



**Government of Western Australia
Department of Justice**

ANNUAL REPORT 2020/21

CBD Courts Project Contract

This Report covers the operation of the CBD Courts Project Contract as it relates to Court Security and Custodial Services.

September 2021



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Department of Justice**

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Annual Report 2020/21

Hon Bill Johnston MLA
Minister for Corrective Services

In accordance with section 45 of the *Court Security and Custodial Services Act 1999* (the Act), I hereby submit for your information and presentation to Parliament the 2020/21 Annual Report of the CBD Courts Project Contract. This report relates to the provision of court security and custodial services under the CBD Courts Project Contract Public Private Partnership with Western Liberty Group Pty Ltd.

Under section 45 of the Act, the Chief Executive Officer of the agency principally assisting the Minister for Corrective Services, is required to submit to you by 30 September each year a report on each contractor who provided services under a contract in the preceding 12 months.

This report presents an overview of services provided under the CBD Courts Project Contract by Western Liberty Group through their contractor G4S Custodial Services Pty Ltd (G4S). While G4S perform the services, the State's contract is with Western Liberty Group. This is reflected in the Annual Report through reference to Western Liberty Group in the main, with such references to be read as including G4S.

Compliance and statistical information in the report is presented for the period 1 July 2020 to 30 June 2021

A handwritten signature in black ink, appearing to read 'A Tomison'.

Dr Adam Tomison
Director General
DEPARTMENT OF JUSTICE

21 September 2021

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1. FOREWORD AND DIRECTOR GENERAL'S MESSAGE

The court security and custodial services provided under the CBD Courts Project Contract include services provided at both the District Court Building and the Central Law Courts. These two sites represent the bulk of court security and court custodial workload in the Perth metropolitan area. These services are part of a broader range of services provided by Western Liberty Group to the Department of Justice as part of the CBD Courts Project Contract Public Private Partnership.

The CBD Courts Project Contract was a unique model for the procurement and provision of court security and custodial services for the State of Western Australia through the amalgamation of service provision with the design, construction, maintenance and operation of the facilities in which the services are provided. To date, the project has resulted in the provision of good quality court security and custodial services in the District Court Building and Central Law Courts Building.

The provision of services under the Public Private Partnership has now been operating for thirteen years. I am pleased to report Western Liberty Group continued to provide a high level of security and custodial services in the District Court and the Perth Magistrates Court of Western Australia during the 2020/21 reporting period. This level of service has been achieved through a very positive and longstanding working relationship, and the continued monitoring of detailed performance linked indicators that provide comprehensive coverage of the standard of services to be provided by the contractor.

The high level of service delivered to date and the strong relationship built between the State and Western Liberty Group holds the partnership in good stead for continued success into the remaining years of the contract.



Dr Adam Tomison
Director General
DEPARTMENT OF JUSTICE

2. EXECUTIVE SUMMARY

The provision of services under the CBD Courts Project Contract commenced on 3 June 2008. The 2020/21 year was the thirteenth year of operation under the Services Agreement with Western Liberty Group for the provision of court security and custodial services at the District Court Building and the Central Law Courts Building.

The Principal of the Services Agreement under the contract pursuant to section 20(1) of the *Court Security and Custodial Services Act 1999* (the Act) is the Director General, Department of Justice (DoJ).

In managing the Services Agreement, the Department actively monitored, managed and reported on Western Liberty Group's performance during 2020/21. The Department met and communicated with Western Liberty Group on a regular basis to deal with contractual and operational issues.

In the thirteenth year of service provision Western Liberty Group performed well again and provided a high level of court security and custodial services in the District Court Building and Central Law Courts Building. There was no major service delivery failures that impacted on court operations and the department's stakeholders continued to be satisfied with the level of service provided.

3. BACKGROUND

In June 2005, the State entered into a 27 year Public Private Partnership with Western Liberty Group for the provision of facilities and services associated with the operation of courts in the Perth Central Business District (CBD). This initiative is referred to as the CBD Courts Project. The contract with Western Liberty Group is comprised of two major and separate components, namely the Facilities Agreement and the Services Agreement.

The Facilities Agreement requires Western Liberty Group to design, construct and maintain the following:

- District Court Building and pedestrian tunnel under Hay Street to the Central Law Courts (Stage 1);
- Custodial areas of the Central Law Courts (Stage 2); and
- Security systems in the Central Law Courts (Stage 3).

Construction of the District Court Building and the Central Law Courts custodial area was completed during 2008. Construction of the Central Law Courts security systems was completed in April 2010.

The Services Agreement requires Western Liberty Group to provide the following services:

- Custody services within the District Court and Central Law Courts;
- User management and court security services within the District Court and Central Law Courts;
- Court recording and transcription services and court booking services within the District Court Building only; and
- Hard and soft facility management services for the District Court Building and Central Law Courts custodial area and security systems.

Services provision under the Services Agreement began on 3 June 2008 following completion of the District Court Building. Performance of the court security and custodial services is subject to the requirements of the Act and is subcontracted to G4S Custodial Services Pty Ltd (G4S). While G4S perform the services, the State's contract is with Western Liberty Group Pty Ltd. This is reflected in this report through reference to Western Liberty Group in the main, with such references to be read as including G4S.

This report is submitted in accordance with Section 45 of the Act for the period 1 July 2020 to 30 June 2021.

4. ACHIEVEMENTS AND ACTIVITIES

A. Contract Governance

The governance arrangements for the Services Agreement consist of a committee structure as specified under the Services Agreement, management delegations from the Principal of the Services Agreement and documented roles and responsibilities for individual executive and management positions within the Department.

The committee structure is outlined below.

Title	Chairperson	Focus
Management Board	Executive Director Court & Tribunal Services (DoJ)	Contract strategic direction, governance and performance (meets biannually)
Management User Group	Judge of the District Court	Operational service delivery requirements and standards (meets quarterly)
Working Committee	CBD Courts Project Contract Administrator (DoJ)	Contract management and service provision (meets quarterly)

The Principal of the Services Agreement is the Director General of the Department of Justice. Contract management responsibilities have been delegated to the Executive Director, Court and Tribunal Services of the Department of Justice, pursuant to section 20(1) of the Act.

B. Contract Management

Contract management associated with the Services Agreement was undertaken by the Court and Tribunal Services division of the Department. The Contract Management Team in that division actively monitors, manages and reports Western Liberty Group's performance at the contractual level while also endeavouring to continue to build and maintain a long-term cooperative relationship. This is to ensure the partnership is a success for both the State and Western Liberty Group. Members of the team meet and/or communicate with Western Liberty Group and its sub-contractors on a regular basis to deal with contractual and operational issues as they arise and continually develop strategies for service improvement.

The Department has developed a comprehensive contract management plan to assist with the management of the contract. The core processes addressed by the contract management plan and associated working documents relate to:

- performance reporting and monitoring;
- relationship management, dispute resolution and issue management;
- governance, probity and compliance;
- knowledge and information management;
- change management;
- contingency planning; and
- ongoing review.

In undertaking specific monitoring of the services provided under the Act, the contract management team uses information from a range of sources. These include:

- reviewing data on custody hours, movements and incidents from the Custodial Services Support System;
- self-reported information on incidents and operations from Western Liberty Group and G4S;
- reporting from various stakeholders on service provision;
- audits conducted on various aspects of court security and custodial services, including officer training;
- lessons learnt exercises undertaken with WLG on G4S' handling of various incidents; and
- direct observations made by the contract management team and Courts Risk Assessment Directorate staff.

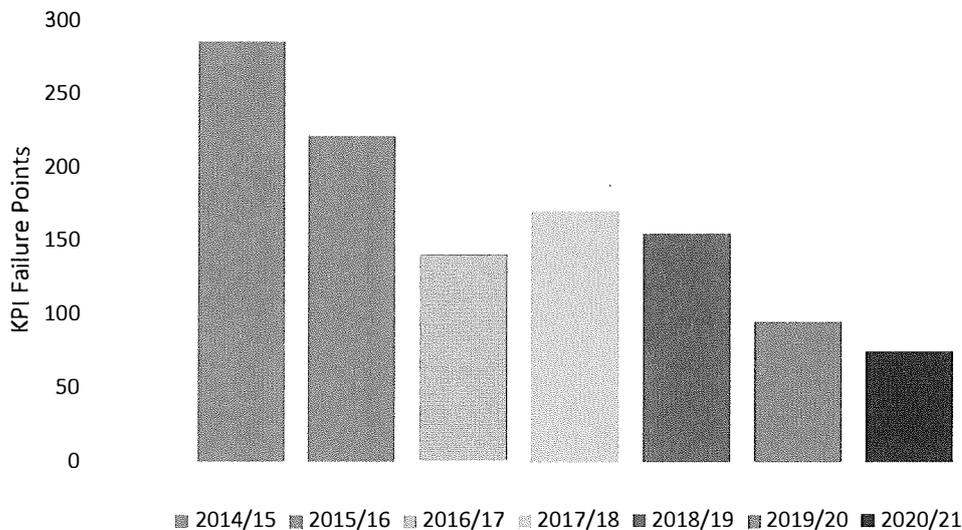
This information forms the basis for regular discussions on service delivery issues with Western Liberty Group and is also used by the contract management team in the assessment and application of contractual abatements.

C. Contractor Performance

In thirteenth year of service provision Western Liberty Group continued to perform well and provided court security and custodial services to the State that generally met the requirements of the contract. The relatively good level of service provided is largely attributable to the positive working relationship established between the State and Western Liberty Group and their sub-contractor, G4S. In addition, G4S' good understanding of the Department's business (i.e. court operations) is an important factor and helps them deliver the expected level of services.

Performance against the Key Performance Indicators (KPI) has improved on an overall basis from the previous years. This is evidenced by a decrease in the total number of contractual KPI failure points incurred by Western Liberty Group in delivering all of its services under the contract (which include court security and custodial services) over the last year. A comparison of performance in the 2014/15, 2015/16, 2016/17, 2017/18, 2018/19, 2019/20 and reporting periods against 2020/21 is provided in the following graph.

QUALITY FAILURES



It should be noted the application of abatements in itself should not be solely relied upon to measure Western Liberty Group's overall performance and that it is an indication of areas where improvement was required in services delivered in 2020/21.

In that respect, there were some performance/service delivery issues with Western Liberty Group failing to provide gallery guards on numerous occasions because of peak service demands. In that respect, there were occasions where a large number of co-accused trials (some with high co-accused numbers) running concurrently and for a long period of time (i.e. three high profile trials with one running for 4 months and two for 2-3 months) which stretched G4S resources. The department being cognisant that these unusual events significantly increased service demand resolved not to abate the contractor. These unusual events were neither within the control of the contractor nor manageable within their staffing arrangements to satisfy KPIs on a daily basis.

Other performance/service delivery failures related to not complying with policies and procedures, delivering a person in custody late to court on a few occasions and releasing a person to freedom without authority due to a case of mistaken identity.

Notwithstanding the above service failures, on the whole Western Liberty Group continued to provide a high level of court security and custodial services in the District Court Building and Central Law Courts Building during the reporting year.

D. Reviews

There was a review conducted of the Central Law Courts Building and District Court Building custody centres by the Office of the Inspector of Custodial Services during the reporting period. However, a report is yet to be received relating to the review.

E. Contract Variations

There were no contractual variations relating to court security and custodial services during the period.

F. Contractual Disputes and Payment Issues

The Contract Management Team and Western Liberty Group worked cooperatively to resolve all payment issues without referring them to arbitration. There was no

contractual dispute regarding payment for court security and custodial services delivered in 2020/21.

5. CONTRACT COMPLIANCE

A. Key Performance Indicators and Abatements

The contractor is required to meet certain KPIs in the provision of services and is required to monitor and report its performance on a daily and monthly basis. The contract management team also conducts targeted monitoring to verify the contractors self-reporting in this regard. There is also a reliance on various stakeholders to report service failures to the contract management team.

Failure to meet KPI standards can result in payment abatements being imposed against Western Liberty Group with the value of the abatements determined through the application of specified formulae contained in Annexure H of the Services Agreement. In determining the extent to which abatements would be enforced, consideration was given to the impact on court operations, the level of operational risk involved and the need to provide a commercial incentive for Western Liberty Group to improve performance. This meant abatements were not applied to a number of non-critical service failures in recognition of the need to balance punitive actions with relationship management. This is a critical aspect in successfully managing the contract given the partnership arrangement envisaged and its longevity.

The following table provides a summary of KPI failures and associated abatements applied in 2020/21.

Service Failures against Court Security and Custodial Service KPI

2020/21 Financial Year

	Key Performance Indicator	Failure Incidents (Points)	Abatement \$
Court Security Services	34 Responding to duress alarms	0	
	35 Attending to safety and security incidents	0	
	36 No unauthorised access	0	
	37 No unauthorised articles	0	
	38 Report safety and security incidents	0	
	40 Comply with User Management and Court Security Operating Plan and the Service Specifications	19	\$17,848.06
	65 Comply with Policy and Procedures Manual and Operating Manuals	7	6,428.86

Custodial Services	41	Death in custody	0	
	42	Serious injury to Person in Custody	0	
	43	Completed escapes from custody	0	
	44	Unlawful release from custody	4	\$3,934.17
	45	Assault upon a court user by a Person in Custody	0	
	46.	Persons in custody are delivered to court on schedule	0	
	47	Report custodial incidents	0	
	48	Comply with Custodial Services Operating Plan and Service Specifications	2	\$1,817.50
	59	Helpdesk shall acknowledge Helpdesk communications as detailed in section 6.2.1 the Service Specifications.	1	879.13
	60	Provide a Monthly Performance Report in accordance with section 6.4.2 of the Service Specifications.	0	
	61	Provision of Daily Performance Report and notification of loss /interruption of essential services	0	
	62	The Project Company shall comply with section 6.4.4 of the Service Specifications.	0	
	65	Comply with Policy and Procedures Manual and Operating Manuals	20	\$18,515.83
	Total Abatement points applied 2020/21 (Dollar value extrapolated using <i>Average</i> unit value based on the monthly invoice)			51
Total Abatements invoiced 2020/21			12	\$11,651.54

Note: In the above table the abatement dollars are calculated based on the total quality failure points applied. However, when determining the final abatements charged for each month, 10 quality failure points (i.e. deemed to be "free points") are deducted from the abatements applied under the contract. Therefore, the total points abated do not correspond with the dollar amounts abated as shown above (i.e. while 51 total abatement points were applied only 12 abatement points attracted a dollar value of \$11,651.54).

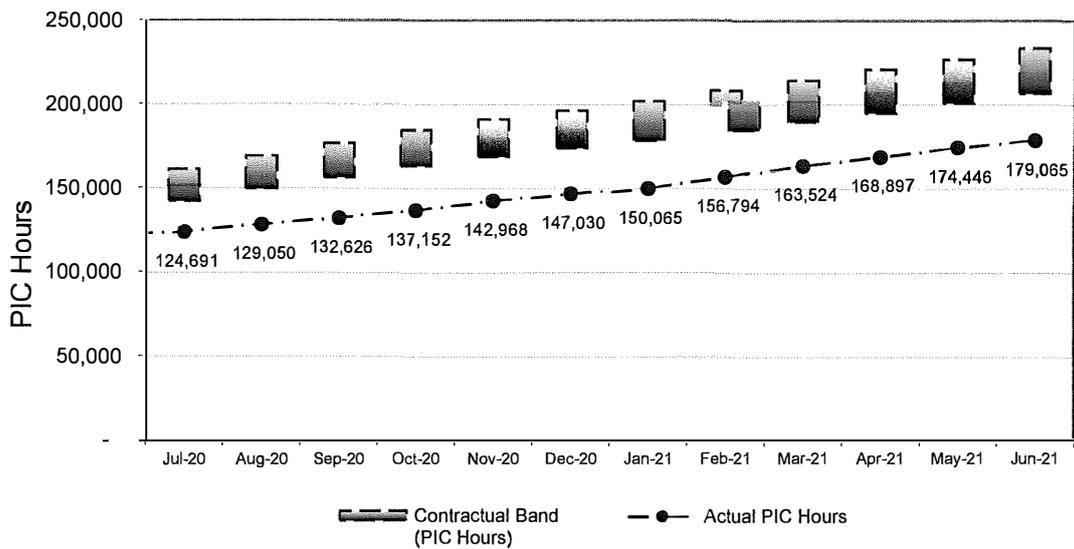
B. Service Provision

Service demand and payment for the custodial services component of the contract is based on a fixed annual price for an anticipated band of court custody hours, with allowance for adjustment on an hourly rate basis should the actual custody hours fall outside of the set band. The band was established based on court custody data analysis and modelling performed in 2004 as part of the planning for the CBD Courts Project.

The actual custody hours of 179,065 was below the lower band limit of 206,381 for the reporting period. The average court custody duration was 4.64 hours per person compared with 4.43 hours per person in the previous period and the 2004 model average of 5.4 hours per person.

The increase in custody hours is due to the increased number of accused appearing in person this year compared with last year which was impacted by the COVID-19 State of Emergency declared in WA and the suspension of jury trials occurring between March and July 2020.

Cumulative Actual PIC Hours v Contractual PIC Hour Band



Payment for the court security component of the contract is based on a fixed annual price for base building security and user management services plus a volume based adjustment for variable demand services such as gallery guards and court orderlies. Approximately 95% of the court security and custodial services received under the contract are subject to a fixed annual payment irrespective of the resources engaged by Western Liberty Group to provide the services.

Apart from the variable volume based costs for gallery guards and court orderlies the Department does not actively monitor or verify the resource hours utilised by Western Liberty Group. However, Western Liberty Group does provide this data on a monthly basis and it is presented below for general information purposes in the broader context of court security and custodial services provided to the State.

Service Delivery Resource Hours Reported by Western Liberty Group

Activity	Resource Hours*
User Management and Court Security Services	81,475.53
Custodial Services	80,886.95
Total	162,362.48

* Figures not verified and not to be taken as an indicator of service demand or cost. Figures are for the period 1 July 2020 to 30 June 2021.

C. Cost of Service

Total Contract Cost (1 July 2020– 30 June 2021)	
User Management, Court Security and Custodial Services	\$ 11,872,490.13
Less Abatements	\$ 11,651.54
Subtotal (exclusive of GST)	11,860,838.59
GST	1,186,083.86
Total (inclusive of GST)	13,046,922.45

6. MAJOR CHALLENGES FOR 2021/22

Benchmarking (i.e. repricing) for services under the contract is to be undertaken during 2021/22. As part of the benchmarking and negotiation process Western Liberty Group has submitted its benchmarked services offer for the continued provision of court security and custodial services on 1 July 2022.

The benchmarking process is being undertaken as a project with an appropriate governance framework to ensure due diligence resulting in the State obtaining value for money.