveness Indicators – third line 'Percentage of callers successfully accessing Infoline services,' and I ask:

(a) Why are around one in three people unable to access Infoline services; and

Answer:

The figure does not reflect the number of people actually receiving a service from Infoline.

Abandoned calls are counted as part of the statistic and include all calls where the caller has hung up before being answered, regardless of whether they then ring back and obtain a service later that day, week or month.

Abandoned calls also include those calls where the caller has elected to leave their number for a call back later. Again, these callers may well have received a service when the call was returned from the automatic queuing system.

(b) Why is the target for this effectiveness indicator so low?

Answer:

As it takes into account the “abandoned calls” as set out above.

12. I refer to page 347, last dot point regarding demand for legal aid assistance, and I ask please advise the total state government funding provided to each community legal centre for 2018-19 and budgeted each year across the forward estimates?

Answer: Total Budgeted State Government CLC Funding is as follows:

Financial Year	2018-19 *	2019-20	2020-21	2021-22
State CLC Funding	\$3,848,000	\$3,806,000	\$3,879,000	\$3,954,000

Total State CLC Funding Provided to each Community Legal Centre for 2018/19:

CENTRE	STATE CLC	OTHER STATE
Citizens Advice Bureau	\$ 61,341	
CLC Association	\$ 171,345	
Consumer Credit Legal Service	\$ 426,140	
EDO WA		\$ 150,000
Fremantle CLC	\$ 138,816	
Gosnells CLC	\$ 246,305	
Humanitarian Group (Prev. CASE)	\$ 7,937	
Mental Health Law Centre	\$ 822,073	
Peel CLC	\$ 477,447	
RAW (Prev. Geraldton RC)	\$ 155,478	
RAWA (PAFVPLS)	\$ 708,000	

South West CLC (Prev. Bunbury CLC)	\$ 61,341	
SCALES	\$ 175,837	
Sussex Street CLS	\$ 8,731	
WRAS	\$ 17,063	
Youth Legal Service WA	\$ 252,819	
	\$ 3,730,673	\$ 150,000

NOTE: State figures do not include Criminal Property Confiscation (CPC) Funding.

*Plus indexation for 2018/19 to be applied.

**Individual centre funding allocations have not been confirmed for 2019/20 onwards

Hon Robin Chapple MLC asked:

1. I refer to Budget Paper 2, Volume 2, Page 347 that states: "The Registry of Births, Deaths and Marriages is preparing amendments to the *Births, Deaths and Marriages Registration Act 1998*. These amendments will improve change of name processes and strengthen identification and enrolment processes, maximising Western Australia's contribution to the national identity management and security agenda." and ask:
 - (a) will s. 57(2) of the *Births, Deaths and Marriages Registration Act 1998* that states: "If, in the Registrar's opinion, a word or expression appearing on an entry in the Register is, or may be regarded as, offensive, the Registrar may issue a certificate under subsection (1)(a) without including the word or expression." be deleted during this redrafting process;

Answer:

No.

- (b) if no to (a), why not;

Answer:

An amendment to remove section 57(2) would be outside the scope of the proposed amendments, which will improve change of name processes and strengthen identification and enrolment processes, maximising Western Australia's contribution to the national identity management and security agenda.

This provision was purposely inserted into current legislation. A certificate issued under s. 57 certifies the particulars contained in an entry in the Register and is admissible in legal proceedings as evidence of the entry to which the certificate relates and the facts recorded in the entry. In earlier times, some persons who made entries included words or expressions which were, or may be, regarded as offensive.

It is necessary for the Registrar to retain the power to issue a certificate under s. 57 without including those words or expressions. It should be noted that the historic record is nevertheless retained of entries as they were made at the time; that is, the original records are not redacted in any way.

- (c) will the *Births, Deaths and Marriages Registration Act 1998* be amended so that access to the births, deaths and marriage Registers of this State are brought in line with the requirements of the *Freedom of Information Act 1992* and the *State Records Act 2000*;

Answer:

No.

- (d) if no to (c), why not;

Answer:

The *Births, Deaths and Marriages Registration Act 1998* requires the Registrar to maintain a written statement of policies on which access to information contained in the Register is to be given or denied. In consideration of this policy the Act also requires, at s. 54 and s. 56, the Registrar to, as far as is practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.

Requests for open access to birth, death and marriage records has previously been reviewed by the State Administrative Tribunal who determined that the State Records Act does not operate independently of the *Births, Deaths and Marriages Registration Act* and that such broad access would effectively mean that the Registrar is abrogating their principle responsibilities under s. 54 of the *Births, Deaths and Marriages Registration Act*.

The Registry has implemented several initiatives to assist family historians or genealogists including, free online access to historical index searches (a fee is normally charged for searching the index), a reduced fee certificate for records that are over 75 years old and the ability to apply for a plain paper uncertified copy of the original registrations for records available under open era access policies. Open era records are for births 100 years old or more, deaths 30 years and marriages 75 years.

These ongoing concessions and services provide a fair balance between the provision of services to historians and meeting the Registry's operational and legislative objectives.

- (e) if yes to (c), how; and

Answer:

Not applicable.

- (f) how will the Department provide access to family history information in accordance with the *State Records Act 2000*?

Answer:

Not applicable.

A handwritten signature in blue ink, followed by the date '19/2/18' written below it.