



# Annual Report 2009/10

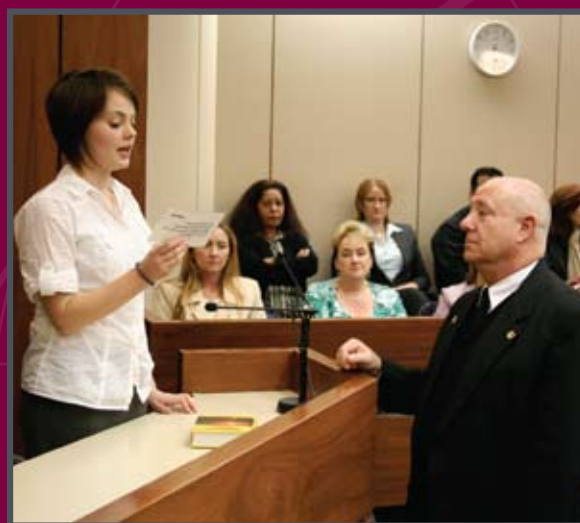
*trustee services*



*births, deaths and  
marriages*

*native title services*

*court and tribunal  
services*



*legal, legislative,  
policy and Aboriginal  
justice services*

*advocacy, guardianship  
and administration services*



# Annual Report 2009/10

## Department of the Attorney General

### Statement of Compliance

For the year ending 30 June 2010

### **Hon Christian Porter MLA Attorney General**

In accordance with section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of the Attorney General for the financial year ending 30 June 2010.

The report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

*Cheryl Gwilliam*

Cheryl Gwilliam  
DIRECTOR GENERAL  
DEPARTMENT OF THE ATTORNEY GENERAL  
17 September 2010

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### **Contact details**

Level 12, 141 St Georges Terrace  
Perth WA 6000  
Phone: 9264 1600  
[www.dotag.wa.gov.au](http://www.dotag.wa.gov.au)

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## OVERVIEW OF AGENCY

### Executive Summary from the Director General

## Innovation in meeting demand

The Barnett Government's focus on law and order reform, increased demands for services and an emphasis on future development of regional court facilities were key focal points for the Department in 2009/10.

Law reform remained a high priority for the Government. The Department continued to provide policy development, legal advice and legislative drafting to support the Attorney General, the Government and its agencies. Parliament passed new laws on mandatory imprisonment for serious assault on police officers and some categories of public officers. Changes to laws to address anti-social behaviour, such as graffiti, laser pointing, rock throwing and Prohibited Behaviour Orders, were also dealt with by the Parliament.

The Department also continued its work on the Government's election commitments and law and order agenda, including reforms to prostitution legislation and implementing truth in sentencing reforms (parts 2 & 3), reforms to jury selection, a crackdown on organised crime and improvements to criminal procedures.

Policy and guidelines for the assessment of applications and the administration of the Criminal Property Confiscation Grants program were also revised during the year. Changes were designed to make grant recipients more accountable for the money they receive, ensure projects benefit the public and lift the potential size of grants to \$200,000. Applications were invited in May and were under assessment at 30 June 2010.

During the year the Department continued to use technology and innovation to meet both increased demand for services as a result of a growing and ageing population and to enhance service delivery to the community.

Western Australian courts are continuing to meet increasing demands within the justice system and time-to-trial intervals in WA courts have, in general, continued to improve. The provision of online services and use of technology contributed to streamlining court services. Examples included:

- The launch of the Children's Court's first website to provide information for court users and access to forms for both criminal and protection and care matters.
- Electronic filing of divorce applications through the Commonwealth Courts with tracking in the Family Court's case management system enabling parties and lawyers to do more business online and monitor the progress of their applications.

- The continued roll out and improvement of audio-visual facilities in courtrooms to reduce the requirements for prisoner transport.

Similarly the Registry of Births, Deaths and Marriages has used technology to improve its record management and service delivery through the continuation of converting two million paper-based records to electronic format. The conversion project will enable faster document retrieval and enhanced service.

Innovation in service delivery across the Department as a whole also included:

- The Public Trustee operated on a substantially revised business model including a new service to assist executors of wills and an expanded will writing service.
- The Public Advocate provided extensive community education to support the government's introduction of Enduring Powers of Guardianship and Advance Health Directives.
- Hearing loop systems were installed at key public contact points at the Registry of Births, Deaths and Marriages to assist people who wear hearing aids and Auslan interpreting services are now offered for registry weddings.

The Department continued to apply itself innovatively to addressing the issue of over-representation of Aboriginal people in the criminal justice system via the development of local justice forums. The Office of Native Title, responsible for implementing the State Government's native title policy, was transferred into the Department at the start of the financial year, widening the range of services offered to Aboriginal communities and individuals.

The Department worked closely with the Department of Regional Development and Lands to secure funding for major regional infrastructure. Planning for a new Courthouse at Broome and the development of a new Kununurra Courthouse were funded by the *Royalties for Regions* program. The Carnarvon Police and Justice complex was funded through the *Royalties for Regions* program and by government appropriations as part of the 2010/11 State Budget. The expected completion dates for the Courthouses at Carnarvon and Kununurra are 2013 and 2014 respectively.

Additional funding needed for a new Kalgoorlie Courthouse development was approved in the 2010/11 State Budget. On-site works were scheduled to commence in September 2010. The main construction works for the new courthouse are scheduled to be tendered in 2011 with expected completion two years later.

I would like to thank the Attorney General for the strategic direction he continued to provide to the Department during the year and to the management and staff for their sustained dedication and hard work.

**Cheryl Gwilliam**  
**Director General**

## Operational Structure

The Department of the Attorney General reports to the Attorney General, Christian Porter MLA, and is lead by the Director General, Cheryl Gwilliam.

### Key Services

- Courts and tribunal services
- Births, deaths and marriages
- Advocacy, guardianship and administration services
- Trustee services
- Services to Government that include legal, legislative, policy and multi-agency co-ordination services
- Native title policy development, implementation and negotiation

### Corporate Services

Corporate support is provided to operational areas within the Department.

During 2009/10 support was also provided, in varying degrees, to other organisations:

- Department of Corrective Services
- Office of the Director of Public Prosecutions
- Law Reform Commission
- Parliamentary Inspector of the Corruption and Crime Commission
- Legal Aid Commission
- Legal Costs Committee
- Professional Standards Council (WA)

Corporate support functions for the Office of the Director of Public Prosecutions transferred to Shared Services in the Department of Treasury and Finance in February 2010.

# ORGANISATION STRUCTURE at 30 June 2010

## DIRECTOR GENERAL

Cheryl Gwilliam

**Management Assurance**  
– *Manager* Martin Connolly

**Advisory Services**  
– *Manager* Mark Hainsworth

**Public Affairs**  
– *Manager* Richard Goodwin

**Births, Deaths and Marriages** – *Registrar* Brett Burns  
Creates and stores birth, death and marriage records, conducts civil marriages

**Court and Tribunal Services** – *Executive Director* Ray Warnes  
Courts, tribunals and boards, victim support, court security, fines enforcement, justices of the peace

**Native Title** – *Executive Director* Gary Hamley  
Co-ordination of a whole of government response to the resolution of State native title matters

**Parliamentary Counsel** – *Parliamentary Counsel* Walter Munyard  
Legislative drafting services to Government

**Policy; Aboriginal Services** – *Director* Karen Ho  
Develops policy and legislation for the Government and information for Departmental business areas. Aboriginal mediation. Aboriginal Justice Agreement

**Public Advocate** – *Public Advocate* Pauline Bagdonavicius  
Advocacy, guardianship and community education services on behalf of people with decision-making disabilities

**Public Trustee** – *Public Trustee* John Skinner  
Trustee services to WA community

**State Solicitor** – *State Solicitor* Tim Sharp  
Legal services to Government

**Corporate Services** – *Executive Director* Bill Hewitt  
Asset management and contracts, business services, financial management, human resources, information services



# Performance Management Framework

## Government Goal

Outcomes based service delivery: greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

DotAG-Desired Outcomes	Services
Outcome 1: The right to justice and safety for all people in Western Australia is preserved and enhanced	1 Court and Tribunal Services 2 Advocacy, Guardianship and Administration Services 3 Trustee Services 4 Births, Deaths and Marriages 5 Services to Government 6 Legal Aid Assistance *
Outcome 2: Resolution of Native Title matters in accordance with Government policy	7 Native Title Policy Development, Implementation and Negotiation

\* The Legal Aid Commission is partly-funded through the Department of the Attorney General although it prepares a separate annual report.

## Changes to the Department's Outcome Based Management Structure

Several changes were made to the Department's Outcome Based Management (OBM) structure for this reporting period.

Three new Key Performance Indicators (KPIs) were added to the existing suite of indicators for Court and Tribunal Services:

- Supreme Court Single Judge Appeals – Time to trial
- Supreme Court Single Judge Appeals – Time to finalise non-trial matters
- Supreme Court Single Judge Appeals – Cost per case

The Office of Native Title (ONT) was also incorporated into DotAG in 2009/10. ONT's existing agency level outcome, service and KPIs added to the Department's OBM framework were as follows:

### New agency level outcome

Resolution of Native Title matters in accordance with Government policy.

### New service

Native Title policy development, implementation and negotiation.

### New Key Performance Indicators

- Percentage change in the number of outstanding claims awaiting resolution
- Ratio of consent determinations to litigated determinations
- Average cost per Native Title determination
- Average cost per Native Title application managed
- Average time taken to achieve resolution of prioritised Native Title applications

# AGENCY PERFORMANCE

## Financial Summary

Services	Budget 2009/10 \$000	Actual Exp 2009/10 \$000
1. Court and tribunal services	267,492	298,391
2. Advocacy, guardianship and administration services	3,186	4,280
3. Trustee services	16,022	18,060
4. Births, deaths and marriages	6,853	6,945
5. Services to Government	60,332	75,372
6. Legal aid assistance	25,816	27,084
7. Native Title	31,427	23,108
<b>TOTAL</b>	<b>411,128</b>	<b>453,240</b>

## Financial Targets

	Target 09/10 \$000	Actual 09/10 \$000	Variation	Comment
Total Cost of Services (i.e. endorsed expense limit)	411,128	453,240	10%	Expenditure exceeded target largely due to increases in the judicial pension liability, ex-gratia and mesothelioma payments, additional costs associated with providing a shared service, court security contract cost increases and accommodation leasing rises.
Net Cost of Services (details in the Income Statement)	313,286	341,548	9%	The variance was largely due to the expenditure explanations above. These were offset by additional Public Trustee revenues, Births, Deaths and Marriages fees, State Solicitor legal fees, Fines Enforcement Registry collections and Office of Native Title revenues.
Total Equity (details in the Balance Sheet)	393,376	407,685	4%	
Net Increase/(Decrease) in Cash Held (details in Cash Flow Statement)	(11,711)	18,919		The increase in cash held was largely due to additional revenues and unspent Native Title grants.
Full Time Equivalent (FTE) staff level (Excludes Legal Aid)	1926	1809	6.05%	DotAG is operating under its approved FTE target primarily due to diligent management by divisions. <i>Note: Office of Native Title FTE is included in 2009/10.</i>

## **Key performance indicators**

The Key Performance Indicators demonstrate that the Department maintained or improved service delivery since last year in most key service delivery areas. More than half of the Key Performance Indicator results also equalled or were better than targets set in the 2009/10 budget statements.

In the Courts, the time to deal with matters was less than last year in the District Court and for non-trial matters in the Family Court. The Coroner's Court also recorded a significant improvement in the time to commence an inquest and a reduction in its case backlog, due mainly to additional resources allocated to assist the Coroner.

The time to deal with matters in the Supreme, District and Coroner's Courts was also less than the targets set in the 2009/10 budget statements.

Another area showing improvement over last year is the Public Trustee where client satisfaction improved from 74 percent to 88 percent. Costs were generally below budget target level.

The complete list of key performance indicators is provided in Disclosures and Legal Compliance (p. 80).

## Service 1 / Court and Tribunal Services

*The provision of modern, responsive and affordable court and tribunal services that meet community and judicial needs.*

### Court services

#### Case times

The Department's Key Performance Indicators place a strong emphasis on the effectiveness and efficiency of the State's court system. The Department and the judiciary work together to ensure the timely and fair delivery of justice to all court users.

The **Supreme Court** shortened the time taken to finalise cases. The median time-to-trial for criminal cases decreased from 26 weeks last year to 24 weeks, due to the continued success of various management measures. Similarly, the Court was able to hear civil trials much faster this year – with audited time to trial, using new counting rules, down to 47 weeks from an adjusted figure of 78 weeks, applying the same new rules to the previous year.

Although total lodgements rose 10 per cent, the **Court of Appeal** also finalised cases more quickly. The median time to finalise civil cases reduced from 49 weeks to 36 weeks. The median time taken to finalise criminal appeals increased from 28 weeks to 33 weeks, but the result was still well below the target of 37 weeks. The previous year's result was historically low and therefore unlikely to be sustainable.

The **District Court** continued initiatives from the previous year which reduced the median time-to-trial from 33 weeks to 23 this year. It now ranks as one of the most efficient courts in Australia.

While criminal lodgements in the **Magistrates Court** dropped 8.3 per cent on the previous year, more cases were contested, with most requiring more time to finalise. This increase in contested matters contributed to a rise in the average statewide listing interval from 19 weeks to 22 weeks in 2009/10.

#### Demand

Lodgement of new civil cases at the **District Court** trended upwards with a further 6 per cent increase, building on a 20 per cent rise in 2008/09. The increase in lodgements was thought to be triggered by litigation arising from the global financial crisis.

The **Family Court** received 2,750 applications for final orders regarding property and/or children matters filed in 2009/10, representing an increase of 6 per cent from the previous year.

The **State Administrative Tribunal** received 6,261 new applications in 2009/10, a 5 per cent increase on the past year and a 20 per cent increase since it was established in 2005. Guardianship and administration matters continued to be the focus for the Tribunal, with 3,516 matters lodged in the Human Rights stream. Despite the increased workload, the Tribunal completed 80 per cent of guardianship and administration matters within eight weeks of lodgement.

The Coroner's Court dealt with 2,570 reportable deaths in 2009/10 and finalised a total of 2,622 files. In August 2009, a funding injection of \$822,000 enabled the Coroner's Office to reduce the number of outstanding matters from a peak of 2,071 to 1,725 at 30 June 2010.

More than 1,170 offenders with underlying drug use problems accessed drug treatment programs through the Western Australian Diversion Program. The **Perth Drug Court**, in tandem with the program, marked 10 years of operation in 2010.

## **Reforms and enhancements**

The **Children's Court** launched its first website to provide information for court users and access to forms for both criminal and protection and care matters. The Court, working with the Department for Child Protection and Legal Aid, introduced a process to bring together parents, children and professionals to mediate and devise a child safety plan.

A panel of experts from a range of backgrounds was appointed to provide reports for magistrates dealing with applications relating to the abuse or neglect of children.

From March 2010, divorce applications could be filed electronically through the Commonwealth Courts and tracked in the **Family Court's** case management system. As a result, parties and lawyers now do more business online and monitor the progress of their applications.

In 2009/10, Indigenous Family Liaison Officers (IFLOs) provided valuable assistance to the **Family Court** in cases involving Aboriginal children. Following a successful pilot program, the Commonwealth extended the IFLO positions for another year.

The Family Court appointed a senior consultant from the Department for Child Protection to inform court processes and help identify potential risk to children.

The Department's records show that 2,828 Justices of the Peace are actively providing services to the community.

## **Enforcement**

### **Fines and enforcement**

The number of outstanding court-imposed fines and infringement fines registered at the Fines Enforcement Registry decreased by 7 per cent because fewer matters were registered at the Magistrates Courts, particularly by the WA Police. The registry collected \$69 million this financial year, an increase of 6 per cent, bringing total collections since its establishment to more than \$1 billion.

The registry's performance is measured by the number of court fines and infringement notices finalised within 12 months of lodgement. The registry met its target of 57 per cent for infringements and finalised 35 per cent of court fines (7 per cent above target).

A direct bill paying service for customers receiving payments from Centrelink is the most used means of paying fines. Such arrangements can now be set up by phone. More than 11,500 people use this system, paying a total of almost \$360,000 a fortnight, resulting in more than \$8 million collected this year.

Of the outstanding amount on the registry's books, \$71 million was being recovered under 'time to pay' arrangements. The majority of the remaining outstanding fines were under active enforcement.

### **Bailiff services**

The Department awarded a single contract to enforce civil court orders and warrants of execution for outstanding fines in the south of the State. After a transition period, the contractor, Baycorp WA Pty Ltd, took over responsibility for issuing warrants of execution in May 2010.

Under the contract, frequent creditors track progress of their matters online. This offers better service to clients and accurate data for contract management purposes.

The contractor also serves first-time licensing notices for the Department of Transport, enabling both departments to provide clients with a consistent standard of service, over an extended area of coverage.

### **Support services**

#### **Aiding victims of crime**

The Department provided counselling and support services to 4,846 new victims of crime across the State, an increase of 7.9 per cent on the previous year. A fifth of the new victims who accessed the service were Aboriginal and Torres Strait Islander.

Victims of sexual offences accounted for 13 per cent of those helped. More effort has been put into helping these victims, especially during the trial process.

The Department's Victim Support Service is now working closely with the WA Police sexual assault squad to ensure victims have fast access to support. A specific volunteer program was also developed to service these victims.

Working closer with police has enabled the Victim Support Service to provide faster services to nearly 300 secondary victims of crime such as those affected by deaths through dangerous driving.

The number of services being provided to victims of crime has continued to grow through the work of the Department's 180 volunteers in Perth and regional areas.

#### **Compensating victims**

Applications for compensation from victims of crime totalled 1,628 - a rise of 9.2 per cent on the previous year. The Office of Criminal Injuries Compensation finalised 1,431 applications, up 7.8 per cent in a year.

In 2009/10, the Office gained \$244,000 for extra staff to address a historic and current recoveries caseload. The investment produced an increase in the recoveries of awards paid to victims of crime from liable offenders this year by 7.3 per cent to \$1.26 million. In addition the number of regular instalment payers rose by 24 per cent to 1,105.

#### **Witness services**

The Department's Child Witness Service dealt with 1,111 referrals in 2009/10 compared to 963 the previous year.

**Family violence services**

Family violence courts in six metropolitan locations continued to operate, while in Geraldton a family violence court, known as the Barndimalgu Court, specifically catered for 17 offenders in 2009/10, most earmarked for counselling.

These courts aim to break the cycle of family violence by holding perpetrators accountable and offering options to modify their violent behaviour before sentencing.

Last year, more than 4,600 family violence victims received direct help with Violence Restraining Order applications, victim impact statements, court support and referrals to other agencies.

**Parole, supervised release and mentally impaired accused**

The Department continued to support the operations of the Prisoners Review Board, Supervised Release Review Board and Mentally Impaired Accused Review Board.

The Prisoners Review Board considered 5,508 matters during the year. These included first reviews for parole, requests to review decisions, re-applications for parole, breaches of parole and other statutory reviews. Parole was approved on 927 occasions and denied or cancelled on 3,546 occasions. The Mentally Impaired Accused Review Board dealt with 83 matters.

The Supervised Release Review Board dealt with 628 matters.

## Service 2 / Advocacy, guardianship and administration services

*Access to advocacy, investigation and guardianship services which protect and promote the financial interests and welfare of adults with decision-making disabilities.*

### **Advocacy and investigation services**

Investigators and guardians from the Office of the Public Advocate attended more than 765 State Administrative Tribunal hearings in 2009/10. At these hearings they advocated in the best interests of adults who were proposed or are represented persons.

A total of 1,040 investigations into the personal or financial welfare of people with a decision-making disability, were carried out in 2009/10 as a result of referrals from the State Administrative Tribunal and community members. An additional 542 preliminary investigations were carried out by the liaison officer. Investigations referred by the State Administrative Tribunal accounted for the majority of all investigations.

Increasing demand for investigation and advocacy services resulted in additional resourcing in 2010/11.

### **Guardianship services**

The rising prevalence of dementia, due to the ageing population, continues to impact on the demand for guardianship services. At 30 June 2010, the Public Advocate was guardian of last resort for 596 people, compared to 484 people at the same time the previous year, an increase of 23 percent. During 2009/10, 224 new appointments of the Public Advocate as guardian were made. Additionally the Public Advocate made personal, lifestyle and treatment decisions for 723 people in 2009/10, up from 601 in 2008/09.

In 2009/10 three senior guardian positions were created to improve the overall management of complex cases and provide a supervision structure and career path opportunities for the guardianship team.

A targeted campaign to recruit new volunteers to the community guardianship program was undertaken in April 2010. Assessment of candidates was being undertaken at 30 June. Of the 13 volunteers in the program, nine had been appointed as guardian by the State Administrative Tribunal.

### **Changes to the legislation**

Part 2 of the *Acts Amendment (Consent to Medical Treatment) Act 2008*, came into effect on 15 February 2010.

The key amendments to the *Guardianship and Administration Act 1990* that this legislation brought about were:

- the introduction of Enduring Powers of Guardianship (EPGs) and Advance Health Directives (AHDs)



- changes to the legal order of who should be consulted to make treatment<sup>1</sup> decisions on behalf of an adult if they lose capacity.

The implementation of this new legislation is the joint responsibility of the Office of the Public Advocate and the Department of Health's Office of the Chief Medical Officer. The Office of the Public Advocate is responsible for EPGs and the Department of Health for AHDs.

Prior to the legislation coming into effect, the Office of the Public Advocate produced a range of information and training resources on EPGs. Publications introducing the two new powers were developed in conjunction with the Department of Health.

### **Community education and access**

Consistent with its responsibilities under the *Guardianship and Administration Act 1990*, the Office of the Public Advocate provides education in guardianship, administration and enduring powers of attorney. In line with the changes to the legislation, EPGs became the year's prime focus for the education program. Although the responsibility of the Department of Health, limited information regarding AHDs was also covered and some joint sessions were conducted.

In 2009/10 the Public Advocate organised 84 training and information sessions. Fifty seven of these were aimed at service providers from the aged care, health and disability sectors and 27 were for community members. Of those who participated in surveys, the satisfaction levels among attendees reached 95 percent.

Of the 84 sessions, 80 focused on EPGs and reached more than 2,000 service providers and community members.

Sixty sessions were conducted in the metropolitan area, 18 in the Kimberley, Pilbara, South West, Great Southern, Peel and Wheatbelt regions and six via video conference to other regional areas.

In recognition of World Elder Abuse Awareness Day, the Office conducted two half-day training sessions to raise people's awareness and understanding of elder abuse. Thirty-six service providers were given information on how to recognise and prevent elder abuse and 54 community members were educated on the potential benefits of using Enduring Powers of Attorney and Enduring Powers of Guardianship as planning tools to prevent elder abuse.

The Office of the Public Advocate handled a total of 4,505 enquiries via its advisory service in 2009/10. EPGs, which featured in the enquiries for the first time this year, accounted for 13.5 per cent of all enquiries received.

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<sup>1</sup> 'Treatment' is defined in the *Guardianship and Administration Act 1990*, as: medical or surgical treatment, including a life sustaining measure and palliative care, dental treatment or other health care.

## Service 3 / Births, deaths and marriages

*Access to accurate, permanent and confidential records of births, deaths and marriages by the government and community.*

### Conversion services

#### Electronic conversion of records

In March 2009 the Department commenced converting two million paper-based records stored at the Registry of Births, Deaths and Marriages to electronic format. Birth and adoption records from 1973 to 1948 are now on a database and those from 1947 to 1938 are at varying stages of being uploaded. The conversion project is expected to take five years to complete.

#### Online indexes

The range of historic indexes available on the Department's website was extended during the year. Birth indexes are now available for 1841-1932, death indexes for 1841-1965 and marriage indexes for 1841-1936.

#### Lodgement of death information

Online notification of deaths increased during 2009/10 with 73 per cent of registrations lodged electronically.

### Identity security

#### Validation

The prevention and detection of identity fraud and theft is a growing priority. More than 116,000 Western Australian birth, death and change-of-name certificates were validated against registry information during 2009/10. This is an increase of 36 per cent from last year. Public and private organisations use this service to verify the identity of people joining them.

#### Verification

Western Australia remains a key participant in the National Identity Security Strategy (NISS), a Council of Australian Governments' initiative to better protect the identities of Australians by strengthening the integrity and security of credentials such as birth certificates. The National Document Verification Service, a component of NISS, provides a secure online system where subscriber agencies verify the accuracy of government-issued identifying documents presented by applicants for benefits or services.

### Service delivery

#### Registrations and certificates

The Department recorded a small increase in the number of standard certificates issued during 2009/10. Registrations rose slightly with 31,754 births, 12,975 deaths, 12,498 marriages and 5,008 changes of name.

#### Weddings

The number of wedding ceremonies officiated at the Perth registry office remained steady at 1,002 during 2009/10.

## **Innovation**

### **Assistance**

Hearing loop systems were installed at key public contact points at the registry's Perth offices to assist people who wear hearing aids and Auslan interpreting service are offered for registry weddings. The registry also provides comfortable public counter access for wheelchair-bound customers.

### **Improved counter services**

Ticket queuing began at the Perth registry counter in March to streamline service. So far about 16,457 people, an average of 222 a day, have directly accessed the registry's services.

## Service 4 / **Trustee services**

*Through the Public Trustee, the Department provides funds management services, trustee and financial administrator services for individuals pursuant to orders from courts or tribunals, prepares wills and Enduring Powers of Attorney, and manages deceased estates.*

### **Developing business**

The Public Trustee introduced a new fee structure on 1 July 2009. It provided free services (community service obligations) valued at \$6 million to clients who could not afford to pay. Monitoring of the fees confirmed they were responsive to market needs and positioned the Public Trustee to achieve the goal of becoming self-funding by 2015.

During the year the Public Trustee introduced a regional visits program where staff made 21 visits to regional cities and towns, including Albany, Manjimup, Bunbury, Mandurah and Geraldton. Visits to Broome, Derby and Kununurra were funded by the *Royalties for Regions* program.

### **Customer service**

The Public Trustee extensively surveyed and interviewed clients and stakeholder groups, the results of which informed and influenced business operations and plans to enhance relationships.

The Public Trustee introduced new publications and revised existing materials for clients and stakeholders, conducted 15 public seminars and implemented newspaper and radio announcements to inform the community of its services. It also launched *WA Will Week*.

### **Investment performance**

During 2009/10, the Public Trustee transferred 246 clients' investments, representing almost \$137 million, to the new Public Trustee Investment Funds which began operation on 1 July 2009.

In December, the Public Trustee received almost \$873 million to invest in the Common Account as a result of the Supreme Court decision in the action between various banks and the Bell Group liquidator.

The Public Trustee prepared to relocate to a building it acquired at 553 Hay Street Perth and started to upgrade facilities there. The building, owned by Trustee clients through the Common Account, should be occupied by Public Trustee staff in 2011 once the refurbishment is finished.

### **Other achievements**

For the past three years, the Public Trustee has been recognised as a Better Practice Agency by the Office of the Auditor General for quality and timely financial statements and good financial practice.

## Service 5 / Services to Government

*Legal, legislation and policy services provided by the Department to support justice outcomes and activities of other Government agencies.*

### **Policy and legislative advice to Government**

#### **Law and order**

The Department has been a prime source of policy and legislative advice on a range of anti-crime measures put to Parliament by the State Government.

During the year, new legislation was passed to mandate custody for serious assaults on police and other public officers. Numerous other laws were amended, for example, to toughen measures to prevent graffiti vandalism, to outlaw rock-throwing at drivers and to increase arson penalties.

The Parliament dealt with Bills to constrain offenders who have a history of anti-social behaviour, to crack down on child exploitation through pornography and to make it an offence to use materials that steal someone's identity.

#### **Law reform**

Work by the Department advanced other areas of law reform. Legislation was prepared on outlawing serious criminal organisations, broadening jury service and toughening interim detention for serious sex offenders.

In conjunction with senior officers from other agencies and the WA Local Government Association, the Department undertook policy development on the regulation of prostitution. Drafting instructions were also devised for future legislation.

Reforms to double jeopardy laws and the imposition of a levy on crime to fund more assistance for victims were under consideration at the time of reporting.

The Cross Border Justice scheme came into operation on 1 November 2009, effectively allowing justice authorities and police to operate seamlessly in an outback region of WA, South Australia and the Northern Territory.

#### **Reviews and evaluations**

The Department reviewed the operation of the Kalgoorlie Aboriginal Community Court after three years, allowing the Government to make improvements for another two years focused on reducing repeat offending.

Following the Coronial inquiry into the death of Aboriginal elder, Mr Ward, while being transported in custody, the Department took steps to ensure police officers appointed as deputy court registrars fully understood their powers and responsibilities.

A review of the *Bail Act 1982* commenced, in line with the Government's response to the Coroner's findings.

Enhanced training for Justices of the Peace (JPs) started in November 2009. The 2010/11 Budget provided extra funding for further improvements to training in the years ahead.

During the year the Department also began investigating reforms to appointing JPs which, if approved, would separate judicial responsibilities from administrative duties.

The Department conducted a statutory review of the *Professional Standards Act 1997*, roughly coinciding with Parliamentary amendments to enhance recognition of interstate professional standards schemes.

A statutory review of the *Sentencing Act 1995* was undertaken.

### **National matters**

The Department provided advice on the development of a national Indigenous Law and Justice Framework for the Standing Committee of Attorneys General.

From August it took over administration of the State's whole-of-government copyright remuneration agreements with copyright collecting bodies. Negotiations for new payment levels for photocopying, digital copying and copying of broadcasts, were being progressed at the time of reporting.

## **Services to Aboriginal communities and individuals**

### **Aboriginal Justice Agreement**

The Aboriginal Justice Agreement (AJA) is a planning and partnership framework that joins Aboriginal people with government and non-government agencies to identify and address justice issues at local, regional and state levels. The AJA program is co-ordinated by the Department's Aboriginal Services Directorate.

In 2009/10, three new localised justice agreements were completed and signed, bringing the total number of active local justice forums to 24. One justice agreement covering a whole region was signed with progress towards another four. The State Justice Plan 2009/14 was finalised and endorsed by the State Aboriginal Justice Congress in August 2009.

Implementation of priorities within the justice agreements has been the focus during the reporting period. For example, a wide range of government and non-government organisations have worked with youth and families to implement practical strategies to address community violence in a number of locations throughout the State. An evaluation of the Aboriginal Justice Agreement program is nearing finalisation.

### **Mediation Service**

Culturally appropriate conflict and dispute resolution services for Aboriginal and Torres Strait Islander peoples help address inter and intra-family feuding. The principles of mediation, conciliation, facilitation and negotiation are applied with proven procedures and practices.

During 2009/10 the Department's mediation service received 113 inquiries. Following assessment 47 matters were referred to relevant Government Departments and external agencies. There have been 18 mediations during the reporting period including 10 multi-party cases. A major focus for the service has

been inter-agency and whole of government case management approaches to some of the more complex issues referred to it.

## **Legislative drafting and legal services to government**

### **Parliamentary Counsel**

The Parliamentary Counsel's Office provides comprehensive legislative drafting and related services to the Government and its departments and agencies to give effect, through legislation, to policies and priorities.

### **Public information**

Through the Parliamentary Counsel's Office, the Department continued to enhance the provision of legislation online and free of charge to the public.

This year the office completed a project to optically scan all historical reprints of existing Acts on the legislative database. This project is particularly useful to the judiciary and legal profession. One thousand five hundred and thirty-six historical reprints, providing former versions of more than 630 Acts, have been made available. The project has been made possible by collaboration with various stakeholders including the State Law Publisher and legal librarians across the government and private sectors.

### **National drafting**

The Parliamentary Counsel's Office was engaged on a number of large national scheme drafting projects to implement Council of Australian Governments reform initiatives. This saw a number of Bills introduced into Parliament including the *Credit (Commonwealth Powers) Bill 2010*, which is to give legislative power over credit matters to the Commonwealth, and an accompanying transitional and consequential Bill to deal with implications in Western Australia.

### **Extension of services**

The Parliamentary Counsel's Office also finalised arrangements with Parliament for the provision of legislative drafting services to private members.

### **Significant tasks**

In 2009/10, the Parliamentary Counsel's Office completed a number of significant drafting tasks to give effect to the economic and operational policies of Government. They included:

- *The Payroll Tax Assessment and Amendment Bill 2010* and the *Payroll Tax Rebate Bill 2010* to stimulate medium and small sized business by providing rebates of payroll tax.
- *The Public Sector Reform Bill 2009* to give effect to the Government's reforms of the Western Australian Public Sector.
- *The Gas Supply (Gas Quality Specifications) Bill 2009* to facilitate major developments in the natural gas industry.
- Four Bills to facilitate reform in the Government's approval processes.

## **State Solicitor**

The State Solicitor's Office (SSO) continued to deliver quality legal services to Government and a broad range of government clients.

### **Significant matters**

Examples of some of the significant legal matters dealt with by the SSO during 2009/10 include:

#### **Southern Properties v Department of Conservation and Land Management**

Defended by the SSO, the Department of Environment and Conservation (DEC) was found by the Supreme Court in March to have owed no duty of care at common law to wine grape producers for economic loss due to smoke taint arising from prescribed burn-offs. A policy defence, which the court found applied, means public authorities must balance competing interests in a politically sensitive environment. Wine company Southern Properties (WA) Pty Ltd has since appealed.

#### **Tipperary Developments Ltd v the State of Western Australia**

Dismissal by the Supreme Court of an action by Tipperary against the State was upheld on appeal. The matter centred on alleged assurances and representations which led Warren Anderson, through Tipperary, to advance \$50 million to Rothwells Ltd in 1988 prior to it going into liquidation. The Supreme Court upheld aspects of the claim but found any guarantee given to Tipperary was unenforceable. It also held that action against the State should be dismissed. While the Court of Appeal upheld the aspect of Tipperary's claim based on negligent misrepresentation, estimated to be worth \$80 million if successful, it dismissed the appeal because the State had been freed from any liability by a deed of release.

The High Court later refused Tipperary's application for special leave to appeal on 28 May 2010, bringing an end to its claim against the State. Tipperary was ordered to pay the State's costs of the application.

#### **Mt Romance Australia Pty Ltd v Forest Products Commission**

The SSO represented the Forest Products Commission in a Trade Practices claim by Mt Romance Australia Pty Ltd relating to the supply of processed sandalwood under a long term contract. Mt Romance wanted to terminate the contract between the Commission and the company that carried out its sandalwood processing and marketing services. After formal mediation and informal discussion, the parties reached a confidential settlement.

#### **Fiona Stanley Hospital Project**

The SSO continued to advise the Department of Health and the Department of Treasury and Finance on this project. As an initial contract for the bulk of design work and early construction works approaches completion, SSO oversaw a second contract for the balance. The SSO has overseen the drafting of a facilities management contract and helped with service specifications. Procurement of a facilities manager is under way.



### **Oakajee Port Development**

Following the signing of a State Development Agreement for Oakajee Port and Rail in 2009, the SSO has been working with Government agencies to resolve implementation issues for the project. The SSO is assisting with negotiations of the project documentation and with the State's due diligence of the project generally.

### **Native Title**

The SSO continues to work collaboratively with the Department's Office of Native Title, its major client in this area of law, and acts for the State in respect of all native title claims in Western Australia.

The SSO has continued to provide advice to government agencies on how native title, Aboriginal heritage and environmental issues impact on resource and mining projects which the State is progressing with proponents and native title parties.

The SSO has acted for the State in a number of instances of negotiation and drafting of indigenous land use agreements under the *Native Title Act 1993* (Cth). SSO helped develop template Indigenous Land Use Agreements to avoid the unnecessary extinguishment of native title.

Significant matters involving the SSO in 2009/10 included:

- Joint Working Group on Indigenous Land Settlement to discuss amendments to the Native Title Act regarding the Federal Court handling of native title claims.
- Assistance in the successful negotiation, registration and implementation of two Indigenous Land Use Agreements with the Yawaru People.
- Consent determination of native title for the Thudgari People.

### **Grants administration**

#### **Criminal Property Confiscation**

The Department revised guidelines for the assessment of applications and the administration of the Criminal Property Confiscation Grants program. Changes were designed to make grant recipients more accountable for the money they receive, ensure projects benefit the public and lift the potential size of grants to \$200,000. Applications were invited in May. They were still subject to assessment at 30 June 2010.

### **Awards**

#### **Community Law Award**

The Department conducted two rounds of the Community Law Award presented by the Attorney General during Law Week to recognise outstanding pro bono legal services.

Richard Price, a barrister at Francis Burt Chambers, won the award in September 2009 for his long record of providing pro bono legal expertise to WA youth organisations, including Youth Legal Service and Perth YMCA.

In May 2010 Samantha Maddern from Corrs Chambers Westgarth took out the award for her pro bono work with the Employment Law Centre. She provided legal assistance to people who are traditionally disadvantaged in the community such as those with disabilities, young people, people from non-English speaking backgrounds, Aboriginal people and people with limited literacy.

## Service 6 / Native Title

*Co-ordination of a whole of government response to the resolution of State native title matters.*

From 1 July 2009 the Office of Native Title, which had previously operated from the Department of Treasury and Finance, was formally incorporated into DotAG.

### **Thudgari Determination**

A determination recognising the Thudgari people's non-exclusive possession native title rights and interests over about 10,588 square kilometres in the Murchison/Gascoyne region was ratified by the Federal Court in November 2009.

### **Observatory Indigenous Land Use Agreement**

An agreement between the Government and the Wajarri Yamatji people, registered with the National Native Title Tribunal in November 2009, permits an excision of 127 hectares of land from Boolardy Station for the construction of the Murchison Radio-astronomy Observatory (MRO). The MRO will accommodate the Australian Square Kilometre Array Project, a demonstration project that will showcase Australia's capacity to house the world's largest and most powerful telescope.

### **Yawuru Agreement**

Agreements between the Government, the Yawuru people and the Shire of Broome resolved native title and heritage issues over land in and around Broome. The agreements increase land supply in Broome by almost 1,900 hectares, resolve the State's compensation liability in relation to the Rubibi native title claim (about 5,300 square kilometres) and compensate the Yawuru people for specified future acts. The compensation package is valued at about \$197 million.

### **Aboriginal Development Package**

An Aboriginal Development Package was a requirement of the Ord Final Agreement (2005) and a pre-requisite to the expansion of the Ord Irrigation area. The \$12.5 million package provides employment opportunities for the Miriuwung Gajerrong people through local business development, local tenders, mentoring, vocational training and contracts.

### **South West Heads of Agreement**

A Heads of Agreement between the State Government and the South West Aboriginal Land and Sea Council provides a framework for negotiations to resolve native title in WA's South West. An agreement would facilitate development in the Perth metropolitan area and South West, allowing projects to proceed unimpeded by complex and lengthy native title processes. The Noongar people would be recognised as the traditional owners of the area, and would receive a package of benefits, including, but not limited to, economic benefits, a revised heritage regime, land, land access and joint management of specified national parks.

## Strategic Services / Organisational Progress

*Corporate services and co-ordination of infrastructure.*

### **Staff Development**

The Department of the Attorney General is committed to corporate learning and development programs. A total of 1,280 staff participated in training throughout 2009/10 with about 70 per cent of staff engaged in an employee development system. An Aboriginal cultural awareness course drew 101 staff while 156 did leadership and management training. Of the 13 graduates participating in the 2009 graduate development program, 11 completed it in May 2010.

Other staff development initiatives included:

- A mentoring program with 28 participants (14 pairs)
- 18-month programs for six Year 12 and five Year 11 school-based trainees
- A completed program for two business trainees
- Aboriginal business traineeship program for 14 participants
- Peer support and cultural change programs at the Public Trustee.

### **Information Technology**

The Department awarded a multi-million dollar contract to provide IT infrastructure services for the State's justice agencies. CSC Australia was appointed to deliver a comprehensive range of services, including help desk, network security and infrastructure supporting courts and prisons applications for DotAG and the Department of Corrective Services. The contract also supports computer links with the WA Police and the Department of Transport.

The Department continued with the implementation of its Information and Communications Technology (ICT) disaster recovery strategy. On a similar theme, a new system was rolled out to allow secure access to some of the Department's core systems from any Internet-connected computer; as a side benefit key staff can access systems in the event of a pandemic.

The Department expanded e-business solutions and technology to enhance customer services and secure the safety of users in the court system.

Developments included:

- Extending the Courts Integrated Management System to the Probate Office
- Rolling out a new case management system for the State Review Boards
- Expanding e-lodgement to State Administrative Tribunal for commercial tenancies applications
- Expanding e-lodgement at the Supreme Court to include more documents
- Enabling residential tenancies applications to be lodged online with the Magistrates Court
- Enhancing the Criminal Injuries system to track recoveries performance
- Moving the Fines Enforcement Registry system to new infrastructure
- Implementing a new foyer display in the Supreme Court
- Installing digital audio recording capabilities at the Supreme Court
- Fully upgrading the Fremantle Justice Complex audio-visual system

- Upgrading digital audio recording for judiciary and support staff at the State Administrative Tribunal, Family Court, Children's Court and Criminal Injuries Compensation Board
- Installing audio-visual systems at Blackstone Multifunctional Police Facilities and Laverton Police Court
- Upgrading video conferencing capabilities at Warmun Multifunctional Police Facility

An agreement between the Department and the Supreme Court for the supply of library services was renewed in 2009/10. A survey revealed a high level of satisfaction with these services delivered to the judges, master and registrars of the court.

Library resources contracts with major suppliers were renegotiated to ensure the continuity of supply of essential legal information resources at minimum cost.

The Department is also introducing electronic document and records management in a staged manner, giving priority to those business areas which gain the most immediate benefit.

### **Buildings**

The major refurbishment of the Central Law Courts Building in Perth was virtually completed during 2009/10. Courts have been operating on all floors since March. The newly refurbished Magistrates Court Registry had its first full year of operation, bringing closer the Department's vision of a contemporary, purpose-designed justice precinct in Perth.

The refurbishment at the Central Law Courts included the opening of a police post, facilities for Community Justice Services, Legal Aid, the Aboriginal Legal Service, welfare services and civil pre-trial conference facilities.

All court rooms in the building were updated to include the installation of full audio-visual services. Work is continuing on items such as mechanical services and the contractor is also fixing defects.

Additional funding needed for a new Kalgoorlie Courthouse development was approved in the May State Budget. Documentation proceeded for heritage restoration works on the exterior of the courthouse site, the Government Offices and Post Office building, and on-site works were scheduled to commence in September 2010. The main construction works for the new courthouse are scheduled to be tendered in 2011 with expected completion two years later.

The refurbishment of office accommodation at Westralia Square continued during 2009/10, overhauling the space occupied by the Registry of Births, Deaths and Marriages, State Solicitors Office and the Parliamentary Counsel's Office.

The Department worked closely with the Department of Regional Development and Lands to secure funding for major regional infrastructure. The Carnarvon Police and Justice complex was funded through the *Royalties for Regions* program and by government appropriations in the 2010/11 State Budget. Design work on the project was due to begin in July. The building should be finished by late 2013.

A redevelopment of the Kununurra Courthouse was also funded through *Royalties for Regions* commencing in the 2010/11 financial year and scheduled for completion in 2013/14. Planning for a similar redevelopment at Broome has also been funded.

### **Vehicle Management**

Following the release of the WA Government vehicle fleet policy and guidelines in September 2009, the Department decreased the size of its fleet, to meet the Government's targeted three year reduction.

### **Purchasing Cards**

The Department expanded purchasing card usage for the payment of printing and stationery, utility charges, Australia Post expenses, telephone charges and for the placement of job advertisements. Overall the use of purchasing cards for transactions under \$5,000 has increased to 70 per cent.

## SIGNIFICANT ISSUES IMPACTING ON AGENCY

### Responding to community needs

The global economic outlook began to improve in the latter part of 2009. While economic recovery remains fragile there are positive signs that in 2010/11 the State's economy will start to accelerate, reaching slightly above long term economic growth levels. This economic growth, driven by the resources sector, will also see continued population growth in excess of two per cent annually.

The Department needs to remain innovative in delivering its services to meet rapidly evolving community needs.

Increased population and a recent rise in birth rates will place greater demand on departmental services such as those offered by the Registry of Births Deaths and Marriages. Significant effort is going into converting paper based records to electronic records as means of improving service delivery to the community and better prevention and detection of identity fraud and theft.

An ageing population, increased prevalence of mental illness and dementia and a breakdown in community and family ties will result in continued increases in demand for services for vulnerable adults with a decision-making disability from both the Public Advocate and the Public Trustee.

Similarly increased commercial activity, combined with more prevalent litigation, will continue to place pressures on civil courts, while more effective policing, a widening of criminal law and a strong law and order focus are likely to increase lodgements in the criminal courts.

To meet these pressures the Department has placed a strong emphasis on the use of technology to assist in the delivery of court services. For example, the Department continues to roll out and improve audio-visual links in courtrooms, reducing the need for people to travel long distances to court and enabling witnesses and victims to safely participate in court proceedings.

Greater emphasis on online forms and e-lodgement of documents streamline processes and allow parties and lawyers to do more business online and monitor the progress of applications prior to the matter being presented to court. The Department also continues to improve processes to ensure delays in time to trial and backlogs of cases are reduced where possible.

Increased resource development results in more people living and working in regional communities and they require access to court facilities. The Department is well placed to meet this challenge with the building of new courthouses in Kalgoorlie, Carnarvon and Kununurra and planning for a new facility in Broome.

The enforcement of infringements and court fines grows. More agencies use the courts system to pursue outstanding fines, resulting in an increased quantum of work for the Fines Enforcement Registry. The increasing complexity in the

collection of outstanding monies will require more rigour and innovation in tracking and enforcing outstanding court fines.

Over-representation of Aboriginal people, and in particular Aboriginal youth, in the justice system remains a concern. The Department continues to work collaboratively with other Government agencies to put in place whole of government strategies and projects targeted at improving outcomes for Aboriginal people as part of the national “Closing the Gap” programs.

In a similar vein, the Office of Native Title progresses the resolution of native title claims which should assist in alleviating some of the underpinning causes of Aboriginal disadvantage.

The Department will retain its focus on assisting the Government to advance its law and order agenda and will continue to provide policy, legal and legislative services to government.

In the corporate services area, the Department looks forward to working with the Department of Treasury and Finance (DTF) as the Department’s transactional human resources and financial services transfer to the Shared Services unit at DTF in the coming year.

The Department will emphasise training and awareness-raising for staff in accountable and ethical decision making. This is part of a whole of government approach to building public trust in the ethical decision making capacity of the Public Sector.





## **DISCLOSURES AND LEGAL COMPLIANCE**

### **Financial Statements**

#### **Certification of Financial Statements**

The accompanying financial statements of the Department of the Attorney General have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2010 and the financial position as at 30 June 2010.

At the date of signing we are not aware of any circumstances which would render any particulars included in the financial statements misleading or inaccurate.

*Alan Andersson*

Alan Andersson  
Chief Finance Officer

2 September 2010

*Cheryl Gwilliam*

Cheryl Gwilliam  
Accountable Authority

2 September 2010



## Auditor General

### **INDEPENDENT AUDIT OPINION**

**To the Parliament of Western Australia**

### **DEPARTMENT OF THE ATTORNEY GENERAL FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2010**

I have audited the accounts, financial statements, controls and key performance indicators of the Department of the Attorney General.

The financial statements comprise the Statement of Financial Position as at 30 June 2010, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes, including Administered transactions and balances.

The key performance indicators consist of key indicators of effectiveness and efficiency.

### **Director General's Responsibility for the Financial Statements and Key Performance Indicators**

The Director General is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

### **Summary of my Role**

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. This document is available on the OAG website under "How We Audit".

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

**Department of the Attorney General**  
**Financial Statements and Key Performance Indicators for the year ended 30 June 2010**

**Audit Opinion**

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Department of the Attorney General at 30 June 2010 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions;
- (ii) the controls exercised by the Department provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Department are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2010.



COLIN MURPHY  
AUDITOR GENERAL  
6 September 2010

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**STATEMENT OF COMPREHENSIVE INCOME**  
**FOR THE YEAR ENDED 30 JUNE 2010**

	Note	2010 \$'000	2009 \$'000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	198,488	226,820
Supplies and services	7	72,109	73,950
Depreciation and amortisation	8	17,190	15,502
Finance costs	9	17,951	18,037
Accommodation expenses	10	27,098	18,546
Grants and subsidies	11	79,757	56,039
Loss on disposal of non-current assets	12	195	107
Other expenses	13	40,452	40,046
<b>Total cost of services</b>		<b>453,240</b>	<b>449,047</b>
<b>Income</b>			
Revenue			
User charges and fees	14	67,025	62,676
Commonwealth grants and contributions	15	18,694	14,613
Other revenues	16	25,973	23,275
<b>Total income other than income from State Government</b>		<b>111,692</b>	<b>100,564</b>
<b>NET COST OF SERVICES</b>		<b>341,548</b>	<b>348,483</b>
<b>INCOME FROM STATE GOVERNMENT</b>			
	17		
Service appropriations		327,079	276,438
Liabilities assumed by the Treasurer		13,817	46,526
Resources received free of charge		1,752	2,451
<b>Total income from State Government</b>		<b>342,648</b>	<b>325,415</b>
<b>SURPLUS / (DEFICIT) FOR THE PERIOD</b>		<b>1,100</b>	<b>(23,068)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation surplus		407	8,065
Gains/losses recognised directly in equity		-	-
<b>Total Other Comprehensive income</b>		<b>407</b>	<b>8,065</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>1,507</b>	<b>(15,003)</b>

Refer to the 'Schedule of Income and Expenditure by Service'.

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**STATEMENT OF FINANCIAL POSITION**

**AS AT 30 JUNE 2010**

	<b>Note</b>	<b>2010</b>	<b>2009</b>
		<b>\$000</b>	<b>\$000</b>
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	28	23,654	5,924
Receivables	19	11,130	10,091
Amounts receivable for services	20	2,431	2,378
<b>Total Current Assets</b>		<b>37,215</b>	<b>18,393</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	18	3,190	2,000
Amounts receivable for services	20	78,395	60,658
Property, plant, equipment and vehicles	21	572,722	568,707
Intangible assets	22	18,932	20,363
<b>Total Non-Current Assets</b>		<b>673,239</b>	<b>651,728</b>
<b>TOTAL ASSETS</b>		<b>710,454</b>	<b>670,121</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	24	27,141	25,375
Borrowings	25	2,079	1,707
Provisions	26	42,632	33,701
<b>Total Current Liabilities</b>		<b>71,852</b>	<b>60,783</b>
<b>Non-Current Liabilities</b>			
Borrowings	25	221,411	223,497
Provisions	26	9,506	15,944
<b>Total Non-current Liabilities</b>		<b>230,917</b>	<b>239,441</b>
<b>TOTAL LIABILITIES</b>		<b>302,769</b>	<b>300,224</b>
<b>NET ASSETS</b>		<b>407,685</b>	<b>369,897</b>
<b>EQUITY</b>			
	27		
Contributed equity		105,049	68,768
Reserves		259,700	259,293
Accumulated surplus		42,936	41,836
<b>Total Equity</b>		<b>407,685</b>	<b>369,897</b>

Refer to the 'Schedule of Assets and Liabilities by Service'.

The Statement of Financial Position should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2010**

	Note	Contributed Equity \$000	Reserves \$000	Accumulated surplus/ (deficit) \$000	Total Equity \$000
<b>Balance at 1 July 2008</b>	27	34,807	251,228	64,904	350,939
Total comprehensive income for the year		-	8,065	(23,068)	(15,003)
Transactions with owners in their capacity as owners:					
Capital appropriations		33,961	-	-	33,961
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		33,961	-	-	33,961
<b>Balance at 30 June 2009</b>	27	<b>68,768</b>	<b>259,293</b>	<b>41,836</b>	<b>369,897</b>
<b>Balance at 1 July 2009</b>	27	68,768	259,293	41,836	369,897
Total comprehensive income for the year		-	407	1,100	1,507
Transactions with owners in their capacity as owners:					
Capital appropriations		10,754	-	-	10,754
Other contributions by owners	(a)	29,267	-	-	29,267
Distributions to owners		(3,740)	-	-	(3,740)
Total		36,281	-	-	36,281
<b>Balance at 30 June 2010</b>	27	<b>105,049</b>	<b>259,700</b>	<b>42,936</b>	<b>407,685</b>

(a) The functions of Native Title Policy Development, Implementation and Negotiation undertaken by the Office of Native Title were transferred to the Department of the Attorney General from 1 July 2009.

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2010**

	Note	2010 \$000	2009 \$000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		307,790	259,624
Capital appropriations		10,754	33,961
Holding account drawdowns		2,378	3,624
Contributions by Owner		30,032	-
Distributions to Owner		(2,000)	-
<b>Net cash provided by State Government</b>		<b>348,954</b>	<b>297,209</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(164,443)	(154,707)
Supplies and services		(210,005)	(178,212)
Accommodation		(27,098)	(18,546)
Finance costs		(17,968)	(16,621)
GST payments on purchases		(18,473)	(18,042)
GST payments to taxation authority		(3,016)	(2,039)
<b>Receipts</b>			
Receipts from services		93,601	84,932
Commonwealth grants and contributions		18,694	14,613
GST receipts on sales		2,783	2,055
GST receipts from taxation authority		18,733	18,828
<b>Net cash provided by/(used in) operating activities</b>	28 (c)	<b>(307,192)</b>	<b>(267,739)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets		13	4
Purchase of non-current physical assets		(21,191)	(40,098)
<b>Net cash provided by/(used in) investing activities</b>		<b>(21,178)</b>	<b>(40,094)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Finance lease payments		(1,665)	(911)
<b>Net cash provided by/(used in) financing activities</b>		<b>(1,665)</b>	<b>(911)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>18,919</b>	<b>(11,535)</b>
Cash and cash equivalents at the beginning of period		7,925	19,460
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	28 (a)	<b>26,844</b>	<b>7,925</b>

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**SCHEDULE OF INCOME AND EXPENSES BY SERVICE**  
**FOR THE YEAR ENDED 30 JUNE 2010**

	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009
	Service 1		Service 2		Service 3		Service 4		Service 5		Service 6		Service 7		Overheads			
	Court and Tribunal Services		Advocacy, Guardianship and Administration Services		Trustee Services		Births, Deaths and Marriages		Services to Government		Legal Aid Assistance		Native Title Policy Development, Implementation and Negotiation		Corporate Overheads		Total	
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
<b>COST OF SERVICES</b>																		
<b>Expenses</b>																		
Employee benefits expense	127,619	160,474	2,748	2,515	11,921	11,465	2,786	2,619	38,646	38,029	-	-	3,081	-	11,687	11,718	198,488	226,820
Depreciation and amortisation expense	13,343	11,121	3	3	336	129	43	25	1,657	2,102	-	-	13	-	1,795	2,122	17,190	15,502
Finance costs	17,951	18,037	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17,951	18,037
Other expenses	117,722	107,662	1,040	511	4,109	3,262	3,291	2,201	32,582	26,540	27,084	26,303	19,217	-	14,371	22,102	219,416	188,581
Loss on sale of assets	187	7	-	-	-	-	-	8	7	59	-	-	-	-	1	33	195	107
Corporate overheads reallocated to services	21,569	28,701	489	584	1,694	1,725	825	862	2,480	4,103	-	-	797	-	(27,854)	(35,975)	-	-
<b>Total cost of services</b>	<b>298,391</b>	<b>326,002</b>	<b>4,280</b>	<b>3,613</b>	<b>18,060</b>	<b>16,581</b>	<b>6,945</b>	<b>5,715</b>	<b>75,372</b>	<b>70,833</b>	<b>27,084</b>	<b>26,303</b>	<b>23,108</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>453,240</b>	<b>449,047</b>
<b>Income</b>																		
Sales	65,343	62,700	7	19	12,588	11,925	8,097	7,772	18,564	13,657	-	-	3,794	-	3,299	4,491	111,692	100,564
Corporate overheads reallocated to services	2,279	3,658	65	47	322	189	97	85	452	512	-	-	84	-	(3,299)	(4,491)	-	-
<b>Total income other than income from State Government</b>	<b>67,622</b>	<b>66,358</b>	<b>72</b>	<b>66</b>	<b>12,910</b>	<b>12,114</b>	<b>8,194</b>	<b>7,857</b>	<b>19,016</b>	<b>14,169</b>	<b>-</b>	<b>-</b>	<b>3,878</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>111,692</b>	<b>100,564</b>
<b>NET COST OF SERVICES</b>	<b>230,769</b>	<b>259,644</b>	<b>4,208</b>	<b>3,547</b>	<b>5,150</b>	<b>4,467</b>	<b>(1,249)</b>	<b>(2,142)</b>	<b>56,356</b>	<b>56,664</b>	<b>27,084</b>	<b>26,303</b>	<b>19,230</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>341,548</b>	<b>348,483</b>
<b>INCOME FROM STATE GOVERNMENT</b>																		
Service appropriation	195,917	179,109	3,474	2,581	2,691	2,580	(923)	(926)	52,156	47,382	27,211	25,521	19,174	-	27,379	20,191	327,079	276,438
Liabilities assumed by the Treasurer	13,817	46,526	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13,817	46,526
Resources received free of charge	1,283	2,304	6	3	11	9	10	7	95	85	-	-	305	-	42	43	1,752	2,451
Corporate overheads reallocated to services	20,948	16,094	523	358	1,434	872	947	470	3,077	2,440	-	-	492	-	(27,421)	(20,234)	-	-
<b>Total income from State Government</b>	<b>231,965</b>	<b>244,033</b>	<b>4,003</b>	<b>2,942</b>	<b>4,136</b>	<b>3,461</b>	<b>34</b>	<b>(449)</b>	<b>55,328</b>	<b>49,907</b>	<b>27,211</b>	<b>25,521</b>	<b>19,971</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>342,648</b>	<b>325,415</b>
<b>Surplus/(deficit) for period</b>	<b>1,196</b>	<b>(15,611)</b>	<b>(205)</b>	<b>(605)</b>	<b>(1,014)</b>	<b>(1,006)</b>	<b>1,283</b>	<b>1,693</b>	<b>(1,028)</b>	<b>(6,757)</b>	<b>127</b>	<b>(782)</b>	<b>741</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,100</b>	<b>(23,068)</b>

Service 7: The functions of Native Title Policy Development, Implementation and Negotiation undertaken by the Office of Native Title were transferred to the Department of the Attorney General from 1 July 2009.

The Schedule of Income and Expenses by Service should be read in conjunction with the accompanying notes.



**DEPARTMENT OF THE ATTORNEY GENERAL**  
**SCHEDULE OF ASSETS AND LIABILITIES BY SERVICE**  
**AS AT 30 JUNE 2010**

	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009
	Service 1		Service 2		Service 3		Service 4		Service 5		Service 6		Service 7		Total	
	Court and Tribunal Services		Advocacy Guardianship and Administration Services		Trustee Services		Births Deaths and Marriages		Services to Government		Legal Aid Assistance		Native Title Policy Development, Implementation and Negotiation			
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
<b>ASSETS</b>																
Current assets	5,863	2,390	-	2	24	251	137	295	31,140	15,455	-	-	51	-	37,215	18,393
Non-Current assets	669,260	648,533	18	20	2,984	2,639	219	237	612	299	-	-	145	-	673,238	651,728
<b>Total Assets</b>	<b>675,123</b>	<b>650,923</b>	<b>18</b>	<b>22</b>	<b>3,008</b>	<b>2,890</b>	<b>356</b>	<b>532</b>	<b>31,752</b>	<b>15,754</b>	<b>-</b>	<b>-</b>	<b>196</b>	<b>-</b>	<b>710,453</b>	<b>670,121</b>
<b>LIABILITIES</b>																
Current liabilities	58,009	48,267	984	374	2,966	2,853	719	885	7,869	7,432	-	972	1,304	-	71,851	60,783
Non-current liabilities	227,760	235,429	134	144	684	931	158	222	1,986	2,715	-	-	195	-	230,917	239,441
<b>Total Liabilities</b>	<b>285,769</b>	<b>283,696</b>	<b>1,118</b>	<b>518</b>	<b>3,650</b>	<b>3,784</b>	<b>877</b>	<b>1,107</b>	<b>9,854</b>	<b>10,147</b>	<b>-</b>	<b>972</b>	<b>1,499</b>	<b>-</b>	<b>302,768</b>	<b>300,224</b>
<b>NET ASSETS</b>	<b>389,354</b>	<b>367,227</b>	<b>(1,100)</b>	<b>(496)</b>	<b>(642)</b>	<b>(894)</b>	<b>(521)</b>	<b>(575)</b>	<b>21,898</b>	<b>5,608</b>	<b>-</b>	<b>(972)</b>	<b>(1,303)</b>	<b>-</b>	<b>407,685</b>	<b>369,897</b>

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**SUMMARY OF CONSOLIDATED ACCOUNT APPROPRIATIONS AND INCOME ESTIMATES**  
**FOR THE YEAR ENDED 30 JUNE 2010**

	<b>2010 Estimate \$000</b>	<b>2010 Actual \$000</b>	<b>Variance \$000</b>	<b>2010 Actual \$000</b>	<b>2009 Actual \$000</b>	<b>Variance \$000</b>
<b>DELIVERY OF SERVICES</b>						
Item 63 Net amount appropriated to deliver services	228,304	255,180	26,876	255,180	210,582	44,598
Amount Authorised by Other Statutes		-	-	-	-	-
Salaries and Allowances Act 1975	22,965	23,969	1,004	23,969	22,449	1,520
District Court of Western Australia Act 1969	9,323	9,192	(131)	9,192	8,968	224
Judges' Salaries and Pensions Act 1950	8,421	9,034	613	9,034	8,737	297
Children's Court of Western Australia Act 1988	334	360	26	360	369	(9)
State Administrative Tribunal Act 2004	4,629	4,704	75	4,704	4,783	(79)
Criminal Injuries Compensation Act 2003	19,487	24,236	4,749	24,236	20,173	4,063
Solicitor-General Act 1969	346	377	31	377	368	9
Suitors' Fund Act 1964	29	27	(2)	27	9	18
<b>Total appropriations provided to deliver services</b>	<b>293,838</b>	<b>327,079</b>	<b>33,241</b>	<b>327,079</b>	<b>276,438</b>	<b>50,641</b>
<b>CAPITAL</b>						
Item 151 Capital appropriations	13,869	10,754	(3,115)	10,754	33,961	23,207
<b>GRAND TOTAL</b>	<b>307,707</b>	<b>337,833</b>	<b>30,126</b>	<b>337,833</b>	<b>310,399</b>	<b>73,848</b>
<b>Details of Expenses by Service</b>						
Court and Tribunal Services	267,492	298,391	30,899	298,391	326,002	(27,611)
Advocacy, Guardianship and Administration Services	3,186	4,280	1,094	4,280	3,613	667
Trustee Services	16,022	18,060	2,038	18,060	16,581	1,479
Births, Deaths and Marriages	6,853	6,945	92	6,945	5,715	1,230
Services to Government	60,332	75,372	15,040	75,372	70,833	4,539
Legal Aid Assistance	25,816	27,084	1,268	27,084	26,303	781
Native Title Policy Development, Implementation & Negotiation	31,427	23,108	(8,319)	23,108	-	23,108
<b>Total Cost of Services</b>	<b>411,128</b>	<b>453,240</b>	<b>42,112</b>	<b>453,240</b>	<b>449,047</b>	<b>4,193</b>
<b>Less total income</b>	<b>(97,842)</b>	<b>(111,692)</b>	<b>(13,850)</b>	<b>(111,692)</b>	<b>(100,564)</b>	<b>(11,128)</b>
<b>Net Cost of Services</b>	<b>313,286</b>	<b>341,548</b>	<b>28,262</b>	<b>341,548</b>	<b>348,483</b>	<b>(6,935)</b>
<i>Adjustments (a)</i>	<i>(19,448)</i>	<i>(14,469)</i>	<i>4,979</i>	<i>(14,469)</i>	<i>(72,045)</i>	<i>57,576</i>
<b>Total appropriations provided to deliver services</b>	<b>293,838</b>	<b>327,079</b>	<b>33,241</b>	<b>327,079</b>	<b>276,438</b>	<b>50,641</b>
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	16,527	21,191	4,664	21,191	40,098	18,907
Adjustments for other funding sources	(2,658)	(10,437)	(7,779)	(10,437)	(6,137)	4,300
<b>Capital appropriations</b>	<b>13,869</b>	<b>10,754</b>	<b>(3,115)</b>	<b>10,754</b>	<b>33,961</b>	<b>23,207</b>
<b>DETAILS OF INCOME ESTIMATES</b>						
Income disclosed as Administered Income (b)	112,307	96,493	(15,814)	96,493	86,657	(9,836)

(a) Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

(b) The Family Law Court revenue received from the Commonwealth is now recognised as controlled revenue \$17.395 million (2009: \$14.357 million) rather than administered revenue as in previous financial years.

Explanations of variations between the current year estimates and actual results are set out in Note 41.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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**1 Australian Accounting Standards**

**General**

The Department's financial statements for the year ended 30 June 2010 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' refers to Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

The Department has adopted any applicable, new and revised Australian Accounting Standards from their operative dates.

**Early adoption of standards**

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Australian Accounting Standards that have been issued or amended but are not operative have been early adopted by the Department for the annual reporting period ended 30 June 2010.

**2 Summary of significant accounting policies**

**(a) General statement**

The financial statements constitute general purpose financial statements that have been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording.

The Financial Management Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

**(b) Basis of preparation**

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land, buildings and infrastructure which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest thousand dollars (\$'000).

The judgements that have been made in the process of applying the Department's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at Note 3 'Judgements made by management in applying accounting policies'.

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year, are disclosed at Note 4 'Key sources of estimation uncertainty'.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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**(c) Reporting entity**

The reporting entity comprises the Department and no other related bodies.

Mission

The Department's mission is to provide high quality and accessible justice, legal, registry, guardianship and trustee services that meet the needs of the community and government.

The Department is predominantly funded by Parliamentary appropriations. The financial statements encompass all funds through which the Department controls resources to carry on its functions.

Services

The Department provides the following services:

Service 1: Court and Tribunal Services

Service 2: Advocacy, Guardianship and Administration Services

Service 3: Trustee Services

Service 4: Births, Deaths and Marriages

Service 5: Services to Government

Service 6: Legal Aid Assistance

Service 7: Native Title Policy Development, Implementation and Negotiation

**(d) Administered transactions**

Administered assets, liabilities, expenses and revenues are not integral to the Department in carrying out its functions and are disclosed in the notes to the financial statements, forming part of the general purpose financial report of the Department. The administered items are disclosed on the same basis as is described above for the financial statements of the Department. The administered assets, liabilities, expenses and revenues are those which the Government requires the Department to administer on its behalf. The assets do not render any service potential or future economic benefits to the Department, the liabilities do not require any future sacrifice of service potential or future economic benefits of the Department, and the expenses and revenues are not attributable to the Department.

As the administered assets, liabilities, expenses and incomes are not recognised in the principal financial statements of the Department, the disclosure requirements of Accounting Standard AASB 7 Financial Instruments: Disclosures are not applied to administered transactions.

Administered assets are not controlled by the Department but are administered on behalf of the Government. These assets include receivables in relation to:

- Supreme and District Court fines and forfeitures
- Magistrates Courts criminal fines

Outstanding fines and costs include:

(a) District and Supreme Court fines and costs and those which are referred to the Fines Enforcement Registry (FER) for action and are outstanding as at 30 June 2010; and

(b) Magistrates Courts criminal fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2010.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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Infringement penalty details are not included as the State Solicitor provided an opinion that infringements form no liability or obligation to pay until a Court ordered the offender to pay the penalty.

**(e) Provision for unrecoverable debts - administered transactions**

The provision in respect of Court fees and fines outstanding and referred to the FER is based on the recovery history of Court fees and fines managed by the FER.

**(f) Contributed equity**

AASB interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers, in the nature of equity contributions, other than as a restructure of administrative arrangements to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 'Contributions by Owners made to Wholly Owned Public Sector Entities' and have been credited directly to Contributed Equity.

The transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

**(g) Income**

*Revenue recognition*

Revenue is measured at the fair value of consideration received or receivable. However, where there is not an established pattern of income flow, revenue is recognised on a cash receipts basis. Criminal injuries revenue is recognised at the time payment is received.

Outstanding criminal injuries recoveries are not recognised as debts, as the future economic benefits are minimal and cannot be reliably measured. Criminal injuries recoveries include awards pursuant to the Criminal Injuries Compensation Acts of 1970, 1982 and 1985 together with amounts recorded under the Criminal Injuries Compensation Act 2003.

*Provision of services*

Revenue is recognised on delivery of the service to the client or by reference to the stage of completion of the transaction.

*Service Appropriations*

Service Appropriations are recognised as revenues at nominal value in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the "Amounts receivable for services" (holding account) held at Treasury. Refer to note 17 for further commentary on Service Appropriations.

*Net Appropriation Determination*

Pursuant to section 23 of the *Financial Management Act*, the Department has entered into a net appropriation arrangement with the Treasurer, where the proceeds from services are retained by the Department. Items covered by the agreement include Commonwealth recoups, court fees, births deaths and marriage registration fees, proceeds from Public Trustee fees, Public Trust common fund interest revenues, legal services, workers' compensation recoups and other miscellaneous revenues.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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In accordance with the determination specified in the 2009-2010 Budget Statements, the Department retained \$111.69 million in 2010 (\$100.56 million in 2009) from the following:

- proceeds from fees and charges;
- Commonwealth specific purpose grants and contributions; and
- other departmental revenue

*Grants, donations, gifts and other non-reciprocal contributions*

Revenue is recognised at fair value when the Department obtains control over the assets comprising the contributions, usually when cash is received.

*Gains*

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

**(h) Borrowing costs/finance costs**

Borrowing costs are expensed when incurred [see finance lease notes 2(l), 2(m), 9, 25, and 30(c)].

**(i) Property, plant and equipment**

*Capitalisation/expensing of assets*

Items of property, plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

*Initial recognition and measurement*

All items of property, plant and equipment are initially recognised at cost.

For items of property, plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

*Subsequent measurement*

After recognition as an asset, the Department uses the revaluation model for the measurement of land and buildings and the cost model for all other property, plant and equipment. Land and buildings are carried at fair value less accumulated depreciation on buildings and accumulated impairment losses. All other items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Where market-based evidence is available, the fair value of land and buildings is determined on the basis of current market buying values determined by reference to recent market transactions. When buildings are revalued by reference to recent market transactions, the accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount.

Where market-based evidence is not available, the fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e., the depreciated replacement cost. Where the fair value of buildings is determined on the depreciated replacement cost basis, the gross carrying amount and the accumulated depreciation are restated proportionately.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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Independent valuations of land and buildings are provided annually by the Western Australian Land Information Authority (Valuation Services) and recognised annually to ensure that the carrying amount does not differ materially from the asset's fair value at the end of the reporting period.

*Derecognition*

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation surplus relating to that asset is retained in the asset revaluation surplus.

*Asset revaluation surplus*

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets (see note 21 'Property, Plant and Equipment').

*Depreciation*

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner which reflects the consumption of their future economic benefits.

Land is not depreciated. Depreciation on other assets is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable assets are:

- Buildings	50 years
- Leasehold improvements	10 years
- Information technology systems	5 years
- Plant, equipment and vehicles	4 - 15 years

Building and information technology projects are reported as 'Works In Progress' until commissioned.

**(j) Intangible assets**

*Capitalisation/expensing of assets*

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life) on the straight line basis using rates which are reviewed annually. All intangible assets controlled by the Department have a finite useful life and zero residual value. The expected useful lives for each class of intangible asset are:

- Software	5 years
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*Computer software*

Software that is an integral part of the related hardware is treated as property, plant and equipment. Software that is not an integral part of the related hardware is treated as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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**(k) Impairment of assets**

Property, plant and equipment and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and written down to the recoverable amount and an impairment loss is recognised. As the Department is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at each reporting period.

**(l) Leases**

Finance lease rights and obligations are initially recognised, at the commencement of the lease term, as assets and liabilities equal in amount to the fair value of the leased item or, if lower, the present value of the minimum lease payments, determined at the inception of the lease. The assets are disclosed as leased buildings and are depreciated over the period during which the Department is expected to benefit from their use. Minimum lease payments are apportioned between the finance charge and the reduction of the outstanding lease liability, according to the interest rate implicit in the lease.

The Department has entered into a number of operating lease arrangements for buildings through the Department of Housing and Works, for passenger and light commercial motor vehicles through the State Supply Commission and for office equipment where the lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Equal instalments of the lease payments are expensed over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

Refer to notes 9, 25 and 30 (b, c).

**(m) Financial instruments**

In addition to cash, the Department has two categories of financial instrument:

- Loans and receivables
- Financial liabilities measured at amortised cost

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services



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**DEPARTMENT OF THE ATTORNEY GENERAL**  
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Financial Liabilities

- Payables
- Finance lease liabilities

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

**(n) Cash and cash equivalents**

For the purpose of the Statement of Cash Flows, cash and cash equivalents includes cash and restricted cash equivalents.

**(o) Accrued salaries**

Accrued salaries (refer note 24) represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to its net fair value. The last pay day in 2009-10 was 24 June 2010, therefore an accrual of 4 days was brought to account this financial year.

The accrued salaries suspense account (refer note 18) consists of amounts paid annually into a suspense account over a period of ten financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

**(p) Amounts receivable for services (Holding Account)**

The Department receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

**(q) Receivables**

Receivables are recognised and carried at the original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Department will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

**(r) Payables**

Payables are recognised at the amounts payable when the Department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days.

**(s) Provisions**

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
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***(i) Provisions - employee benefits***

*Annual leave and long service leave*

The liability for annual and long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the reporting period is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the end of the reporting period.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Department does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

***(ii) Superannuation***

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation arrangements in Western Australia.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members.

The Department has no liabilities under the Pension or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Department to the GESB. The concurrently funded part of the GSS Scheme is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS obligations.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Department makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from the Treasurer for the employer's share.

***(iii) Provisions - other***

*Employment on-costs*

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the 'Employee benefits expense'. The related liability is included in 'Employment on-cost provision'. Refer to Note 26.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
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**(t) Superannuation expense**

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, and the GESBS. Note that the employer contribution paid to the GESB in respect of the GSS are paid back into the Consolidated Account by the GESB.

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

**(u) Judges' pensions**

All Judges' pension benefits are met by the Treasurer. Judges are entitled to pensions of 60% of their final salary after ten years of service and proportionate pensions for lesser service. Spouses of Judges are entitled to pensions of five-eighths of the Judge's pension entitlement on the Judge's death. The liability for Judges' pensions as at 30 June 2010 was calculated by Price Waterhouse Coopers actuaries.

The GESB has responsibility for the administration of the Judges' Pension Scheme. GESB initially incurs the cost of the pensions and then recoups the amount from the Consolidated Fund (Department of Treasury and Finance). The expense for Judges' pensions is included as an employee expense of the Department with a corresponding liability assumed by the Treasurer.

The expense reflects the increase in the liability at the Department of Treasury and Finance.

**(v) Resources received free of charge or for nominal cost**

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

Where assets or services are received from another State Government agency, these are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

**(w) Comparative figures**

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

**(x) Rounding of amounts**

Amounts in the financial statements have been rounded to the nearest thousand dollars, or in certain cases, to the nearest dollar.

**3 Judgements made by management in applying accounting policies**

The preparation of financial statements requires management to make judgements about application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Department evaluates these judgements regularly.

**Operating Lease Commitment**

The Department has entered into commercial leases and has determined that the lessors retain all the significant risks and rewards of ownership of the properties. Accordingly, the leases have been classified as operating leases.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
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**4 Key sources of estimation uncertainty**

The Department makes key estimates and assumptions concerning the future. These estimates and assumptions are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

**Long service leave**

In calculating the Department's long service leave provision, several estimations and assumptions have been made. These include expected future salary rates, salary inflation, discount rates, employee retention rates and expected future payments. Any changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

**5 Disclosure of changes in accounting policy and estimates**

**Initial application of an Australian Accounting Standard**

The Department has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2009 that impacted on the Department.

**AASB 101**

Presentation of Financial Statements (September 2007). This Standard has been revised and introduces a number of terminology changes as well as changes to the structure of the Statement of Changes in Equity and the Statement of Comprehensive Income. It is now a requirement that owner changes in equity be presented separately from non-owner changes in equity. There is no financial impact resulting from the application of this revised Standard.

**AASB 2007-10**

Further Amendments to Australian Accounting Standards arising from AASB 101. This Standard changes the term 'general purpose financial report' to 'general purpose financial statements', where appropriate in Australian Accounting Standards and the Framework to better align with IFRS terminology. There is no financial impact resulting from the application of this Standard.

**AASB 2008-13**

Amendments to Australian Accounting Standards arising from AASB Interpretation 17 – Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110]. This Standard amends AASB 5 Non-current Assets Held for Sale and Discontinued Operations in respect of the classification, presentation and measurement of non-current assets held for distribution to owners in their capacity as owners. This may impact on the presentation and classification of Crown land held by the Department where the Crown land is to be sold by the Department of Regional Development and Lands (formerly Department for Planning and Infrastructure). The Department does not expect any financial impact when the Standard is first applied prospectively.

**AASB 2009-2**

Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments AASB 4, AASB 7, AASB 1023 & AASB 1038. This Standard amends AASB 7 and will require enhanced disclosures about fair value measurements and liquidity risk with respect to financial instruments. There is no financial impact resulting from the application of this Standard.

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**Future impact of Australian Accounting Standards not yet operative**

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Department has not applied early any following Australian Accounting Standards that have been issued and may impact the Department. Where applicable, the Department plans to apply these Australian Accounting Standards from their application date:

Title	Operative for reporting periods beginning on/after
<p><i>arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 &amp; 1038 and Interpretations 10 &amp; 12].</i></p> <p>The amendment to AASB 7 requires modification to the disclosure of categories of financial assets. The Department does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.</p>	1 January 2013
<p><i>AASB 1053 Application of Tiers of Australian Accounting Standards</i></p> <p>This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.</p> <p>The Standard does not have any financial impact on the Department. However it may affect disclosures in the financial statements of the Department if the reduced disclosure requirements apply. DTF has not yet determined the application or the potential impact of the new Standard for agencies.</p>	1 July 2013
<p><i>AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements</i></p> <p>This Standard makes amendments to many Australian Accounting Standards, including interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities.</p> <p>The Standard is not expected to have any financial impact on the Department. However this standard may reduce some note disclosure in financial statements of the Department. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.</p>	1 July 2013

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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>6 Employee benefits expense</b>		
Wages and salaries <sup>(a)</sup>	148,567	141,436
Superannuation - defined contribution plans <sup>(b)</sup>	14,730	13,466
Long service leave	6,412	8,038
Annual leave	14,962	17,354
Judges' pensions - liability assumed by the Treasurer	13,817	46,526
	<u>198,488</u>	<u>226,820</u>
(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.		
(b) Defined contribution plans include West State and Gold State (contribution paid).		
Employment on-costs such as workers' compensation insurance are included at note 13 'Other expenses'. The employment on-costs liability is included at note 26 'Provisions'.		
<b>7 Supplies and services</b>		
Building maintenance contracts	1,692	1,486
Communication	16,619	16,103
Consultants and contractors	43,790	42,839
Consumables	2,055	2,026
Materials	2,473	2,458
Minor equipment	1,951	4,676
Resources free of charge	1,743	2,451
Other	1,786	1,911
	<u>72,109</u>	<u>73,950</u>
<b>8 Depreciation and amortisation expense</b>		
<u>Depreciation</u>		
Buildings	4,165	3,645
Plant, equipment and vehicles	1,231	1,459
<b>Total depreciation</b>	<u>5,396</u>	<u>5,104</u>
<u>Amortisation</u>		
Information technology systems	5,615	4,200
Leased buildings	4,779	4,604
Leasehold improvements	1,400	1,594
<b>Total amortisation</b>	<u>11,794</u>	<u>10,398</u>
<b>Total depreciations and amortisation</b>	<u>17,190</u>	<u>15,502</u>
<b>9 Finance costs</b>		
Finance lease finance charges	17,951	18,037
<b>10 Accommodation expenses</b>		
Building rental operating lease expenses	27,098	18,546
<b>11 Grants and subsidies</b>		
<b>Recurrent</b>		
Criminal injuries	25,246	20,287
Legal Aid	27,084	26,108
Other grants and subsidies	27,427	9,644
	<u>79,757</u>	<u>56,039</u>

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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>12 Net gain/(loss) on disposal of non-current assets</b>		
<u>Proceeds from disposal of non-current assets</u>		
Gross proceeds on disposal	13	4
<u>Costs of disposal of non-current assets</u>		
Property, plant, equipment and vehicles	(208)	(111)
Net gain/(loss)	(195)	(107)
<b>13 Other expenses</b>		
Building repairs and maintenance	6,684	7,044
Electricity and water	3,205	2,794
Communication expenses	3,762	3,488
Plant, equipment and vehicle operating lease expenses	2,687	2,635
Plant, equipment and vehicle repairs and maintenance	402	522
Vehicle hire, fuel, registration and management fees	1,459	1,362
Insurance	708	651
Doubtful debts expense	174	-
Other staff costs	6,462	6,711
Jurors' expenses <sup>(a)</sup>	3,160	3,417
Computing licences	5,364	5,024
Other expenses	6,385	6,398
	40,452	40,046
(a) Includes travel and accommodation		
<b>14 User charges and fees</b>		
Legal services - State Solicitors Office	3,768	2,584
Public Trustee fees	10,936	10,041
Births, deaths and marriage fees	8,085	7,762
Licences	125	123
Sale of goods	1	-
Court fees	43,976	42,061
Miscellaneous fees and charges	134	105
	67,025	62,676
<b>15 Commonwealth grants and contributions</b>		
<u>Recurrent</u>		
Commonwealth recoup for Family Court and court fees	17,395	14,357
Commonwealth recoup other	1,299	256
	18,694	14,613
<b>16 Other revenues</b>		
Public Trustee - common fund surplus	2,198	1,738
Recoup of salaries and workers compensation	569	1,557
Residential recoveries	1,681	1,759
Criminal injuries - recoups	1,263	1,177
Recoups legal costs	1,375	1,177
Recoup of information technology services	12,684	11,475
Other miscellaneous revenue	6,203	4,392
	25,973	23,275

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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>17 Income from State Government</b>		
Appropriation received during the year:		
Service appropriations (a)	327,079	276,438
	<u>327,079</u>	<u>276,438</u>
Liabilities assumed by the Treasurer during the financial year		
Judges' pensions	13,817	46,526
	<u>13,817</u>	<u>46,526</u>

An actuarial assessment of the defined benefits obligations of the Judges' Pension Scheme is undertaken on an annual basis, in accordance with AASB 119 Employee Benefits.

Resources received free of charge (b)

Determined on the basis of the following estimates provided by agencies.

Western Australian Land Information Authority (Landgate)

- services for valuation services, land registration and information	442	139
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Department of Treasury and Finance

- provision of integrated procurement services	300	247
- notional management fee	162	144

Department of Corrective Services

- provision of contract management services	839	1,921
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Department of Treasury and Finance

- Building and Management Works	9	-
	<u>1,752</u>	<u>2,451</u>

	<u>342,648</u>	<u>325,415</u>
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(a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(b) Where assets or services have been received free of charge or for nominal cost, the Department recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if they were not donated, and those fair values shall be recognised as assets or expenses, as applicable.

**18 Restricted cash and cash equivalents**

Non-current

Accrued salaries suspense account	3,190	2,000
	<u>3,190</u>	<u>2,000</u>

Amount held in the suspense account are only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.



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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>19 Receivables</b>		
<u>Current</u>		
Receivables	7,935	7,428
Allowance for impairment of receivables	(361)	(339)
GST receivable	2,505	2,555
	<u>10,079</u>	<u>9,644</u>

Prepayments	1,051	447
Total current	<u>11,130</u>	<u>10,091</u>

Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of year	339	382
Doubtful debts expense recognised in the Statement of Comprehensive Income	174	27
Amounts written off during the year	(57)	(2)
Amount recovered during the year	(95)	(68)
Balance at end of year	<u>361</u>	<u>339</u>

The Department does not hold any collateral as security or other credit enhancements relating to receivables.

**20 Amounts receivable for services**

Current	2,431	2,378
Non-current	78,395	60,658
	<u>80,826</u>	<u>63,036</u>

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

**21 Property, plant and equipment**

<u>Land</u>		
At fair value <sup>(a)</sup>	75,516	79,470
Accumulated impairment losses	-	-
	<u>75,516</u>	<u>79,470</u>
<u>Buildings</u>		
At fair value <sup>(a)</sup>	234,974	180,760
	<u>234,974</u>	<u>180,760</u>
<u>Leased land and buildings</u>		
At fair value <sup>(a)</sup>	239,500	243,935
	<u>239,500</u>	<u>243,935</u>

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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<u>Leasehold improvements</u>		
At cost	25,753	21,965
Accumulated depreciation	(11,083)	(9,683)
	<u>14,670</u>	<u>12,282</u>
<u>Plant and equipment</u>		
At cost	15,037	15,157
Accumulated depreciation	(11,459)	(11,215)
	<u>3,578</u>	<u>3,942</u>
<u>Work in progress</u>		
Buildings	2,398	44,177
Information technology systems	2,086	4,141
	<u>4,484</u>	<u>48,318</u>
 Total property, plant and equipment	 <u>572,722</u>	 <u>568,707</u>

- (a) Land and buildings were revalued as at 1 July 2009 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2010 and recognised at 30 June 2010. In undertaking the revaluation, fair value was determined by reference to market values for land: \$75.516 million and buildings: \$234.974 million. For the remaining balance, fair value of land and buildings was determined on the basis of depreciated replacement cost.

**Reconciliations**

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the reporting period are set out below.

<u>Land</u>		
Carrying amount at beginning of year	79,470	84,810
Additions	1,000	-
Revaluation (decrement)	(3,212)	(1,553)
Transferred to leased land	-	(3,787)
Disposal of land	(2)	-
Transfer to other agencies	(1,740)	-
Carrying amount at end of year	<u>75,516</u>	<u>79,470</u>
<u>Buildings</u>		
Carrying amount at beginning of year	180,760	180,044
Additions	55,290	4,444
Disposal of property	(186)	-
Revaluation increments/(decrement)	3,275	(83)
Depreciation	(4,165)	(3,645)
Carrying amount at end of year	<u>234,974</u>	<u>180,760</u>

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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<u>Leased land and buildings</u>		
Carrying amount at beginning of year	243,935	221,400
Additions	-	13,927
Depreciation	(4,779)	(4,604)
Revaluation increments	344	9,425
Transferred from Land	-	3,787
Carrying amount at end of year	<u>239,500</u>	<u>243,935</u>
<u>Leasehold improvements</u>		
Carrying amount at beginning of year	12,282	6,020
Additions	3,788	7,874
Depreciation	(1,400)	(1,594)
Disposals	-	(18)
Carrying amount at end of year	<u>14,670</u>	<u>12,282</u>
<u>Plant, equipment and vehicles</u>		
Carrying amount at beginning of year	3,942	4,679
Additions	888	818
Disposals	(21)	(96)
Depreciation	(1,231)	(1,459)
Carrying amount at end of year	<u>3,578</u>	<u>3,942</u>
<u>Work in progress</u>		
Carrying amount at beginning of year	48,318	48,074
Additions	20,845	39,474
Transfers to non-current assets	(63,803)	(39,230)
Expensed to Statement of Comprehensive Income	(876)	-
Carrying amount at end of year	<u>4,484</u>	<u>48,318</u>
<u>Total</u>		
Carrying amount at beginning of year	568,707	545,027
Additions <sup>(a)</sup>	81,811	66,537
Revaluation	407	7,789
Depreciation	(11,575)	(11,302)
Disposals	(209)	(114)
Transfers to non-current assets <sup>(a)</sup>	(63,803)	(39,230)
Expensed to Statement of Comprehensive Income	(876)	-
Transfer to other agencies	(1,740)	-
Carrying amount at end of year	<u>572,722</u>	<u>568,707</u>

(a) Additions include transfers from Work in progress.

**22 Intangible assets**

<u>Computer software</u>		
At cost	52,618	48,435
Accumulated amortisation	<u>(33,686)</u>	<u>(28,072)</u>
	<u>18,932</u>	<u>20,363</u>
<u>Information technology systems</u>		
Carrying amount at start of year	20,363	9,858
Additions	4,184	14,705
Amortisation	(5,615)	(4,200)
Carrying amount at end of year	<u>18,932</u>	<u>20,363</u>

**DEPARTMENT OF THE ATTORNEY GENERAL**  
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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>23 Impairment of assets</b>		
There were no indications of impairment to property, plant and equipment and intangible assets at 30 June 2010.		
The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period.		
<b>24 Payables</b>		
<u>Current</u>		
Trade payables	24,652	23,445
Accrued interest	99	101
Accrued salaries	2,390	1,829
Total current	<u>27,141</u>	<u>25,375</u>
The last pay day of the 2009-10 financial year was on 24 June 2010. A salary accrual of four working days were taken up.		
Accrued salaries and wages are settled within a few days of the financial year end. The carrying amount is equivalent to the net fair value.		
<b>25 Borrowings</b>		
<u>Finance lease liabilities</u>		
Current	2,079	1,707
Non current	<u>221,411</u>	<u>223,497</u>
	<u>223,490</u>	<u>225,204</u>
Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.		
Assets pledged as security		
The carrying amounts of non-current assets pledged as security are:		
<u>Finance leases</u>		
<u>Leased land and buildings</u>		
At fair value	239,500	243,935
Accumulated depreciation	-	-
	<u>239,500</u>	<u>243,935</u>
<b>26 Provisions</b>		
<u>Current</u>		
<u>Employee benefits provision</u>		
Annual leave <sup>(a)</sup>	11,612	11,966
Long service leave <sup>(b)</sup>	26,125	18,988
Superannuation	4,501	2,430
	<u>42,238</u>	<u>33,384</u>
<u>Other provisions</u>		
<u>Employment on-costs</u> <sup>(c)</sup>		
Carrying amount at start of year	317	239
Additional provisions recognised - other employee costs	77	78
Carrying amount at end of year	<u>394</u>	<u>317</u>
	<u>42,632</u>	<u>33,701</u>
<u>Non-current</u>		
<u>Employee benefits provision</u>		
Long service leave <sup>(b)</sup>	8,322	14,742
Superannuation	1,095	1,051
	<u>9,417</u>	<u>15,793</u>

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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<u>Other Provisions</u>		
<u>Employment on-costs</u>		
Carrying amount at start of year	151	177
Net amount used - other employee costs	(62)	(26)
Carrying amount at end of year	89	151
	9,506	15,944

- (a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of the reporting period date	11,612	11,966
More than 12 months after the reporting period date	-	-
	11,612	11,966

- (b) Long service leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of the reporting period date	26,125	18,988
More than 12 months after the reporting period date	8,322	14,742
	34,447	33,730

- (c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is included in Note 13 "Other Expenses".

## 27 Equity

Equity represents the residual interest in the net assets of the Department. The Government holds the equity interest in the Department on behalf of the community. The asset revaluation surplus represents that portion of equity resulting from the revaluation of non-current assets.

### **Contributed equity**

Balance at start of period	68,768	34,807
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### **Contributions by Owners**

Capital contributions	10,754	33,961
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### Transfer of net assets from other Agencies

The functions of Native Title Policy Development, Implementation and Negotiation undertaken by the Office of Native Title were transferred to the Department of the Attorney General on 1 July 2009.	29,267	-
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<b>Total contributions by owners</b>	40,021	33,961
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**DEPARTMENT OF THE ATTORNEY GENERAL**  
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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b><u>Distribution to Owners</u></b>		
<u>Transfer of net assets to other agencies</u>		
Land transferred to Western Australia Police Department	(1,740)	-
Section 21 (3) transfer of Native Title Strategic Policy Development/Facilitation Service to the Department of Premier and Cabinet	(2,000)	-
<b>Total Distribution to owners</b>	<b>(3,740)</b>	<b>-</b>
<b>Balance at end of the period</b>	<b>105,049</b>	<b>68,768</b>
<b><u>Reserves</u></b>		
<u>Asset revaluation surplus</u>		
<u>Land</u>		
Balance at start of year	75,534	75,872
Net revaluation increment/(decrement):	(3,212)	(338)
<b>Balance at end of the year</b>	<b>72,322</b>	<b>75,534</b>
<u>Buildings</u>		
Balance at start of year	183,759	175,356
Net revaluation increment/(decrement):	3,619	8,403
<b>Balance at end of the year</b>	<b>187,378</b>	<b>183,759</b>
	<b>259,700</b>	<b>259,293</b>
The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets, as described in accounting policy note 2 (i).		
<b><u>Accumulated surplus/(deficit)</u></b>		
Balance at start of period	41,836	64,904
Result for the period	1,100	(23,068)
<b>Balance at end of the period</b>	<b>42,936</b>	<b>41,836</b>
<b>Equity Balance at end of the period</b>	<b>407,685</b>	<b>369,897</b>

**28 Notes to the Statement of Cash Flows**

(a) Reconciliation of cash

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Cash and cash equivalents	23,654	5,924
Restricted cash and cash equivalents (note 18)	3,190	2,000
	<b>26,844</b>	<b>7,924</b>

(b) Non-cash financing and investing activities

During the financial year there were no assets/liabilities transferred/assumed to/from other Government agencies not reflected in the Statement of Cash Flows.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
(c) <u>Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities</u>		
Net cost of services	(341,548)	(348,483)
Non-cash items:		
Depreciation and amortisation expense	17,190	15,502
Doubtful debts expense	173	-
Superannuation and Judges' Pensions expense	13,817	46,526
Resources received free of charge	1,752	2,451
Written down value of property, plant and Equipment disposals	195	107
(Increase)/decrease in assets:		
Current Receivables	397	(1,023)
Other current assets	(604)	(210)
Increase/(decrease) in liabilities:		
Current Payables	(611)	8,370
Current Provisions	1,438	8,928
Other current liabilities	559	(709)
Change in GST in receivables/payables	50	802
Net cash provided by/(used in) operating activities	(307,192)	(267,739)
(d) At the end of the reporting period, the Department had fully drawn on all financing facilities, details of which are disclosed in the financial statements.		

**29 Resources provided free of charge**

During the year the following resources were provided to other agencies free of charge for functions outside the normal operations of the Department.

Corporate support provided by the Department to:		
Department of Corrective Services	13,260	12,693
Law Reform Commission	97	119
Office of the Director of Public Prosecutions <sup>(b)</sup>	1,337	1,535
Equal Opportunity Commissioner <sup>(a)</sup>	-	96
Office of the Information Commissioner <sup>(a)</sup>	-	83
Legal Costs Committee	46	44
Professional Standards Council	26	16
Legal Practice Board	773	805
Parliamentary Inspector CCC	45	82
Commissioner for Young People	84	7
Legal services provided by the State Solicitor's Office to:		
Other Government agencies	24,649	19,121
	40,317	34,601

(a) The Equal Opportunity Commission and the Office of the Information Commissioner both transferred to Office of Shared Services in April 2009.

(b) Office of the Director of Public Prosecution transferred to Office of Shared Services in February 2010.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>30 Commitments</b>		
Summary of commitments as follows:-		
Capital expenditure commitments <sup>(a)</sup>	940	10,825
Operating leases	185,976	176,826
<u>Finance leases</u>		
CBD Courts	211,675	213,100
Fremantle Justice Centre	11,815	12,104
Other expenditure commitments	37,161	16,687
	<u>447,567</u>	<u>429,542</u>

Detailed as follows:-

**(a) Capital expenditure commitments**

Within 1 year	940	10,825
Later than 1 year and not later than 5 years	-	-
	<u>940</u>	<u>10,825</u>

The capital commitments are for land and buildings.

**(b) Lease commitments**

The Department leases certain premises, motor vehicles and items of plant and office equipment. The lease expenditure is expensed as it is incurred. At the reporting date the Department had the following obligations under operating leases.

Within 1 year	28,493	19,067
Later than 1 year and not later than 5 years	80,633	65,882
Later than 5 years	76,850	91,877
	<u>185,976</u>	<u>176,826</u>

These commitments are all exclusive of GST and represent non-cancellable operating leases.

**(c) Finance lease commitments**

**(i) CBD Courts Complex**

The Department undertook a significant project involving the development of a new, purpose built District Court Building in Perth which was completed in June 2009.

Leasing costs are as follows:-

Within 1 year	18,319	18,107
Later than 1 year and not later than 5 years	75,595	74,691
Later than 5 years	369,111	388,444
Minimum finance lease payments	463,025	481,242
Less future finance charges	(251,350)	(268,142)
Finance lease liability	211,675	213,100
less amount excluded for asset not yet commissioned	-	-
Present value of finance lease liabilities	<u>211,675</u>	<u>213,100</u>

The present value of finance leases payable is as follows:

Within 1 year	1,758	1,418
Later than 1 year and not later than 5 years	11,200	9,468
Later than 5 years	198,717	202,214
Present value of finance lease liabilities	<u>211,675</u>	<u>213,100</u>

*Included in the financial statements as:*

Current liabilities (note 25)	1,758	1,418
Non-current liabilities (note 25)	209,917	211,682
	<u>211,675</u>	<u>213,100</u>



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	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
(ii) <u>Fremantle Justice Complex</u>		
The Department of Justice in March 2001, entered into a 25 year lease agreement for the procurement of the Fremantle Justice Centre. Under this arrangement, ownership of the facility will transfer to the State at the conclusion of the lease term for payment.		
Leasing costs are as follows:-		
Within 1 year	1,561	1,561
Later than 1 year and not later than 5 years	6,245	6,245
Later than 5 years	16,393	17,955
Minimum finance lease payments	24,199	25,761
Less future finance charges	(12,384)	(13,657)
Finance lease liability	11,815	12,104
The present value of finance leases payable is as follows:		
Within 1 year	321	289
Later than 1 year and not later than 5 years	1,677	1,511
Later than 5 years	9,817	10,304
Present value of finance lease liabilities	11,815	12,104
<i>Included in the financial statements as:</i>		
Current liabilities (note 25)	321	289
Non-current liabilities (note 25)	11,494	11,815
	11,815	12,104
<b>(d) Other expenditure commitments</b>		
Operational service contracts contracted for at the reporting period but not recognised as liabilities, are payable as follows:		
Within 1 year	13,275	16,687
Later than 1 year and not later than 5 years	10,688	-
Later than 5 years	13,198	-
	37,161	16,687

**31 Contingent liabilities and contingent assets**

Contingent liabilities

In addition to the liabilities included in the financial statements the Department has the following contingent liabilities.

(i) Litigations in progress		
Claims against the Department from the general public and offenders.	-	-
(ii) Disclosure regarding criminal injuries compensation.		
Claims yet to be assessed	17,096	12,714

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Contaminated sites

Under the Contaminated Sites Act 2003, the Department is required to report known and suspected contaminated sites to the Department of the Environment and Conservation (DEC). In accordance with the Act, DEC classifies these sites on the basis of the risk to human health, the environment and environmental values. Where sites are classified as contaminated, remediation is required. Where sites are possibly contaminated, investigation is required. The Department may have a liability in respect of investigation or remediation expenses.

The Department has no known or suspected contaminated sites that are required to be reported under the Contaminated Sites Act 2003.

Contingent assets

In addition to the assets included in the financial statements, there are the following contingent assets.

	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
(i) Litigations in progress		
Recovery of incorrect payment to Supplier	80	-

**32 Remuneration and retirement benefits of senior officers**

The number of senior officers whose total of fees, salaries, superannuation and other benefits received, or due and receivable, for the financial year, falls within the following bands:

\$	<b>2010</b>	<b>2009</b>
0 - 40,000	2	1
40,001 - 50,000	1	-
60,001 - 70,000	1	-
130,001 - 140,000	-	1
140,001 - 150,000	1	-
150,001 - 160,000	-	1
160,001 - 170,000	3	-
170,001 - 180,000	1	2
200,001 - 210,000	-	1
220,001 - 230,000	1	-
240,001 - 250,000	-	1
280,001 - 290,000	1	1
410,001 - 420,000	-	1
430,001 - 440,000	1	-
480,001 - 490,000	1	-
600,001 - 610,001	-	1
	13	10

The total remuneration of senior officers for 2009-10 was \$2,404,047 (\$2,515,624 in 2008-09).

Senior officers are those who take part in the management of the organisation. Deemed to be the Director General, Executive Directors and other Divisional Heads.

The superannuation included represents the superannuation expense incurred by the Department in respect of senior officers.

No senior officers are members of the Superannuation and Family Benefits Act Scheme (Pension Scheme).

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

**33 Related bodies**

The Department had no related bodies during the financial year.

**34 Affiliated bodies**

The Department provided more than 52% of the total operational funds to the Legal Aid Commission of Western Australia during the 2010 financial year. The Commission is not subject to operational control by the Department and is therefore considered to be an affiliated body under the Financial Management Act.

**35 Supplementary financial information**

	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<u>Write-offs</u>		
Revenue and debts to the State written off in accordance with Section 48 of the Financial Management Act.		
Accountable Authority	7,363	17,056
Total losses and write offs	<u>7,363</u>	<u>17,056</u>

The write offs pertain primarily to court fines which are Administered items.

Losses through theft, defaults and other causes

Losses of public moneys and property through theft, default or otherwise not covered by insurance.	5	-
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Gifts of Public Property

Gifts of public property provided by the Department	-	-
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**36 Remuneration of Auditor**

Remuneration payable to the Auditor General in respect of the audit for the current financial year is as follows:

	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
Auditing the accounts, financial statements and performance indicators	170	180

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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**37 Financial instruments**

(a) Financial risk management objectives and policies

Financial instruments held by the Department are cash and cash equivalents, restricted cash and cash equivalents, finance leases, Treasurer's advances and receivables and payables. The Department's overall risk management program focuses on managing the risks identified below.

*Credit risk*

Credit risk arises when there is the possibility of the Department's receivables defaulting on their contractual obligations resulting in financial loss to the Department.

The maximum exposure to credit risk at end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 19 and Note 37(c).

Credit risk associated with the Department's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Department trades only with recognised, creditworthy third parties. The Department has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Department's exposure to bad debts is minimal. At the end of the reporting period, there were no significant concentrations of credit risk.

*Liquidity risk*

Liquidity risk arises when the Department is unable to meet its financial obligations as they fall due. The Department is exposed to liquidity risk through its trading in the normal course of business.

The Department has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

*Market Risk*

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Department's income or the value of its holdings of financial instruments. The Department does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the Interest rate sensitivity analysis table at Note 37(c), the Department is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing, and have no borrowings other than finance leases (fixed interest rate).

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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(b) Categories of financial instruments

In addition to cash and bank overdraft, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows:

	<b>2010</b>	<b>2009</b>
	<b>\$000</b>	<b>\$000</b>
<b>Financial assets</b>		
Cash and cash equivalents	23,654	5,924
Restricted cash and cash equivalents	3,190	2,000
Receivables	7,574	7,089
Amounts receivable for services	80,826	63,036
<b>Financial liabilities</b>		
Financial liabilities measured at amortised cost	250,532	250,478

The amount of receivables excludes GST recoverable from the Australian Taxation Office (statutory receivable).

(c) Financial instrument disclosures

*Credit Risk and Interest Rate Risk Exposures*

The following tables disclose the Department's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Department's maximum exposure to credit risk at the end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Department.

The Department does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Department does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
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<b>Interest rate exposures and ageing analysis of financial assets</b>												
	Weighted average interest rate	<u>Interest rate exposure</u>				Current	<u>Past due but not impaired</u>					Impaired financial assets
		Carrying Amount	Fixed Interest Rate	Variable Interest Rate	Non- Interest Bearing		1 to 3 months	3-12 months	1-2 years	2-5 years	More than 5 years	
<b>Financial assets</b>	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>2010</b>												
Cash and cash equivalent assets	-	23,654	-	-	23,654	-	-	-	-	-	-	-
Restricted cash and cash equivalent assets	-	3,190	-	-	3,190	-	-	-	-	-	-	-
Receivables (i)	-	7,574	-	-	7,574	6,378	396	336	315	149	-	361
Amounts receivable for services	-	80,826	-	-	80,826	-	-	-	-	-	-	-
<b>Total financial assets</b>		<b>115,244</b>	<b>-</b>	<b>-</b>	<b>115,244</b>	<b>6,378</b>	<b>396</b>	<b>336</b>	<b>315</b>	<b>149</b>	<b>-</b>	<b>361</b>
<b>2009</b>												
Cash and cash equivalent assets	-	5,924	-	-	5,924	-	-	-	-	-	-	-
Restricted cash and cash equivalent assets	-	2,000	-	-	2,000	-	-	-	-	-	-	-
Receivables (i)	-	7,089	-	-	7,089	3,962	1,123	1,056	948	-	-	338
Amounts receivable for services	-	63,036	-	-	63,036	-	-	-	-	-	-	-
<b>Total financial assets</b>		<b>78,049</b>	<b>-</b>	<b>-</b>	<b>78,049</b>	<b>3,962</b>	<b>1,123</b>	<b>1,056</b>	<b>948</b>	<b>-</b>	<b>-</b>	<b>338</b>

(i) The amount of receivables excludes GST recoverable from the Australian Taxation Office (statutory receivable).

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**ADMINISTERED SCHEDULE OF INCOME AND EXPENSES BY SERVICE**  
**FOR THE YEAR ENDED 30 JUNE 2010**

38 Administered income and expenses	2010	2009	2010	2009	2010	2009	2010	2009
	Court and Tribunal Services		Services to Government		General - Not attributed		Total	
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
<b>COST OF SERVICES</b>								
<b>Expenses</b>								
Payments to the Consolidated Account	38,885	34,044	-	-	-	-	38,885	34,044
Transfer payments - other Government agencies (a)	-	-	-	-	37,531	34,021	37,531	34,021
Other	264	378			1,226	550	1,490	928
Criminal property confiscations - grants		-	4,617	3,100		-	4,617	3,100
Criminal property confiscations - supplies and services			1,618	3,790		-	1,618	3,790
Provision for Doubtful Debts (b)					5,622	6,964	5,622	6,964
<b>Total administered expenses</b>	<b>39,149</b>	<b>34,422</b>	<b>6,235</b>	<b>6,890</b>	<b>44,379</b>	<b>41,535</b>	<b>89,763</b>	<b>82,847</b>
<b>Income</b>								
Judicial fines and penalties (b)	41,834	41,603	-	-	-	-	41,834	41,603
Infringement penalties	-	-	2,037	2,128	-	-	2,037	2,128
Revenue for transfer - other Government agencies (a)	-	-	-	-	37,629	34,020	37,629	34,020
Other	419	217			1,136	667	1,555	884
Criminal property confiscations	-	-	13,438	8,022	-	-	13,438	8,022
<b>Total administered income</b>	<b>42,253</b>	<b>41,820</b>	<b>15,475</b>	<b>10,150</b>	<b>38,765</b>	<b>34,687</b>	<b>96,493</b>	<b>86,657</b>

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

(a) The Family Law Court revenue received from the Commonwealth is now recognised as controlled revenue \$17.395 million (2009: \$14.357 million) rather than administered revenue in previous financial years.

(b) Comparatives have been restated to conform to current year presentation.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES BY SERVICE**  
**AS AT 30 JUNE 2010**

**39 Administered assets and liabilities**

	2010	2009	2010	2009	2010	2009	2010	2009
	Court and Tribunal Services		Services to Government		General - Not attributed		Total	
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
<b>COST OF SERVICES</b>								
<b>Assets</b>								
Cash and restricted cash assets								
- Suits Fund	206	50	-	-	-	(200)	206	(150)
- Departmental receipts in suspense					187	205	187	205
- Family Court Fund	-	-	-	-	-	-	-	-
- Judicial fines and penalties	-	(3)	-	-	-	-	-	(3)
- Criminal Property Confiscations	-	-	20,894	13,691	-	-	20,894	13,691
Receivables								
- Magistrates Court - fines and costs	14,287	16,555	-	-	-	-	14,287	16,555
- Fines Enforcement Registry	152,520	145,235	-	-	-	-	152,520	145,235
- Children's Court	189	222	-	-	-	-	189	222
- Criminal Property Confiscations	-	-	-	-	-	-	-	-
- Family Court Fund	-	-	-	-	-	-	-	-
Less: allowance for impairment of receivables								
- Unrecoverable fees and fines - note 2 (c)	(90,528)	(84,905)	-	-	-	-	(90,528)	(84,905)
Total administered current assets	76,674	77,154	20,894	13,691	187	5	97,755	90,850
Total administered assets	76,674	77,154	20,894	13,691	187	5	97,755	90,850
<b>Liabilities</b>								
- Payables	-	25	-	-	-	-	-	25
- Amounts due to the Treasurer (Appeals Cost Board)	1,500	1,100	-	-	-	-	1,500	1,100
<b>Total administered expenses</b>	1,500	1,125	-	-	-	-	1,500	1,125
<b>Net Administered Assets</b>	75,174	76,029	20,894	13,691	187	5	96,255	89,725

**40 Events occurring after the balance sheet date**

There were no events occurring after the balance sheet date.



**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

Liquidity risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the end of the reporting period. The table includes interest and principal cash flows. An adjustment has been made where material.

**Interest rate exposures and maturity analysis of financial liabilities**

	<u>Interest rate exposure</u>					<u>Maturity dates</u>					
	Weighted average interest rate	Carrying Amount	Fixed Interest Rate	Variable Interest Rate	Non- Interest Bearing	Within 1 Year	1-2 years	2 - 3 years	3 - 4 years	4 - 5 years	Over 5 years
<b>Financial liabilities</b>	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>2010</b>											
Payables	-	27,042	-	-	27,042	-	-	-	-	-	-
Finance lease liabilities	8.00	223,490	223,490	-	-	2,079	2,538	2,938	3,431	3,971	208,533
<b>Total financial liabilities</b>		<b>250,532</b>	<b>223,490</b>	<b>-</b>	<b>27,042</b>	<b>2,079</b>	<b>2,538</b>	<b>2,938</b>	<b>3,431</b>	<b>3,971</b>	<b>208,533</b>
<b>2009</b>											
Payables	-	25,274	-	-	25,274	-	-	-	-	-	-
Finance lease liabilities	8.05	225,204	225,204	-	-	1,707	2,077	2,537	2,937	3,429	212,517
<b>Total financial liabilities</b>		<b>250,478</b>	<b>225,204</b>	<b>-</b>	<b>25,274</b>	<b>1,707</b>	<b>2,077</b>	<b>2,537</b>	<b>2,937</b>	<b>3,429</b>	<b>212,517</b>

Interest rate sensitivity analysis

The Department is not exposed to interest rate risk because cash and cash equivalents and restricted cash are non-interest bearing.

Fair Values

All financial assets and liabilities recognised in the statement of financial position, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

#### 41 Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 5% and \$300,000.

##### Significant variances between estimate and actual for 2010

##### Total appropriation provided to deliver services

	2010 Estimate \$000	2010 Actual \$000	Variation \$000
<u>Court and Tribunal Services</u>	267,492	298,391	30,899
Service 1 - Court and Tribunal Services			
Increased expenditure is mainly due to judicial pensions liability adjustments, accused cost payments, criminal injuries payments, accommodation lease increases and court security costs. Many of these items received supplementary funding during the year to offset these costs.			
<u>Advocacy, Guardianship and Administration Services</u>	3,186	4,280	1,094
Service 2 - Advocacy, Guardianship and Administration Services			
Increased expenditure is largely due to changes to the Consent for Medical Treatment Act 2008 and a significant increase in demand for services. Another significant cost was a building accommodation lease adjustment.			
<u>Trustee Services</u>	16,022	18,060	2,038
Service 3 - Trustee Services			
Higher expenditure is due to increases in staff costs, core computer system development, building accommodation, payroll tax and costs associated with implementing the new legislation.			
<u>Births, Deaths and Marriages</u>	6,853	6,945	92
Service 4 - Births Deaths and Marriages			
There was no significant variation.			
<u>Services to Government</u>	60,332	75,372	15,040
Service 5 - Services to Government			
Increased expenditure mainly relates to increased accommodation costs, running a shared service, ex-gratia and mesothelioma payments. Some additional funding was provided during the year to address the demand for services.			
<u>Legal Aid Assistance</u>	25,816	27,084	1,268
Service 6 - Legal Aid Assistance			
The State grant provided to the Legal Aid Commission was increased to provide additional funding for child protection and expensive legal cases.			
<u>Native Title Policy Development, Implementation and Negotiation</u>	31,427	23,108	(8,319)
Service 7 - Native Title Policy Development, Implementation and Negotiation			
Decreased expenditure is due to Native Title grants. The exact timing of paying grants is uncertain and varies from year to year.			

	2010 Actual \$000	2009 Actual \$000	Variance \$000
<b>Significant variances between actuals for 2009 and 2010</b>			
<b>Total appropriation provided to deliver services and total income</b>			
Total appropriation provided to deliver services for the year	327,079	276,438	50,641
Total income	111,692	100,564	11,128

**Total appropriation provided to deliver services for the year**

The increased appropriation in 2009-10 is mainly due to the Office of Native Title being intergrated into DotAG, increases in funding for ex-gratia payments, accommodation lease payments, revised depreciation estimates, accused costs, court security and custodial services and running a shared service. The increased appropriation in 2009-10 is mainly due to the increases in funding for ex-gratia payments, accommodation lease payments, revised depreciation estimates, accused costs, court security and custodial services and running a shared service.

**Total income**

The increased income is mainly due to the collection of additional civil court fees and enforcement fees collected through the Fines Enforcement Registry. In addition, there were one off grants for Native Title and State Solicitor revenues were higher than anticipated.

**Service Expenditure**

<u>Court and Tribunal Services</u>	298,391	326,002	(27,611)
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Service 1 - Court and Tribunal Services

Decreased expenditure is mainly due to a significantly lower actuarial assessment of the Judicial Pensions liability.

<u>Advocacy, Guardianship and Administration Services</u>	4,280	3,613	667
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Service 2 - Advocacy, Guardianship and Administration Services

Increased expenditure is mainly due to increases in staff costs, accommodation lease payments and demand for services.

<u>Trustee Services</u>	18,060	16,581	1,479
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Service 3 - Trustee Services

Increased expenditure is due to increases in staff costs, depreciation of core systems and accommodation costs.

<u>Births, Deaths and Marriages</u>	6,945	5,715	1,230
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Service 4 - Births Deaths and Marriages

Increased expenditure is mainly due to contract payments for the conversion of the historic paper based records to an electronic format.

<u>Services to Government</u>	75,372	70,833	4,539
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Service 5 - Services to Government

The increase largely relates to staff costs ex-gratia and mesothelioma payments, and running a shared service.

<u>Legal Aid Assistance</u>	27,084	26,303	781
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Service 6 - Legal Aid Assistance

Increased grant paid to the Legal Aid Commission largely relates to increases in staff costs and supplementary funding for expensive cases.

<u>Native Title Policy Development, Implementation and Negotiation</u>	23,108	0	23,108
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Service 7 - Native Title Policy Development, Implementation and Negotiation

The Office of Native Title joined the Department on 1 July 2009.

**Significant variances between estimate and actual for 2010**

	<b>2010 Estimate \$000</b>	<b>2010 Actual \$000</b>	<b>Variance \$000</b>
<b>Capital contribution</b>			
Capital contribution	13,869	10,754	(3,115)

The decrease is mainly due to the delay in completing the Central Law Courts refurbishment project.

**Significant variances between actuals for 2009 and 2010**

	<b>2010 Actual \$000</b>	<b>2009 Actual \$000</b>	<b>Variance \$000</b>
<b>Capital contribution</b>			
Capital contribution	10,754	33,961	(23,207)

Significant expenditure was incurred in 2008-09 in relation to the CBD Courts project and Central Law Courts refurbishment as compared to 2009-10.

**Significant variances between estimate and actual for 2010**

	<b>2010 Estimate \$000</b>	<b>2010 Actual \$000</b>	<b>Variance \$000</b>
<b>Administered revenues</b>			
Total income disclosed as administered income	112,307	96,493	(15,814)

The estimate for 2009/10 was too high and was based on collections over a number of years. Revenues were less than expected as the Office of State Revenue introduced an on-line collection system for Stamp Duty.

**Significant variances between actuals for 2009 and 2010**

	<b>2010 Actual \$000</b>	<b>2009 Actual \$000</b>	<b>Variance \$000</b>
<b>Administered Revenues</b>			
Revenue on behalf of other agencies The main increase is due to State Tax Duty receipts from improved conditions in the housing market.	37,629	34,020	3,609
Criminal Property Confiscations Increase in revenue reflects the performance in property confiscations.	13,438	8,022	5,415

**DEPARTMENT OF THE ATTORNEY GENERAL**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2010**

**42 Special Purpose Accounts and Treasurer's Advance Accounts**

Account	2009-10				2008-09			
	Opening Balance	Receipts	Payments	Closing Balance	Opening Balance	Receipts	Payments	Closing Balance
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
1 Civil Court Judgement - Government Account	47	1,411	965	493	27	775	755	47
2 Land Acquisition Account	7,009	128,717	125,624	10,102	8,594	103,765	105,350	7,009
3 Suitor's Fund Account	75	419	263	231	36	217	178	75
4 Clerk of Courts Trust Account	3,426	41,511	43,022	1,916	3,538	38,555	38,667	3,426
5 Departmental Receipts in Suspense	177	38,764	38,754	187	62	34,686	34,571	177
6 Sheriff's and District Court Bailiff's Trust Account	88	918	829	177	75	1,426	1,413	88
7 Civil Action - Supreme and District Courts Account	5,141	4,461	6,087	3,515	3,011	12,659	10,529	5,141
8 Companies Liquidation Account	-	-	-	-	725	-	725	-
9 Department of the Attorney General - Settlement Payments Account	2	-	-	2	2	-	-	2
10 Family Court - Commonwealth Advance Account (a)	-	-	-	-	-	-	-	-
11 Appeal Costs Board - Treasurer's Advance Account	1,100	400	-	1,500	1,100	-	-	1,100
12 Criminal Property Confiscations Account	13,691	13,438	6,235	20,894	12,560	8,022	6,891	13,691
13 Murchison Radio-Astronomy Observatory ILUA - Benefits Package (b)	-	8,125	-	8,125	-	-	-	-

Departmental receipts in suspense balances are included in the Department's controlled cash and cash equivalents balance.

(a) The Family Law Court revenue received from the Commonwealth is now recognised as controlled revenue \$17.395 million (2009: \$14.357 million) rather than administered revenue as in previous financial years.

(b) Murchison Radio-Astronomy Observatory ILUA-Benefits Package Trust Statement was approved March 2010. The purpose of this account is to hold moneys on behalf of the WY Claim Group pending execution of a Trust Deed under the Murchison Radio-Astronomy Indigenous Land Use Agreement.

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DEPARTMENT OF THE ATTORNEY GENERAL

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2010

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**1 Civil Court Judgements - Government Account**

To hold moneys arising from Civil Court Judgements made in favour of Government departments and authorities.

**2 Land Acquisition Account**

To hold moneys for and on behalf of Government departments and authorities pending settlement of land acquisition.

**3 Suitor's Fund Account**

To hold funds, in accordance with section 4 of the *Suitors' Fund Act* (The Act), to meet the liability for costs of certain litigation and for incidental and other purposes pursuant to the Act.

**4 Clerk of Courts Trust Account**

To hold moneys, collected in the course of court activities at courts of petty sessions and local courts throughout the State, for the disbursement to other parties.

**5 Departmental Receipts in Suspense**

To hold funds pending identification of the purpose for which those monies were received pursuant to section 9 (2) (c) (iv) of the *Financial Management Act*.

**6 Sheriff and District Court Bailiff's Trust Account**

To hold monies collected or realised from the Execution by the Sheriff, Supreme Court or Bailiff District Court of Writs of fieri facias against Judgement Debtors in Civil Actions in the Supreme or District Courts of Western Australia.

**7 Civil Action - Supreme and District Courts Account**

To hold monies paid into the Supreme and District Courts in civil actions as ordered by the Supreme Court of Western Australia or District Court.

**8 Companies Liquidation Account**

To hold funds received by the Director General, Department of the Attorney General pursuant to section 427 of the Companies (Western Australia) Code.

**9 Department of Attorney General - Settlement Payments Account**

To hold monies received by the Department of the Attorney General and Small Claims Tribunal as a consequence of actions to resolve disputes.

**10 Family Court - Commonwealth Advance Account**

To hold funds received from the Commonwealth for the establishment and administration of the family court of Western Australia, in accordance with an agreement pursuant to section 41 (1) of the *Family Law Act*, pending transfer to the Consolidated Account.

**11 Appeal Costs Board - Treasurer's Advance Account**

An expenditure advance was approved by the Treasurer to provide a temporary advance for funding of the *Suitor's Fund Act*. The expenditures are subject to reimbursement from the Consolidated Account via the Suitor's Fund Account.

**12 Criminal Property Confiscations Account**

The purpose of this account is to hold moneys and proceeds of property recovered or confiscated by the State in accordance with the Act, and to distribute such moneys in accordance with the Act.

**13 Murchison Radio-Astronomy Observatory ILUA - Benefits Package**

The purpose of this account is to hold moneys on behalf of the WY Claim Group pending execution of a Trust Deed under the Murchison Radio-Astronomy Indigenous Land Use Agreement.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**TRUST STATEMENT**

**[Murchison Radio-Astronomy Observatory ILUA - Benefits Package]**

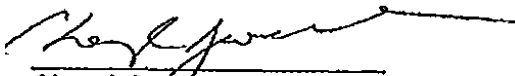
NAME	An account titled Murchison Radio-Astronomy Observatory ILUA - Benefits Package (the Account) to be established and maintained as an agency special purpose account pursuant to section 16(1)(c) of the <i>Financial Management Act 2006</i> by the Department of the Attorney General.
PURPOSE	Pursuant to clause 12.2(b) of the Murchison Radio-Astronomy Observatory Indigenous Land Use Agreement (the Agreement), the sum of \$8 million being the State's contribution is to be held in an interest bearing trust account for and on behalf of the WY Claim Group until such time as the State and the WY Trustee Company execute the trust deeds as stipulated in the Agreement.
RECEIPTS	There shall be credited to the Account such moneys as prescribed under the Agreement inclusive of any interest as calculated from 13 November 2009 being the commencement date of the Agreement.
PAYMENTS	Moneys standing to the credit of the Account may be applied for the purposes of, and only for the purposes of, the Account.
ADMINISTRATION OF ACCOUNT	The Account shall be administered by the Director General in accordance with the <i>Financial Management Act 2006</i> , Financial Management Regulations 2007, Treasurer's Instructions and the Agreement.
ACCOUNTING RECORDS	There shall be maintained a detailed record of transactions processed through the Account, together with such other accounting records and procedures as are prescribed in the Department of the Attorney General's financial management manual.

FINANCIAL  
STATEMENTS

There shall be prepared financial statements, together with supplementary information (including details of all financial assistance provided during the financial year), in accordance with the provisions of the *Financial Management Act 2006*, *Financial Management Regulations 2007* and the Treasurer's Instructions.

I have examined and agree to the  
provisions of this trust statement

Approved



Cheryl Gwilliam  
Director General  
Department of the Attorney General

Date: 18/2/10



Mick Jolob  
Director Financial Policy  
Department of Treasury and Finance

Date: 2.03.2010



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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2010**

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**43 Commonwealth Grant - Christmas and Cocos Island**

	<b>2010</b>	<b>2009</b>
<b>Opening balance</b>	(35,600)	(2,293)
<b>Income</b>		
Commonwealth reimbursements	224,471	182,142
Court fees	1,125	1,125
Total receipts	<u>225,596</u>	<u>183,267</u>
<b>Expenses</b>		
Operating costs	<u>173,300</u>	<u>216,574</u>
Total payments	<u>173,300</u>	<u>216,574</u>
<b>Closing balance</b>	16,696	(35,600)

Operating costs are based on actuals plus identified estimated services as agreed in the 'Standard Delivery Service Agreement' signed by the Commonwealth and the State.



## **Key Performance Indicators**

### **Certification of Key Performance Indicators for the Year Ending 30 June 2010**

I hereby certify that the Key Performance Indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of the Attorney General's performance, and fairly represent the performance of the Department of the Attorney General for the financial year ended 30 June 2010.

*Cheryl Gwilliam*

**Cheryl Gwilliam**

DIRECTOR GENERAL

2 September 2010

## KEY PERFORMANCE INDICATORS 2009-10

### OUR PURPOSE

To provide high quality and accessible justice, legal, registry, guardianship and trustee services that meet the needs of the community and Government.

### RELATIONSHIPS TO GOVERNMENT GOALS

Broad, high-level government goals are supported at agency level by more specific agency level desired outcomes. Agencies deliver services to achieve these desired outcomes that ultimately contribute to meeting the higher level government goals. The following table illustrates the relationship between the Department of the Attorney General's agency level desired outcomes, services delivered by the Department and the Government's goals.

Government Goal	DotAG-Desired Outcomes	Services
Outcomes-Based Service Delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians	<p>Outcome 1: The right to justice and safety for all people in Western Australia is preserved and enhanced</p> <p>Outcome 2: Resolution of Native Title matters in accordance with Government policy</p>	<ol style="list-style-type: none"> <li>1. Court and Tribunal Services</li> <li>2. Advocacy, Guardianship and Administration Services</li> <li>3. Trustee Services</li> <li>4. Births, Deaths and Marriages</li> <li>5. Services to Government</li> <li>6. Legal Aid Assistance</li> <li>7. Native Title Policy Development, Implementation and Negotiation</li> </ol>

### CHANGES TO THE DEPARTMENT'S OUTCOME BASED MANAGEMENT STRUCTURE

Several changes were made to the Department of the Attorney General's Outcome Based Management (OBM) structure for this reporting period.

Three new Key Performance Indicators (KPIs) were added to the suite of indicators for Court and Tribunal Services:

- Supreme Court Single Judge Appeals – Time to trial
- Supreme Court Single Judge Appeals – Time to finalise non trial matters
- Supreme Court Single Judge Appeals – Cost per case

Single Judge Appeals are matters appealed from the Magistrates Court criminal jurisdiction and heard by a single Supreme Court Judge. Previously, they were included with the Supreme Court General Division Civil matters but are now reported separately as they follow a different process from all other Supreme Court matters and are generally concluded more quickly.

The Office of Native Title (ONT) was also incorporated into DotAG in 2009-10. ONT's existing agency level outcome, service and KPIs as listed below have been added to the Department's OBM framework.

New DotAG-Desired Outcome	New Service
Resolution of Native Title matters in accordance with Government policy	Native Title policy development, implementation and negotiation
New Effectiveness Indicators	New Efficiency Indicators
<ul style="list-style-type: none"> <li>Percentage change in number of outstanding claims awaiting resolution</li> <li>Ratio of consent determinations to litigated determinations</li> </ul>	<ul style="list-style-type: none"> <li>Average cost per Native Title determination</li> <li>Average cost per Native Title application managed</li> <li>Average time taken to achieve resolution of prioritised Native Title applications</li> </ul>

## KEY PERFORMANCE INDICATORS

The Department has developed Key Performance Indicators of effectiveness and efficiency to enable senior management and stakeholders to assess and monitor the extent to which agency level government desired outcomes have been achieved and the efficiency of service delivery.

Key effectiveness indicators provide information on the extent to which agency level outcomes have been achieved, or contributed to, through the delivery of services. The Department of the Attorney General reports on effectiveness indicators for two agency level outcomes.

Key efficiency indicators relate services to the level of resource inputs required to deliver them. Efficiency indicators have been developed for each of the services delivered by the Department. Each indicator shows the average cost per output to deliver the service. Service costs are calculated based on DotAG's internal cost allocation model to reflect the full cost of the service.

The following performance indicators should be read in conjunction with the accompanying notes to the Key Performance Indicators. Explanations are provided where there is a significant variation between 2009-10 budget targets and actual results.

## **OUTCOME 1**

### **THE RIGHT TO JUSTICE AND SAFETY FOR ALL PEOPLE IN WESTERN AUSTRALIA IS PRESERVED AND ENHANCED**

The Department reports a suite of effectiveness indicators to show the extent to which this outcome has been achieved. The range of effectiveness indicators reflects the diverse services delivered by the Department.

#### **COURT AND TRIBUNAL SERVICES**

Court and Tribunal Services plays a crucial role in achieving the Department's goal to preserve and enhance the right to justice and safety for all people in the Western Australian community. Their role is to instil and maintain community trust and confidence in the court system, to provide access to justice, finalise disputes in an effective and efficient manner, and ensure equality, equity and integrity in the court system. Courts, boards and tribunals (referred to collectively as courts) provide the community with a method to resolve disputes and enforce judicial decisions.

Two distinct groups administer courts in Western Australia: the independent judicial officers who preside over the various courts; and the Department of the Attorney General that provides the courts with administrative services, support and infrastructure. The Department, in partnership with the judiciary, works to instil and maintain community trust and confidence in the court system.

#### **Key Effectiveness Indicators**

The time taken to achieve an outcome in the courts is considered a primary indicator of the effectiveness of the court processes and therefore the extent to which the agency level outcome is achieved. Effectiveness indicators are measured separately for each of the courts' jurisdictions and the Fines Enforcement Registry. The effectiveness indicators are outlined below.

##### **Time to trial**

Time to trial is a measure of the median time taken from a specified initial date (e.g. committal, lodgement) to the first trial date. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

##### **Time to finalise**

This indicator is measured by calculating the median time to finalise a matter from its lodgement to when a judgement is made.

##### **Time to finalise non-trial matters**

This indicator measures the median time to finalise cases that are heard by a Registrar or Judge at conferences or hearings, before proceeding to trial and is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

##### **Fines Enforcement Registry**

The Fines Enforcement Registry effectiveness indicators demonstrate to the community that the appropriate systems, procedures and resources are in place to enforce fines, costs and infringement penalties in a timely manner. It also demonstrates to the community that a court fine is a viable sentencing option.

Key Effectiveness Indicators	2008	2009	2010	Target 2010	Comment
Supreme Court – Criminal – Time to trial	33 weeks	26 weeks	24 weeks	28 weeks	1
Supreme Court – Civil – Time to trial	22 weeks	20 weeks	47 weeks	70 weeks	2
Supreme Court – Civil – Time to finalise non-trial matters	16 weeks	16 weeks	17 weeks	19 weeks	3
Supreme Court – Single Judge Appeal – Time to trial	n/a	n/a	16 weeks	16 weeks	
Supreme Court – Single Judge Appeal – Time to finalise trial matters	n/a	n/a	11 weeks	26 weeks	4
Court of Appeal – Criminal – Time to finalise	36 weeks	28 weeks	33 weeks	37 weeks	5
Court of Appeal – Civil – Time to finalise	42 weeks	49 weeks	36 weeks	48 weeks	6
District Court – Criminal – Time to trial	47 weeks	33 weeks	23 weeks	32 weeks	7
District Court – Civil – Time to trial	102 weeks	75 weeks	65 weeks	90 weeks	8
District Court – Civil – Time to finalise non-trial matters	29 weeks	27 weeks	26 weeks	30 weeks	9
State Administrative Tribunal – Time to finalise	13 weeks	13 weeks	13 weeks	15 weeks	10
Family Court of Western Australia – Time to trial	78 weeks	81 weeks	101 weeks	80 weeks	11
Family Court of Western Australia – Time to finalise non-trial matters	23 weeks	25 weeks	22 weeks	27 weeks	12
Magistrates Court – Criminal and Civil – Time to trial	20 weeks	19 weeks	22 weeks	19 weeks	13
Magistrates Court – Civil – Time to finalise non-trial matters	3 weeks	3 weeks	4 weeks	4 weeks	
Coroner's Court – Time to trial	126 weeks	112 weeks	105 weeks	128 weeks	14
Coroner's Court – Time to finalise non-trial matters	22 weeks	16 weeks	22 weeks	26 weeks.	15
Children's Court – Criminal – Time to trial	17 weeks	18 weeks	22 weeks	17 weeks	16
Children's Court – Civil – Time to trial	34 weeks	45 weeks	44 weeks	30 weeks	17
Fines Enforcement Registry - Percentage Of Fines Satisfied Within 12 Months: Fines And Costs	28%	28%	35%	28%	18
Fines Enforcement Registry - Percentage Of Fines Satisfied Within 12 Months: Infringements	55%	58%	57%	57%	

#### Comment on significant variation

1. The reduction in the time to trial was primarily due to the ongoing operation of the Magistrates Court Stirling Gardens and the Voluntary Criminal Case Conferencing list. The Magistrates Court Stirling Gardens is operated by two Supreme Court Registrars serving as Magistrates. This process allows every Supreme Court criminal case to be seamlessly managed between Jurisdictions from the one Supreme Court site thereby, improving the time to trial.
2. The main underlying reasons for the variance from target include an increase in the number of less complex matters going to trial. It is expected the median time to trial will move closer to target in 2010-11. The result is higher than the previous year because Single Judge Appeals are no longer included under this Key Performance Indicator but reported separately.
3. The time to finalise non-trial civil cases has remained better than the target due to higher proportion of mortgage repossession matters which take less time than other civil cases.
4. The 2009-10 target was over estimated for this new indicator.
5. Close case management and priority listing of criminal appeals continue to have a positive effect on this indicator.
6. The reason for the better than target result is the finalisation of a number of recent appeals.
7. The better than target result is due to improvements in Court processes and procedures arising from the Criminal Listings project. It is anticipated that the reduction in the time to trial will remain constant for the foreseeable future.
8. The results for this indicator are volatile and vary from year to year due to the relatively small number of matters finalised by trial (approximately 3% of all civil matters in the District Court are finalised by trial).
9. The better than target result is mainly due to the continued case management of the backlog of matters (matters older than 12 months).
10. The better than target result is due to the earlier listing of matters as a result of the re-alignment of case management process (streams) as well as stability and training of staff members.
11. The higher than target result is mainly due to the Court focusing on reducing delays in the delivery of judgments.
12. The better than target result is mainly due to the appointment of a temporary Magistrate in August 2009 for 12 months.
13. The increase in the time to trial is mainly due to a 9% increase in the number of contested criminal trials.
14. The improved result is due to additional temporary resources allocated to the Coroners Court.
15. The improved result is due to additional temporary resources allocated to the Coroners Court.

16. The listing interval for matters in the Children's Court has increased steadily throughout 2009-10. This is largely due a significant number of trials not proceeding on the listed date due to a change of plea or parties coming to an agreement.
17. The listing interval for matters in the Children's Court has increased steadily throughout 2009-10. This is largely due a significant number of trials not proceeding on the listed date due to a change of plea or parties coming to an agreement.
18. The better than target percentage of fines and costs satisfied by the Fines Enforcement Registry is due to an increase in resources, process improvements and the impact of legislative change.

## Key Efficiency Indicators

### Cost per case

These indicators measure the average cost per case (criminal/civil) for all matters finalised within each jurisdiction (including matters finalised without trial and those finalised administratively), and the cost per enforcement action to finalise outstanding fines and infringements.

Key Efficiency Indicators	2008	2009	2010	Target 2010	Comment
Supreme Court - Criminal – Cost per case	\$27,847	\$31,389	\$20,313	\$28,861	1
Supreme Court Civil – Cost per case	\$7,643	\$6,767	\$4,194	\$6,452	2
Supreme Court – Single Judge Appeals – Cost per case	n/a	n/a	\$3,394	\$5,205	3
Court of Appeal – Criminal – Cost per case	\$23,145	\$24,941	\$20,842	\$24,443	4
Court of Appeal – Civil – Cost per case	\$26,733	\$34,295	\$22,858	\$27,824	5
District Court – Criminal – Cost per case	\$8,171	\$11,417	\$9,974	\$11,724	6
District Court – Civil – Cost per case	\$5,015	\$6,750	\$4,992	\$7,580	7
State Administrative Tribunal – Cost per case	\$2,758	\$2,925	\$2,962	\$2,699	8
Family Court of Western Australia – Cost per case	\$2,050	\$1,796	\$1,877	\$1,561	9
Magistrates Court – Criminal – Cost per case	\$460	\$484	\$566	\$362	10
Magistrates Court – Civil – Cost per case	\$315	\$387	\$272	\$347	11
Coroner's Court – Cost per case	\$4,603	\$4,658	\$4,191	\$4,055	
Children's Court – Criminal – Cost per case	\$268	\$271	\$320	\$227	12
Children's Court – Civil – Cost per case	\$355	\$408	\$261	\$436	13
Fines Enforcement Registry – Cost per enforcement	\$22	\$24	\$25	\$23	

### Comment on significant variation

1. The cost per case is lower than target due to a higher number of cases being finalised in 2009-10 and lower than expected expenditure. Lower expenditure is predominately attributed to lower than expected cost of the Judicial Pension Scheme.
2. This cost per case is lower than target due to a higher number of cases being finalised in 2009-10 and lower than projected expenditure. The increase in finalisations is attributed to the spike in mortgage repossession applications. Lower expenditure is predominately attributed to lower than expected cost of the Judicial Pension Scheme.
3. The cost per case is lower than target due to a higher number of cases being finalised in 2009-10 and lower than projected expenditure. Lower expenditure is predominately attributed to lower than expected cost of the Judicial Pension Scheme.
4. The cost per case is lower than target predominately due to lower than expected cost of the Judicial Pension Scheme.
5. The cost per case is lower target predominately due to lower than expected cost of the Judicial Pension Scheme.
6. The cost per case is lower than target predominately due to lower than expected cost of the Judicial Pension Scheme.
7. The cost per case is lower than target due to a higher number of cases being finalised in 2009-10 and lower than projected expenditure. Higher finalisations are a result of increased lodgements and in particular personal injury matters. The cost per case is lower than target predominately due to lower than expected cost of the Judicial Pension Scheme.
8. An increase in the cost per case is due to higher than anticipated costs, in particular an increase in expenditure relating to rent costs.
9. An increase in the cost per case is due to higher than anticipated costs and lower finalisations. The increase in costs relates predominately to rent costs.
10. The cost per case is higher than target due to higher than anticipated costs and lower finalisations. Higher costs are largely attributable to increases in payments for accused costs, court security and custodial services as well as depreciation for information technology systems. There has also been a decrease in the number of lodgements and finalisations.
11. The cost per case is lower than target due to an increase in finalisations from an increase in lodgements. In particular there has been an increase in finalisations for general division matters and extraordinary driver's license applications.

12. The cost per case is higher than target due to higher than anticipated costs and lower finalisations. A reduction in lodgements (in particular matters against person and property) resulted in a reduced number of finalisations for the year. Accused costs payments and court and custodial services costs also increased and contributed to a higher cost per case.
13. A reduction in the cost per case is due to an increase in civil lodgements in 2009-10. With the majority of civil matters not proceeding to trial, an increase in lodgements has resulted in a greater number of finalisations for the period.

## OFFICE OF THE PUBLIC ADVOCATE

The preservation and enhancement of the right to justice and safety for all its people requires that the State safeguards the rights of adults with reduced decision-making abilities, and reduces the incidence of risk, neglect and exploitation. The following indicators show the extent to which the Department, through the activities of the Public Advocate, has achieved this outcome.

The Office of the Public Advocate receives referrals for appointment of a public guardian from the State Administrative Tribunal, as well as community referrals, and assesses their priority before allocating the highest priority applications to investigators. Applications not able to be allocated are placed on a waiting list. The Public Advocate is appointed as guardian of last resort only when considered necessary, and when there is no one else suitable or available to take on the role.

### Key Effectiveness Indicators

Key Effectiveness Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Proportion of customers provided with advocacy relative to the number of referrals</b>  This indicator measures the number of matters allocated for advocacy as a percentage of the total referrals, including community referrals.	100%	100%	99%	99%	95%	
<b>The percentage of customers surveyed satisfied with information and advice provided by the Office of the Public Advocate</b>  This indicator measures the satisfaction level of clients in respect to the information and advice received at training sessions.	97%	97%	97%	95%	90%	
<b>Guardian of Last Resort allocated in one day</b>  This indicator measures the timeliness of the Public Advocate in allocating a guardian to a represented person in order to make decisions on their behalf and protect them from neglect, abuse or exploitation. A guardian is appointed only when considered necessary, and when there is no one else suitable or available to take on the role.	92%	93%	91%	94%	95%	

### Key Efficiency Indicator

Key Efficiency Indicator	2007	2008	2009	2010	Target 2010	Comment
<b>Average cost of providing advocacy and guardianship services</b>  This indicator measures the average cost per case of providing advocacy and guardianship services on behalf of people with decision-making disabilities.	\$2,506	\$2,287	\$2,229	\$1,851	\$2,150	1

#### Comment on significant variation

1. The implementation of a new case management system in May 2009 provided a more accurate recording of services in 2009-10 compared with previous years. In addition, the increase in investigations and represented persons on guardianship orders resulted in a reduced cost per individual service.



## PUBLIC TRUSTEE

Equitable access to trustee services for all Western Australians is a crucial element in preserving and enhancing the right to justice and safety for all people in Western Australia. The following effectiveness indicators show the contribution of the delivery of trustee services to this outcome. Providing trustee services is the responsibility of the Public Trustee.

The Public Trustee is a statutory authority within the provisions of the *Financial Management Act 2006*. It provides a funds management and investment service through the operation of the Common Account – an at-call investment facility backed by the State – and acts as trustee or financial administrator pursuant to the orders of courts or tribunals. It also administers the estates of people who die with or without a will, in accordance with the terms of the will or the relevant law and under the authority of the Supreme Court. The Public Trustee offers high quality, personalised trustee services to meet the needs of all sectors of the Western Australian community.

### Key Effectiveness Indicators

Key Effectiveness indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Extent to which trustee services meet the needs of clients</b>  This indicator measures the level of client satisfaction with the quality of trustee services provided.	72%	79%	74%	88%	80%	
<b>Number of estates relative to the number of adult deaths in Western Australia</b>  This indicator measures the Public Trustee's performance in the market to monitor its success in providing an estate administration service for all Western Australians. The indicator represents the number of estates/deaths reported as a percentage of the number of adult deaths in Western Australia.	14%	13%	12%	12%	14%	
<b>Percentage of estates finalised within 12 months of being reported</b>  This indicator provides a measure of success, from a client's perspective, of the average time taken to administer an estate.	67%	64%	63%	60%	67%	1
<b>Extent to which the Public Trustee maintains a market share in drawing wills naming the Public Trustee as executor</b>  This indicator represents the number of people who died during the year who had a will prepared naming the Public Trustee as executor. It is shown as a percentage of the total number of adult deaths in Western Australia.	12%	11%	11%	11%	12%	

#### Comment on significant variation

1. The below target result is largely due to addressing privacy matters from external institutions, attending to complex legal matters relating to capacity issues and inheritance act claims and a requirement to install residual current devices in all houses sold after August 2009.

## Key Efficiency Indicators

Key Efficiency Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Average cost per deceased estate administered</b> This indicator measures the average cost per deceased estate administered. It is calculated by dividing the number of estates for the year into the full cost of the deceased estate service.	\$1,764	\$1,814	\$2,090	\$2,168	\$1,984	
<b>Average cost per trust managed</b> This indicator measures the average cost of managing a trust. It is calculated by dividing the total cost of providing trust management services, by the number of trusts under management.	\$1,332	\$1,402	\$1,515	\$1,707	\$1,592	
<b>Average cost per will prepared</b> This indicator measures the average cost per will prepared. It is calculated by dividing the number of wills prepared for the year by the full cost of the wills service.	\$275	\$301	\$356	\$426	\$320	1

### Comment on significant variation

- The main reasons for the variance are a lower than anticipated number of wills drawn due to increased complexity in the preparation of wills, and higher costs associated with the development of the core computer system.

## REGISTRY OF BIRTHS, DEATHS AND MARRIAGES

An accurate, permanent and confidential record of Western Australian births, deaths, and marriages enables the public to obtain documentary proof of key life events for legal, personal and historical purposes. Availability of these records in a timely fashion contributes to achievement of the Department's agency desired outcome.

The Registrar of Births Deaths and Marriages is responsible for creating, permanently storing and making available to the public, records of Western Australian births, deaths and marriages.

## Key Effectiveness Indicator

Key Effectiveness Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Extent to which births, deaths and marriages source information is recorded error free</b> This indicator measures the percentage of new registrations accurately recorded by the registry, excluding incorrect source information provided by customers.	94%	95%	95%	97%	97%	

## Key Efficiency Indicator

Key Efficiency Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Average cost of registration services</b> This indicator measures the unit cost of creating, amending and issuing information and storing records indefinitely.	\$1.35	\$1.37	\$1.60	\$1.92	\$1.91	

## STATE SOLICITOR'S OFFICE

Inherent in justice and safety for all people in Western Australia is the integrity of the Government's legal dealings, and provision of legal services of the highest quality to Government departments, instrumentalities and agencies.

The State Solicitor's Office provides a broad-based legal service to Government and agencies. These services include the provision of legal advice, conduct of litigation, preparation of legal documents and representation as counsel in courts and tribunals.

### Key Effectiveness Indicator

Key Effectiveness Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Extent to which government departments are satisfied with the legal services</b>  This indicator measures client satisfaction with the quality of legal services provided by the State Solicitor's Office. It is measured through a client survey and targets Chief Executive Officers (CEOs) of Government departments and agencies. Details of areas to be canvassed are forwarded in advance to CEOs and are followed by an interview conducted by the State Solicitor.	100%	100%	100%	100%	90%	1

#### Comment on significant variation

- The variation from budget target is a result of the delivery of better than expected levels of client service in 2009-2010, as rated by the State Solicitor's Office's clients.

### Key Efficiency Indicators

Key Efficiency Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Average cost per legal matter</b>  This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.	\$2,678	\$2,814	\$3,158	\$3,348	\$3,400	

## PARLIAMENTARY COUNSEL'S OFFICE

The Parliamentary Counsel's Office ensures that Government policies are put into appropriate legislation in a timely manner, thereby contributing to the preservation and enhancement of the right to justice and safety for all people in Western Australia.

### Key Effectiveness Indicator

Key Effectiveness Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Extent to which legislation was drafted in a timely manner to effect the Government's legislative programme</b>  This key indicator measures whether the legislative programme has been met by determining the extent to which the drafting of legislation that Cabinet has authorised to be prepared has been completed according to the priorities Cabinet set for the programme.	90%	89%	91%	98%	90%	

### Key Efficiency Indicators

Key Efficiency Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Average cost per page of output</b>  This indicator measures the average cost of the drafting service, calculated by dividing the Parliamentary Counsel's Office total operating expenses, by the number of pages of bills, subsidiary legislation and reprinted texts produced each financial year.	\$138	\$154	\$226	\$191	\$191	

## OUTCOME 2

### RESOLUTION OF NATIVE TITLE MATTERS IN ACCORDANCE WITH GOVERNMENT POLICY

#### OFFICE OF NATIVE TITLE

The Office implements the Government's Native Title objective by:

- resolving Native Title determination applications and other matters by agreement and in accordance with the requirements of the Native Title Act 1993 (Cth) and relevant case law;
- ensuring all 'future acts' are valid;
- ensuring extinguishment and impairment of Native Title is minimised;
- ensuring certainty for all parties with an interest in claimed and determined Native Title land;
- ensuring Native Title matters are administered efficiently and consistently across all government agencies; and
- raising the level of understanding of Native Title issues within Western Australia.

The following effectiveness indicators provide information on the extent to which native title matters have been resolved in accordance with Government policy relating to timeliness and whether the determination was the result of negotiation or litigation.

#### Key Effectiveness Indicators

Key Effectiveness Indicators		2007	2008	2009	2010	Target 2010	Comment
<b>Percentage change in number of outstanding claims awaiting resolution</b>		-7%	0%	-16%	3%	-5%	
This indicator expresses the change in the number of outstanding native title claims awaiting resolution from the National Native Title Tribunal (NNTT) as a percentage of claims outstanding at the beginning of the year. Claims lodged and resolved during the year are counted as both claims outstanding and claims resolved.							
<b>Ratio of consent determinations to litigated determinations</b>	<b>Consent</b>	13	17	19	20	24	1
	<b>Litigated</b>	6	6	6	6	6	
Native Title determinations may be consented or litigated. The resolution of Native Title matters by negotiation (consent) rather than litigation, where possible, is a government objective. This indicator shows the ratio of the number of determinations resolved by consent to the number of litigated determinations.							

#### Comment on significant variation

1. It was anticipated that five claims would be determined by consent in 2009-10 making the cumulative ratio target 24 consent to six litigated determinations. Determinations are the result of a negotiation process where all issues must be resolved prior to agreement being reached and a resolution can extend beyond the anticipated timeframe. Only one claim was determined during the year taking this cumulative indicator to 20 consent to six litigated determinations.

## Key Efficiency Indicators

Key Efficiency Indicators	2007	2008	2009	2010	Target 2010	Comment
<b>Average cost per Native Title Determination</b> This indicator measures the average cost per native title determination and includes determinations resolved by consent or litigation within the reporting period. A determination is deemed to have occurred when the Federal Court makes an order.	\$198,633	\$241,992	\$393,921	\$344,648	\$446,143	1
<b>Average cost per Native Title application managed</b> This indicator measures the average cost per native title application under active management by the Office of Native Title.	\$160,536	\$91,368	\$74,266	\$56,008	\$94,070	2
<b>Average time taken to achieve resolution of prioritised Native Title applications</b> This indicator measures the amount of time aggregated from the date that a native title claim is classified as actively managed to determination.	2.77 years	2.02 years	3.61 years	3.23 years	2.87 years	3

### Comment on significant variation

1. This indicator can vary from year to year depending on the individual claims settled and the length of time they were under management. The variation is due to lower costs during the period as compared to the target.
2. The number of claims under active management increased from 47 in 2008-09 to 55 in 2009-10 thereby, reducing the average cost per claim. The 2009-10 target was 44 claims.
3. The actual time taken to resolve claims was higher than expected. The average time taken to achieve resolution can vary depending on the number of claims resolved and the term under management for each claim. The rate of claim resolution is likely to slow as the focus shifts towards more difficult claims with multiple parties, complex tenure and multiple issues.

## NOTES TO THE KEY PERFORMANCE INDICATORS

### Key effectiveness indicators

Effectiveness Indicator	Description
Supreme Court – Criminal – Time to trial	This measure is calculated by taking the median time from date of committal to first trial date. The information for this indicator has been derived from the Higher Courts Criminal Case Management System (SRCASE).
Supreme Court – Civil – Time to trial	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the Integrated Courts Management System (ICMS).
Supreme Court – Civil – Time to finalise non-trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the Integrated Courts Management System (ICMS).
Supreme Court – Single Judge Appeals – Time to trial	This measure is calculated by taking the median time from lodgement date to first trial date. The information for this indicator has been derived from the Higher Courts Criminal Case Management System (SRCASE).
Supreme Court – Single Judge Appeals – Time to finalise trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation of Single Judge Appeal trial matters. The information for this indicator is derived from the Higher Courts Criminal Case Management System (SRCASE).
Court of Appeal – Criminal – Time to finalise	This measure is calculated by taking the median time to finalise a matter from date of lodgement to when a judgement is made. Information for this indicator is derived from the Integrated Courts Management System (ICMS).
Court of Appeal – Civil – Time to finalise	This measure is calculated by taking the median time to finalise a matter from date of lodgement to when a judgement is made (includes all matters). Information for this indicator is derived from the Integrated Courts Management System (ICMS).
District Court – Criminal – Time to trial	This measure is calculated by taking the median time from date of committal to the first trial date. The information for this indicator is derived from Higher Courts Criminal Case Management System (SRCASE).
District Court – Civil – Time to trial	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the Integrated Courts Management System (ICMS).
District Court – Civil – Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the Integrated Courts Management System (ICMS).
State Administrative Tribunal – Time to finalise	This measure is calculated by taking the median time to finalise a matter from date of lodgement to when a judgement is made (excludes all guardianship administration matters). Information for this indicator is derived from the Integrated Courts Management System (ICMS).
Family Court of Western Australia – Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from a national cases database (CASETRACK).
Family Court of Western Australia – Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to the date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from a national cases database (CASETRACK).
Magistrates Court – Criminal and Civil – Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from the Lower Courts Criminal Management System (CHIPS 3) and Integrated Courts Management System (ICMS).
Magistrates Court – Civil – Time to finalise non-trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the Integrated Courts Management System (ICMS).
Children's Court – Criminal – Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from the Lower Courts Criminal Management System (CHIPS 3).
Children's Court – Civil – Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date, for care and protection matters. Information for this indicator is derived from the Lower Courts Criminal Management System (CHIPS 3).

Effectiveness Indicator	Description								
Coroner's Court – Time to trial	This measure is calculated by taking the median time from death to the first inquest hearing (for those cases where an inquest is held). In the Coroners Court a trial is defined as an inquest. Information for this indicator is derived from the National Coroners Information System (NCIS) database.								
Coroner's Court – Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the National Coroners Information System (NCIS) database.								
Fines Enforcement Registry - Percentage Of Fines Satisfied Within 12 Months - Fines And Costs	This indicator measures the number of fines satisfied within 12 months of referral to the Fines Enforcement Registry (FER). It is calculated by expressing the number of fines satisfied within 12 months of referral as a percentage of the total number of fines referred to FER. Information is extracted from the FER database.								
Fines Enforcement Registry - Percentage Of Fines Satisfied Within 12 Months - Infringements	This indicator measures the number of infringements satisfied within 12 months of referral to the Fines Enforcement Registry (FER). It is derived by expressing the number of infringements satisfied within 12 months of referral as a percentage of the total number of infringements referred to FER. Information is extracted from the FER database.								
Proportion of customers provided with advocacy relative to the number of referrals	<p>This indicator measures the ability to provide advocacy to clients identified as requiring advocacy and is considered a key indicator because it shows the extent to which the Office of Public Advocate is able to protect the rights of adults with decision-making disabilities and reduce the risk of neglect, exploitation or abuse. Data for this indicator is extracted from the Public Advocate Case Management System (PACMAN).</p> <p>The Office of the Public Advocate receives applications referred by the State Administrative Tribunal, as well as community referrals, and assesses their priority before allocating the highest priority applications to investigators. Applications not able to be allocated are placed on a waiting list.</p>								
The percentage of customers surveyed satisfied with the information and advice by the Office of Public Advocate	<p>Customer surveys are distributed to secondary customers. That is, people with a direct personal or professional involvement in the lives of people in the primary customer group. Feedback questionnaires are distributed to the target group at the conclusion of every training course. The level of satisfaction with the services delivered is measured by collating the ranking level (1 = high satisfaction and 4 = unsatisfied) assigned to the feedback questions by clients.</p> <p>In 2009-10, 2,251 people attended community education sessions held by the Office of the Public Advocate. All attendees were given survey forms at the end of each session. 1,527 responses were received, yielding a response rate of 68%. The survey's sampling error rate is 1.42% and the confidence level was at 95%.</p>								
Guardian of Last Resort allocated in one day	<p>The indicator is based on the Public Advocate's best practice to ensure the needs of the represented person are met immediately. It is measured by the number of appointments of Guardians of Last Resort made by the State Administrative Tribunal at the hearing and accepted by the Public Advocate's delegate within one working day of receipt of the guardianship order.</p> <p>The Public Advocate is appointed as guardian of last resort only when considered necessary, and when there is no one else suitable or available to take on the role. The information for this indicator is extracted from the Public Advocate Case Management System (PACMAN).</p>								
Extent to which trustee services meet the needs of clients	<p>Patterson Market Research was engaged to conduct a telephone survey among a random sample of the Public Trustee client-base. The sample group parameters are:</p> <ul style="list-style-type: none"><li>clients aged over 18 and capable of making meaningful comments, that is, those who are known not to be suffering from dementia or in a comatose state, etc;</li><li>clients who have an active account in the current year; and</li><li>clients who had telephone and mail contact details available.</li></ul> <p>Based on the above definition, a random sample of clients was generated and selected, representing a cross-section of clients who use the various trustee services provided by the Public Trustee.</p> <p>Statistical information regarding the survey is shown below.</p> <table><tr><td>Sample surveyed</td><td>1,714</td><td>Error rate</td><td>±4.9%</td></tr><tr><td>Response rate</td><td>46%</td><td>Confidence level</td><td>95%</td></tr></table>	Sample surveyed	1,714	Error rate	±4.9%	Response rate	46%	Confidence level	95%
Sample surveyed	1,714	Error rate	±4.9%						
Response rate	46%	Confidence level	95%						
Number of estates relative to the number of adult deaths in Western Australia	<p>The Public Trustee administers estates regardless of whether it is appointed executor or not. Some estates do not require formal administration but still require resources to arrange registration of assets in the survivor's or beneficiary's name, e.g. joint assets and/or nominal bank accounts.</p> <p>The indicator represents the number of estates/deaths reported as a percentage of the number of adult deaths in Western Australia. Information for this Key Performance Indicator is sourced from the Registry of Births, Deaths and Marriages and the Public Trustee's internal information management system.</p>								

Effectiveness Indicator	Description
Percentage of estates finalised within 12 months of being reported	Records for this Key Performance Indicator are held in the Public Trustee's internal information management system. Issues outside the control of the Public Trustee such as life interests, taxation, family disputes and testator family maintenance actions contribute to the time taken to close an estate.
Extent to which the Public Trustee maintains a market share in drawing wills naming the Public Trustee as executor	<p>The Public Trustee operates in a commercial environment offering services that can be provided by numerous professional service providers.</p> <p>The Public Trustee administered (1,334) estates that named the Public Trustee as executor. Information for this Key Performance Indicator is sourced from the Registry of Births, Deaths and Marriages and the Public Trustee internal information management system.</p>
Extent to which births, deaths and marriages source information is recorded error free	<p>This indicator is a Key Performance Indicator because the registry is the creator and custodian of vital records and the public must have confidence that records are accurate and reliable.</p> <p>Only the number of registry errors in death registrations is used to calculate this indicator because immediate feedback is provided if an error is evident in the death certificate, which is always needed for estate settlement. Any errors made on birth or marriage certificates are not immediately detected, as these certificates may not be requested for many years after registration. As the processes for recording births, deaths and marriages are nearly identical; the number of errors in death registrations is considered representative of all three registration types.</p> <p>The computerised Western Australian Registration System counts the number of death registrations corrected as a result of staff data entry errors and divides this count by the total number of deaths registered for the year. The result (i.e. erroneous registrations) is expressed as a percentage.</p>
Extent to which Government departments are satisfied with the legal services provided	<p>24 client agencies were surveyed.</p> <p>The number of agencies surveyed represents approximately 90% of the chargeable work of the State Solicitor's Office.</p> <p>The criteria used to assess satisfaction with service included:</p> <ul style="list-style-type: none"> <li>the technical quality of work;</li> <li>the relevance of information provided to client's needs;</li> <li>the timeliness of information provided, and</li> <li>overall, the extent to which Government departments are satisfied with legal services.</li> </ul>
Extent to which legislation was drafted in a timely manner to effect the Government's legislative programme	<p>The indicator represents the total number of Cabinet authorities of various priorities, for which legislation was completed by the relevant cut-off dates in a Parliamentary year. It is expressed as a percentage of the total number of Cabinet authorities to which the legislative programme relates. The information is recorded in databases located within the office of the Parliamentary Counsel's Office.</p> <p>This calculation excludes matters which were not completed on time due to circumstances beyond the control of the Parliamentary Counsel's Office, such as:</p> <ul style="list-style-type: none"> <li>lack of action on the part of the instructing agency to progress a Bill; or</li> <li>deferral of a Bill by the instructing agency.</li> </ul>
Percentage change in number of outstanding claims awaiting resolution	<p>This indicator expresses the change in the number of outstanding native title claims awaiting resolution from the National Native Title Tribunal as a percentage of claims outstanding at the beginning of the year. Claims lodged and resolved during the year are counted as both claims outstanding and claims resolved.</p> <p>New claims are excluded from the number of claims outstanding; therefore this indicator reflects the percentage change in historical claims and is not distorted by new claims that may negate any reductions achieved.</p> <p>The indicator includes both registered and unregistered claims ie. Applications recorded on the Schedule of Native Title Determination Applications (NTDAs) and the Register of NTDAs. The Office of Native Title collects and maintains statistics of the number of outstanding native title claims awaiting resolution.</p>
Ratio of consent determinations to litigated determinations	<p>Native Title determination may be consented or litigated. This indicator shows the number of consent determinations compared to the number of litigated determinations as a ratio, for example 2:1 indicating that there are two negotiated determinations and one litigated determination. The indicator is cumulative from 2000-01 when this indicator was established.</p> <p>The data for this indicator is derived from a table of determinations maintained by the Office of Native Title.</p>



## Services and Key Efficiency Indicators

### *Court and Tribunal Services*

Efficiency Indicator	Description
Cost per case	The cost per case indicator is calculated by dividing the total cost of processing cases by the number of finalisations. The efficiency indicators for Court and Tribunal Services are calculated from the Department's Cost Allocation Model in the Financial Management Information System. Total operating costs used to calculate the efficiency measure are extracted from the Department's jurisdiction based cost management system (Business Objects). The number of finalisations is obtained from various in house case management and tracking systems maintained by the jurisdictions.
Cost per enforcement	The total cost of processing fines and infringements is divided by the number of lodgements where a lodgement represents an individual enforcement registered with the Fines Enforcement Registry for enforcement. The data sources for this Key Performance Indicator are Business Objects and the departmental information management system (COGNOS) for number of lodgements.

### *Advocacy, Guardianship and Administration Services*

Efficiency Indicator	Description
Average cost per case of providing Advocacy and Guardianship services	This indicator is calculated by dividing the total cost of providing advocacy, guardianship and administration services by the number of advocacy and guardianship services provided. The information for this indicator is extracted from Department's activity based cost management system (Business Objects) and the Public Advocate Case Management System (PACMAN).

### *Trustee Services*

Efficiency Indicator	Description
Average cost per trust managed	This indicator is calculated by dividing the number of trusts under management during the year by the total cost to manage trusts. The number of trusts under management is held in Public Trustee's internal information system and the total cost of providing trust management services is derived from the Department's activity based cost management system (Business Objects).
Average cost per deceased state administered	This indicator is calculated by dividing the number of deceased estates administered during the year by the total cost of administration services. The total number of deceased estates administered is held in the Public Trustee's internal information system and the total cost of administration services is derived from the Department's activity based cost management system (Business Objects).
Average cost per will prepared	This indicator is calculated by dividing the number of wills prepared during the year by the total cost of preparing wills. The total number of wills prepared is held in Public Trustee's internal information system and the total cost of preparing wills is derived from the Department's activity based cost management system (Business Objects).

### *Births, Deaths and Marriages*

Efficiency Indicator	Description
Average cost of registration services	<p>The registry has maintained a database of birth, death and marriage records since it was established in 1841. These are either in paper registers, on microfilm or computer.</p> <p>To obtain this measure, the total cost of registration services is divided by the total number of registration services provided, including records held in storage. The total cost of registration services is derived from the Department's activity based cost management system (Business Objects).</p>

## Services to Government

Efficiency Indicator	Description
Average cost per legal matter	<p>This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.</p> <p>The cost per matter is calculated by dividing the total cost of providing legal services by the number of matters dealt with during the financial year. Number of matters is extracted from the Time and Matter Costing System and the total cost of service is derived from the Department's activity based cost management system (Business Objects).</p>
Average cost per page of output	<p>The average cost per drafting service is calculated by dividing the total cost of the Parliamentary Counsel's Office by the number of pages of bills, subsidiary legislation and reprinted texts produced by the office each financial year. The information is recorded in Access databases located within the Parliamentary Counsel's Office. The total cost of service is derived from the Department's activity based cost management system (Business Objects).</p> <p>These results vary from one reporting period to another because of fluctuations in demand for the preparation of legislation.</p>

## Native Title Policy Development, Implementation and Negotiation

Efficiency Indicator	Description
Average cost per Native Title Determination	<p>The average cost per native title determination includes determinations resolved by consent or litigation within the reporting period. A determination is deemed to have occurred when the Federal Court makes an order. The cost is the cumulative average cost per native title application managed for the period during which the application determined was deemed to be under active management.</p> <p>The total cost of service is derived from the Department's activity based cost management system (Business Objects) and the number of determinations is derived from the National Native Title Register listing of determinations.</p> <p>Zero Determination Year – In a year where there are no native title determinations made, the year is classified as a "zero determination year". In a zero determination year, the last valid average time taken is used and a note of explanation is provided with the Key Performance Indicators.</p>
Average cost per Native Title application managed	<p>The average cost per native title application managed is the total operational expenses (excluding grants) apportioned across business units and then further apportioned based on the percentage time each business unit spends on active management of a claim. This is divided by the number of applications being managed to produce the average cost.</p> <p>An application is actively managed if the Office of Native Title anticipates that a connection report will be received or if there is active litigation by the Office of Native Title within 12 months or if for reason of increase in the level of the Office of Native Title activity triggers a decision to classify the application "actively managed". The Executive Director provides approval on whether an application is actively managed or suspended. A claim may be suspended from the Office of Native Title active management and also recommenced. Any of the Office of Native Title's suspended periods are not included in the Office of Native Title active management for Key Performance Indicators purposes.</p> <p>The total cost of service is derived from the Department's activity based cost management system (Business Objects) and the number of claims under management is derived from a list of claims under active management maintained by the Office of Native Title.</p>
Average time taken to achieve resolution of prioritised Native Title applications	<p>This indicator measures the amount of time aggregated from the date that a native title claim is classified as actively managed (not including any periods of the Office of Native Title suspension) to determination and also the associated Office of Native Title average cost for each claim managed. The time is an aggregation of the number of years to determine prioritised applications for the current financial year.</p>

## Ministerial Directives

No ministerial directives were issued during 2009/10.

## Other Financial Disclosures

### **Pricing policy of services**

The pricing policy adopted in setting fees and charges varies across the Department.

#### *Court and Tribunal Services*

Fees are collected for a variety of services across the court system, which range from the provision of civil court hearing time and enforcement of civil and criminal court orders to the provision of court transcripts.

Broadly, the court system has adopted a policy of partial cost recovery, largely confined to the civil jurisdiction (with the exception of some criminal enforcement activities). In setting court fees, the Department aims to strike an appropriate balance between:

- access to justice
- incentives to settle
- user pays contributions.

In achieving this balance, a staged civil fee structure is used, whereby users of the court system make partial contributions towards the cost as they progress through the court system. This encourages parties to settle before taking a matter to the next stage. In this way, the pricing structure aims to regulate demand and discourage frivolous use of the civil court system. This must be balanced against the need to ensure that access to justice is not compromised by making it prohibitively expensive.

A review of court fees is conducted each year to ensure they are achieving the appropriate balance between the above three criteria. The assessment includes a comparison with fees charged in other State jurisdictions.

The court fees in operation during 2009/10 were published in the *Gazette* on 4 September 2009 and began next day.

#### *Registry of Births, Deaths and Marriages*

The fees applied by the Registry of Births, Deaths and Marriages to its products and services are determined by Department of Treasury and Finance instructions on full cost recovery and an annual review which takes into account the Consumer Price Index, the cost of providing services and like fees charged by other Australian registries.

Fees and charges were increased in line with the CPI adjustments for 2009/10.

#### *Public Trustee*

The Public Trustee collects fees for a variety of Trustee services. In 2009/10 it implemented a new fee structure which moves from a commission-based structure to a user pays system whilst recognising the Public Trustee's

community service obligations as well as the client's ability to pay. The fees collected by the Public Trustee for 2009/10 were gazetted on 25 June 2009.

### *State Solicitors Office*

The State Solicitor's Office charges client agencies for various legal services that are non-core in nature. These fees are based on hourly rate charges and are struck to reflect no more than cost recovery.

## **Capital Works**

<b>Major Capital Works (Projects &gt; \$5 million) 2009/10</b>				
<b>Works in Progress</b>	<b>Estimated Total Cost (\$'000)</b>	<b>Life to Date Expenditure (\$'000)</b>	<b>Remaining Expenditure (\$'000)</b>	<b>Estimated Year of Completion</b>
CBD Courts Complex and Central Law Courts refurbishment	59,372	56,372	3,000	2011
CBD Office Accommodation	14,876	14,876	0	2010
Kalgoorlie Court Upgrade	43,434	3,226	40,208	2013

## **Employment and Industrial Relations**

<b>Summary of Employee Numbers</b>										
<b>Employees by Award / Occupational Grouping</b>	<b>2008/09</b>					<b>2009/10</b>				
	<b>Numbers</b>			<b>%</b>		<b>Numbers</b>			<b>%</b>	
	<b>F</b>	<b>M</b>	<b>Total</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>Total</b>	<b>F</b>	<b>M</b>
Miscellaneous Awards*	1	0	1	100	0	0	0	0	0	0
Catering Employees & Tea Attendants	3	0	3	100	0	3	0	3	100	0
Child Care Workers	1	0	1	100	0	1	0	1	100	0
Cleaners & Caretakers	17	3	20	85	15	13	1	14	92.86	7.14
Govt Officers (GOSAC/GOSG Award)	73	54	127	57	43	67	59	126	53.17	46.83
Public Service Employees	1060	535	1595	66	34	1089	548	1637	66.56	33.44
Prisoners Review Board	2	2	4	50	50	1	1	2	50.00	50.00
Salaries & Allowances Tribunals	4	16	20	20	80	5	17	22	22.73	77.27
State Administrative Tribunal	5	10	15	33	67	5	9	14	35.71	64.29
<b>TOTAL</b>	<b>1166</b>	<b>620</b>	<b>1786</b>	<b>65</b>	<b>35</b>	<b>1184</b>	<b>635</b>	<b>1819</b>	<b>65.09</b>	<b>34.91</b>

\* Miscellaneous includes Workers Compensation Carer Contract Employee

The head count figures in the table above are for those employees paid on the last pay date of the financial year, using an official government definition known as the *Workforce Analysis and Comparison Application*. Note: figures for the Office of Native Title are included for the first time in 2009/10.

### Staffing policies including recruitment and development

This year saw a comprehensive review and streamlining of policies and procedures relating to recruitment, selection and appointment. New policies have also been developed in response to the dynamic environment in which the Department operates.

### Breach of HR Management Standards

In 2009/10, the Department maintained high performance in limiting breaches against the nine Public Sector Standards in Human Resource Management. Only one claim was lodged with the Department and referred to the Office of the Public Sector Standards Commissioner where it was dismissed.

Summary of breach of standard claims lodged and handled in the year									
	Withdrawn in agency	Resolved in agency	Still pending in agency	Referred to OPSSC	Agreement reached OPSSC	Dismissed at OPSSC	Upheld at OPSSC	Pending at OPSSC	All
Recruitment, Selection & appointment	0	0	0	1	0	1	0	0	1
Grievance Resolution	0	0	0	0	0	0	0	0	0
Transfer	0	0	0	0	0	0	0	0	0
Secondment	0	0	0	0	0	0	0	0	0
Performance Management	0	0	0	0	0	0	0	0	0
Redeployment	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0
Discipline	0	0	0	0	0	0	0	0	0
Temp. Deployment (Acting)	0	0	0	0	0	0	0	0	0
Total Claims Handled 2009/10	0	0	0	1	0	1	0	0	1

### Volunteer Workforce

The Department has a large volunteer workforce of about 3,023 people. They include victim support volunteers, justices of the peace and community guardians.

As the end of the reporting year, 2,828 Justices of the Peace were providing active service to Western Australians. During the year JPs spent about 17,000 hours in courts and signing centres around the State.

### Industrial Relations – Awards and Agreements

This reporting period saw no adjustment to the Government Officers Salaries, Allowances and Conditions (GOSAC) General Agreement and the Public Service General Agreement (PSGA), which covers more than 90 percent of the staff.

Negotiations to replace the 2005 Ministry of Justice Jury Officers Agreement were finalised between the Department and the Civil Service Association. The new agreement is currently awaiting registration.

## Employee Assistance Program

The Employee Assistance Program was accessed by 120 clients during 2009/10.

## Other

### Contracts awarded

The Department of the Attorney General awarded contracts between 1 July 2009 and 30 June 2010 for the following value (which extends over multiple years in some instances):

Contracts Awarded			
	<i>Value</i>		<i>Number</i>
	\$0 - \$19,999		4
	\$20,000 - \$99,999		23
	\$100,000 - \$499,999		13
	\$500,000 - \$999,999		4
	\$1 million +		3

Contracts : Valued at more than \$100,000			
<i>Number</i>	<i>Description</i>	<i>Contractors</i>	<i>Value \$</i>
29009	Cleaning of Broome Courthouse	Broom Time Cleaning	\$104,820
201000435	Hitachi AMS 2500 SAN storage	XSI Technology	\$106,127
200903705	Hitachi AMS2500 data storage upgrade	XSI Technology	\$108,076
201001369	Update licence & support for BEA Plumtree Portal	Oracle Corporation Australia P/L	\$124,515
200900300	AV equipment for Fremantle Justice Complex	Panel Contract 1. CDM Optel 2. Rutledge Engineering (QNW) 3. Vantage Systems P/L	\$128,922
20080366002	Business Objects Reporting Tool support & maintenance	Business Objects Australia P/L	\$130,000
201000448	Oracle Database licences (FER)	Dell Australia P/L	\$137,781
200902186	Ministerial Tracking System	Bay Technologies P/L	\$148,940*
201001422	Hitachi Storage Area Network	XSI Technology	\$164,778
20090104101	Audit and Assurance Services	Panel Contract 1. PKF; 2. Ernst & Young	\$168,991
201000436	Oracle Real Application Clusters	Dell Australia P/L	\$202,075
200901025	InfraEnterprise ITSM software	ALT Vision P/L	\$440,000
25609	Thin Client licences	Synergy Plus Operations P/L	\$475,000
200901024	Supply of Legal Publications	CCH Australia Ltd	\$561,000
201002550	Legislative drafting for Council of Australian Government reforms	Gregory Arthur Calcutt	\$600,000
200901102	Air charter services for Magistrate's Court Gascoyne Region	Shine Aviation Services	\$689,655
200903434	Development of eLearning courses	Techniworks Action Learning	\$750,000
46009	Maintenance and management of PABX and small business machines	NEC Australia P/L	\$5,086,400
200804122	Enforcement of Court Process in Southern Zone	Baycorp (WA) P/L	\$31,000,000
47708	Infrastructure support services	CSC Australia P/L	\$233,800,000

\* shared with Department of Corrective Services

## Governance Disclosures

### Financial interests

At the date of reporting, other than normal contracts of employment of service, no senior officers had any interests in existing or proposed contracts with the Department.

## Other Legal Requirements

### Advertising

From 1 July 2009 to 30 June 2010 in accordance with section 175ZE(1) of the *Electoral Act 1907*.

Advertising and Marketing Expenditure	
<b>Advertising agencies</b>	<b>\$258,781</b>
Adcorp	139,103
Marketforce	22,203
Media Decisions OMD	96,475
<b>Market research organisations</b>	<b>\$7,500</b>
Painted Dog Research	7,500
<b>Media advertising organisations</b>	<b>\$3,100</b>
West Australian Newspapers	3,100
<b>Direct mail organisations</b>	<b>\$0</b>
Nil	0
<b>Polling organisations</b>	<b>\$0</b>
Nil	0
<b>TOTAL</b>	<b>\$269,381</b>

### Disability Access and Inclusion Planning

The Department's plan complies with the *Disability Services Act 1993* and ensures that professional and appropriate services are provided to customers with physical, intellectual, sensory or cognitive disabilities, their carers and families. During 2009/10 a range of achievements occurred:

#### Outcome 1

*Goal: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.*

The Department formulated an evaluation framework to assess the success of the 2007/10 Disability Access and Inclusion Plan (DAIP) and help prepare the 2010/13 DAIP. Feedback confirmed that concerned stakeholders were satisfied with the accessibility of services. The outcome of the consultation process suggested the Department should aim at providing an above minimum standard service reflecting contemporary values and practices.

All training by the Office of the Public Advocate during 2009/10 was organised at venues accessible to people with disabilities.

Both the Registry of Births Deaths and Marriages and Perth Children's Court installed audio hearing loops in their public areas to assist people with hearing aids. The provision of headphones for litigants at the District Court is available on request.

#### Outcome 2

*Goal: People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.*

Accommodation improvements continued across the Department. The Perth Children's Court installed a lift to improve accessibility for people with special needs.

#### Outcome 3

*Goal: People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.*

All publications are available upon request in alternative formats and are reviewed regularly to ensure that they meet legal requirements. The Public Advocate referenced State Government Access Guidelines in the development of publications on enduring powers of guardianship.

Service areas continued to utilise Auslan interpreters in accordance with the Language Services Policy.

The Office of the Public Advocate started to update its online publications in Word as well as PDF format for accessibility for people using screen readers.

#### Outcome 4

*Goal: People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.*

The Department is committed to using internal communications to maintain staff awareness about the needs of people with a disability and how to meet these.

The Department is planning a more inclusive community page on its intranet to enhance networks of stakeholders.

#### Outcome 5

*Goal: People with disabilities have the same opportunities as other people to make complaints to a public authority.*

The Department is proud to offer clients the opportunity to provide feedback in a number of formats.

The Department's Customer Feedback Management System was updated to capture feedback related specifically to disability access issues. This has increased the capability of the Department to address disability access issues and concerns quickly and efficiently. One piece of feedback regarding disability access was received and resolved.



## Outcome 6

*Goal: People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*

The Department's 2010/13 DAIP was advertised and issued in a variety of accessible formats for comment. Specific disability service providers and related interested parties were consulted too.

### **Compliance with Public Sector Standards and Ethical Codes**

The Department complied with the Public Sector Standards, the WA Code of Ethics and its own code of conduct. The code of conduct outlines the ethical principles, obligations and standards applying to staff. It aims to instil the values of "respect, integrity, unity and diversity, justice and collaboration" in our people. The code specifies behaviour standards and guides staff in exercising judgement and accepting responsibility in their professional roles.

During the year almost 250 staff participated in awareness-raising on ethical conduct and public sector standards. The Department's organisational culture includes a commitment to effective corruption prevention.

### **Compliance with State Records Act**

The Department is committed to recordkeeping by dedicating a project to implement and administer the requirements of the *State Records Act 2000*.

The State Records Commission's minimum compliance requirements are:

*The efficiency and effectiveness of the organisation's recordkeeping systems is evaluated not less than once every five years.*

Compliance audits and consultations are being undertaken across the Department to improve recordkeeping practices. A formal report will be prepared outlining the findings, recommendations and follow up processes. The Department's recordkeeping plan is due to be reviewed during 2011/12.

*The organisation conducts a record keeping training program*

To date 73 per cent of all employees have been enrolled in or have completed a records awareness training course.

*The efficiency and effectiveness of the recordkeeping training program is reviewed periodically*

Periodical review has revealed that employees see an enterprise learning management system as their preferred way of learning, citing records awareness training as interesting and informative.

*The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's record-keeping plan*

A short training course is provided within the Department's induction program to all new staff members. This course outlines individual obligations arising from

the organisation's record-keeping plan. Additional system training is available on request.

The Department provided information to the State Records Office in relation to a possible breach of the *State Records Act 2000* and was awaiting a response at the time of reporting.

During 2009/10 the State Solicitor's Office:

- Fulfilled its requirements under s28 of the *State Records Act 2000* by reviewing its record-keeping plan
- Put all 22 new permanent employees through an online records awareness training package.
- Staff continued implementation of the record-keeping plan through training and induction.

## Government policy requirements

### Substantive equality

The Government's substantive equality framework tackles systemic racial discrimination where it may exist in the policies and practices of public sector services. It also promotes sensitivity to the different needs of client groups. The Department honours the framework, which informs a range of its policies and is progressing through the first of a five-level hierarchy of outcomes. During 2009/10 the Children's Court Drug Court was scoped and a needs impact assessment conducted but yet to be reported.

The Department is also committed to its involvement in a forum known as the Police and Justice Substantive Equality Inter-Government Partners. Members from participating government departments report on the implementation of substantive equality, share knowledge across similar jurisdictions and discuss issues associated with substantive equality.

### Corruption prevention

The Department is strongly committed to maintaining an organisational culture that ensures effective corruption prevention. The Department strongly applies its Corruption Prevention Policy and maintains close contact with the Corruption and Crime Commission. This has included developing its response to issues identified in the Commission's report on alleged misconduct by a judge's associate. The Department has quarterly reporting on the offer and acceptance of gift, benefits and other rewards, and conflicts of interest and secondary employment. Public interest disclosure mechanisms continue to be promoted through the organisation.

These requirements are all emphasised through training on *Accountable and Ethical Decision Making* which will be made available to all staff in 2010/11. Changes to policies and procedures are regularly communicated to all staff via the Department's intranet, which also provides examples, topical stories and links to other key sources of information.

### **Occupational Safety, Health and Injury Management**

The Department recognises its duty of care obligations for occupational safety, health and injury management and is committed to providing a productive, safe and healthy work environment. The Department supports the work of managers and employees in identifying and managing safety and health issues in the workplace. During 2009/10 health and safety representatives received refresher training.

In conformance with legislated OSH criteria for consultative processes, 90 per cent of divisions implemented OSH committees and reporting structures in 2009/10.

The Department complies with the injury management requirements of the *Workers' Compensation and Injury Management Act* 1981.

<b>Report of annual performance against targets</b>		
Indicator	Target 2009/10	Actual 2009/10
Number of fatalities	Zero (0)	Zero (0)
Lost time injury/disease incidence rate	Zero (0) or 10% less than previous year	Zero (0.38%)
Lost time injury severity rate	Zero (0) or 10% under previous rate of 16.7	57.1 rate or 343% over target*
% of injured workers back at work within 28 weeks	Actual percentage result to be reported	78%**
Percentage of managers trained in OSH and injury responsibilities	Greater than or equal to 50%	Less than 50%

\*Note: Early intervention cut the number of compensation claims lodged. The variance is therefore attributed to the lost time injury rate being spread across a much smaller sample size.

\*\*Note: The variance in percentage of injured workers returned to work within 28 weeks is due to medical complications in a small number of workers compensation claims.

### **Freedom of Information**

The Department received 114 Freedom of Information (FOI) applications in 2009/10 of which 69 applications were completed or withdrawn and 42 transferred to other agencies. Three requests remained outstanding.

During 2009/10 nine FOI decisions were reviewed internally on the applicant's request with the decision being upheld on each occasion.

One FOI decision received in the previous financial year was still being reviewed by the Information Commissioner.

<b>Summary of FOI processing for 2009/10</b>	
<b><i>Applications transferred</i></b>	
Conveyed to other agencies in full	42
<b><i>Applications handled</i></b>	
Personal information requests	52
Non-personal information requests	20
Amendment of personal information	0
Total	72
<b><i>Outcomes</i></b>	
Applications completed	66
Applications withdrawn	3
Internal reviews completed	9
External reviews completed	0
Applications outstanding	3

The Office of the Public Advocate, the Public Trustee and the State Administrative Tribunal compile separate FOI statistics and provide them in their annual reports to Parliament.

### **Customer Feedback Management System**

The Department's customer feedback system records and tracks complaints, compliments and suggestions from customers across all operating areas. An online feedback form is available on the website and the Department issues brochures with a reply paid form attached and an outline of feedback processes.

During 2009/10 the Department received 300 complaints, 85 compliments and 69 suggestions. Complaints and suggestions covered a range of service areas. Regular reviews of this feedback enabled the Department to examine internal processes and procedures within a number of business areas. Improvements included additional training for staff at court enquiry counters and closer monitoring of a Family Court service phone.

The Department also received 53 items of feedback which did not belong in the above categories. These mainly concerned issues which required referrals to other government departments or matters which did not require any action.

In addition, during 2009/10 the Department updated the online feedback site to include a link to the Ombudsman's Office in line with a Premier's Circular.

## APPENDICES

### APPENDIX 1

#### Location maps

The Department of the Attorney General's head office operates from 141 St Georges Terrace, Perth.

Numerous service locations exist throughout Western Australia.

#### Metropolitan locations



## Regional locations



## APPENDIX 2

### Acts Administered by the Department of the Attorney General

(as at 1 July 2010)

<i>Acts Amendment (Equality of Status) Act 2003</i>	<i>Corporations (Taxing) Act 1990</i>
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i>	<i>Corporations (Western Australia) Act 1990</i>
<i>Administration Act 1903</i>	<i>Crimes at Sea Act 2000</i>
<i>Age of Majority Act 1972</i>	<i>Criminal Appeals Act 2004</i>
<i>Anglican Church of Australia (Diocesan Trustees) Act 1888</i>	<i>Criminal Code Act Compilation Act 1913</i>
<i>Anglican Church of Australia (Diocese of North West Australia) Act 1961</i>	<i>Criminal Injuries Compensation Act 2003</i>
<i>Anglican Church of Australia (Swanleigh land and endowments) Act 1979</i>	<i>Criminal Investigation (Extra-territorial Offences) Act 1987</i>
<i>Anglican Church of Australia Act 1976</i>	<i>Criminal Law (Mentally Impaired Accused) Act 1996</i>
<i>Anglican Church of Australia Constitution Act 1960</i>	<i>Criminal Procedure Act 2004</i>
<i>Anglican Church of Australia Lands Act 1914</i>	<i>Criminal Property Confiscation (Consequential Provisions) Act 2000</i>
<i>Artificial Conception Act 1985</i>	<i>Criminal Property Confiscation Act 2000</i>
<i>Australia Acts (Request) Act 1985</i>	<i>Cross-border Justice Act 2008</i>
<i>Bail Act 1982</i>	<i>Crown Suits Act 1947</i>
<i>Bail Amendment Act 2008</i>	<i>Dangerous Sexual Offenders Act 2006 (Act other than s. 18, 21 &amp; 32 &amp; Pt. 2 Div. 3 &amp; 5 &amp; Pt. 5)</i>
<i>Baptist Union of Western Australia Lands Act 1941</i>	<i>Debts Recovery Act 1830 (Imp)</i>
<i>Bills of Exchange (day for payment) (1836) (Imp)</i>	<i>Debts Recovery Act 1839 (Imp)</i>
<i>Bills of exchange (non-payment) (1832) (Imp)</i>	<i>Defamation Act 2005</i>
<i>Births, Deaths and Marriages Registration Act 1998</i>	<i>Deodands abolition (1846) (Imp)</i>
<i>Charitable Trusts Act 1962</i>	<i>District Court of Western Australia Act 1969</i>
<i>Child Support (Adoption of Laws) Act 1990</i>	<i>Domicile Act 1981</i>
<i>Children's Court of Western Australia Act 1988</i>	<i>Dower amendment (1833) (Imp)</i>
<i>Choice of Law (Limitation Periods) Act 1994</i>	<i>Electronic Transactions Act 2003</i>
<i>Civil Judgments Enforcement Act 2004</i>	<i>Escheat (Procedure) Act 1940</i>
<i>Civil Liability Act 2002</i>	<i>Escheat and forfeiture of real and personal property (1834) (Imp)</i>
<i>Civil Procedure Act 1833 (Imp)</i>	<i>Evidence Act 1906</i>
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>	<i>Executors Act 1830 (Imp)</i>
<i>Co-operative Schemes (Administrative Actions) Act 2001</i>	<i>Factors (1823) (Imp)</i>
<i>Commercial Arbitration Act 1985</i>	<i>Factors (1825) (Imp)</i>
<i>Commissioner for Children and Young People Act 2006</i>	<i>Factors (1842) (Imp)</i>
<i>Commonwealth Places (Administration of Laws) Act 1970</i>	<i>Factors Acts Amendment Act 1878</i>
<i>Commonwealth Powers (De Facto Relationships) Act 2006</i>	<i>Family Court (Orders of Registrars) Act 1997</i>
<i>Companies (Administration) Act 1982</i>	<i>Family Court Act 1997</i>
<i>Constitutional Powers (Coastal Waters) Act 1979</i>	<i>Family Legislation Amendment Act 2006</i>
<i>Coroners Act 1996</i>	<i>Fatal Accidents Act 1959</i>
<i>Corporations (Administrative Actions) Act 2001</i>	<i>Federal Courts (State Jurisdiction) Act 1999</i>
<i>Corporations (Ancillary Provisions) Act 2001</i>	<i>Financial Transaction Reports Act 1995</i>
<i>Corporations (Commonwealth Powers) Act 2001</i>	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
<i>Corporations (Consequential Amendments) Act (No. 3) 2003</i>	<i>Freemasons' Property Act 1956</i>
	<i>Gender Reassignment Act 2000</i>
	<i>Guardianship and Administration Act 1990</i>
	<i>Highways (Liability for Straying Animals) Act 1983</i>
	<i>Imperial Act Adopting Ordinance 1847</i>
	<i>Imperial Acts Adopting Act 1836</i>
	<i>Imperial Acts Adopting Act 1844</i>
	<i>Imperial Acts Adopting Ordinance 1849</i>
	<i>Imperial Acts Adopting Ordinance 1867</i>
	<i>Infants' Property Act 1830 (Imp)</i>
	<i>Inheritance (Family and Dependents Provision) Act 1972</i>

*Inheritance amendment (1833) (Imp)*  
*Interpretation Act 1984*  
*Judges' Retirement Act 1937*  
*Judgments Act 1839 (Imp)*  
*Judgments Act 1855 (Imp)*  
*Juries Act 1957*  
*Jurisdiction of Courts (Cross-vesting) Act 1987*  
*Justices of the Peace Act 2004*  
*Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*  
*Law Reform (Miscellaneous Provisions) Act 1941*  
*Law Reform (Statute of Frauds) Act 1962*  
*Law Reporting Act 1981*  
*Law Society Public Purposes Trust Act 1985*  
*Legal Profession Act 2008*  
*Legal Representation of Infants Act 1977*  
*Limitation Act 1935*  
*Limitation Act 2005*  
*Magistrates Court (Civil Proceedings) Act 2004*  
*Magistrates Court Act 2004*  
*Marriage Act 1835 (Imp)*  
*Mercantile Law Amendment Act 1856 (Imp)*  
*Miscellaneous Repeals Act 1991*  
*Native Title (State Provisions) Act 1999*  
*Oaths, Affidavits and Statutory Declarations Act 2005*  
*Occupiers' Liability Act 1985*  
*Off-shore (Application of Laws) Act 1982*  
*Offenders (Legal Action) Act 2000*  
*Official Prosecutions (Accused's Costs) Act 1973*  
*Parole Orders (Transfer) Act 1984*  
*Partnership Act 1895*  
*Perpetuation of Testimony Act 1842 (Imp)*  
*Perth Anglican Church of Australia Collegiate School Act 1885*  
*Perth Diocesan Trustees (Special Fund) Act 1944*  
*Perth Hebrew Congregation Lands Act 1921*  
*Presbyterian Church Act 1908*  
*Presbyterian Church Act 1976*  
*Presbyterian Church Act Amendment Act 1919*  
*Presbyterian Church Act Amendment Act 1924*  
*Presbyterian Church of Australia Act 1901*  
*Presbyterian Church of Australia Act 1970*  
*Prescription Act 1832 (Imp)*  
*Prisoners (Release for Deportation) Act 1989*  
*Professional Standards Act 1997*  
*Property Law Act 1969*  
*Prostitution Act 2000 (s. 62 & Part 5 only)*  
*Public Notaries Act 1979*  
*Public Trustee Act 1941*  
*Reprints Act 1984*  
*Restraining Orders Act 1997*  
*Restraint of Debtors Act 1984*  
*Roman Catholic Bishop of Broome Property Act 1957*  
*Roman Catholic Bunbury Church Property Act 1955*  
*Roman Catholic Church Lands Act 1895*  
*Roman Catholic Church Lands Amendment Act 1902*  
*Roman Catholic Church Lands Ordinance 1858*  
*Roman Catholic Church Property Act 1911*  
*Roman Catholic Church Property Act Amendment Act 1912*  
*Roman Catholic Church Property Acts Amendment Act 1916*  
*Roman Catholic Geraldton Church Property Act 1925*  
*Royal Commission (Police) Act 2002*  
*Sea-Carriage Documents Act 1997*  
*Sentence Administration Act 2003 (Pt. 2 Div. 1, 3 & 4, Pt. 3, Pt. 4, Pt. 5 Div. 4, Pt. 9, s. 114, 115, 115A, 119 & 122, Sch. 1 & 2)*  
*Sentencing (Consequential Provisions) Act 1995*  
*Sentencing Act 1995 (The Department of Corrective Services is the agency principally assisting the Attorney General in the administration of Pt. 3 Div. 3 & 5, Pt. 3A, 9, 10, 11 & 12 & Pt. 18 Div. 2, 3 & 4 of this Act)*  
*Sentencing Legislation Amendment and Repeal Act 2003*  
*Service and Execution of Process (Harbours) Ordinance 1855*  
*Solicitor-General Act 1969*  
*Special Investigation (Coal Contract) Act 1994*  
*Spent Convictions Act 1988*  
*State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004*  
*State Administrative Tribunal Act 2004*  
*Statute of Frauds (1677) (Imp)*  
*Statutory Corporations (Liability of Directors) Act 1996*  
*Stock Jobbing (Application) Act 1969*  
*Suitors' Fund Act 1964*  
*Supreme Court Act 1935*  
*The Salvation Army (Western Australia) Property Trust Act 1931*  
*Titles (Validation) and Native Title (Effect of Past Acts) Act 1995*  
*Trustee Companies Act 1987*  
*Trustees Act 1962*  
*Trustees of Western Australia Limited (Transfer of Business) Act 2003*  
*Unauthorised Documents Act 1961*  
*Uniting Church in Australia Act 1976*  
*Vexatious Proceedings Restriction Act 2002*  
*Victims of Crime Act 1994*  
*Warehousemen's Liens Act 1952*  
*Warrants for Goods Indorsement Act 1898*  
*West Australian Trustees Limited (Merger) Act 1989*  
*Wills Act 1970*  
*Yallingup Foreshore Land Act 2006*