



Government of **Western Australia**
Department of the **Attorney General**

Final Report 2016/17

Statement of Compliance

Hon John Quigley MLA
Attorney General

In accordance with Section 72(1) of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the Final Report of the Department of the Attorney General for the financial year ended 30 June 2017.

As the Department of the Attorney General ceased operations on 30 June 2017, this report is submitted, signed by the Reporting Officer, Mr Rodolfo Montilva Castillo, as appointed by the Treasurer under Section 68(1) of the *Financial Management Act 2006*.



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12 September 2017

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Executive Summary

The Department of the Attorney General's role is to provide high-quality and accessible legal, registry, guardianship and trustee services to meet the needs of the community and the Western Australian Government.

While our mission statement has remained unchanged for this financial year, it has nevertheless been a time of change and renewal for the Department of the Attorney General, with my appointment as the new Director General, and a new State Government elected. Of particular significance is the merger announced by the incoming McGowan Government between this Department and the Department of Corrective Services, leading to the formation of a Department of Justice as of 1 July 2017. The merger will provide "joined up" services through both Departments, delivering a more holistic strategic direction to sentencing and offender case management, whilst ensuring community safety is paramount. The Department welcomes the reform and believes the merger will allow for a renewed focus on improving justice outcomes for the Western Australian community, particularly for Aboriginal people. Our Policy and Aboriginal Services Directorate continues to work on the ground in this field, particularly with helping people in regional areas obtain and keep a driver's licence, arrange to pay off their unpaid fines and obtain birth certificates. The Aboriginal justice sector is a field in which I have a particular interest, having worked previously in the Northern Territory in child protection and community policy roles, and from a criminal justice perspective while working as the Director and Chief Executive of the Australian Institute of Criminology. In terms of the operational work of the Department during the year, the focus shifted from regional capital works programs (including upgrades to Broome and Karratha courts) to developing key policies, processes and

legislation to meet Government and Departmental priorities.

The Department continued to support the legislative and policy agenda of both the Barnett and McGowan governments, as well as providing legal advice to State Government agencies and other stakeholders. Early priorities of the new Attorney General, the Hon John Quigley MLA, are currently being progressed, and include "no body, no parole" laws, which will prevent jailed offenders eligible for parole being considered unless they reveal the location of their victim's body. Reforms to make it tougher for serious offenders to be granted parole are also underway, with work being undertaken to establish a High Risk Offenders Board and to legislate for tougher restrictions on dangerous sex offenders. Another key Government initiative which the Department has had a role in developing is legislation to abolish the time limit which restricts victims of sexual abuse, particularly from historic sexual abuse, from claiming compensation. There certainly seems to be plenty of common ground between what the Department does, and hopes to do in future, and what the State Government is interested in achieving, particularly from a policy perspective. This includes focussing on positive outcomes for victims of crime, combatting the scourge of methamphetamine use, reforming the fine default system and reducing Aboriginal interaction with the criminal justice system. The announcement of the much-anticipated new Armadale police and court complex was also made this financial year. The \$86 million justice complex increases the number of courtrooms from two to

five and the police station component will accommodate up to 315 officers, up from 80 currently working at the existing building. Our courts and tribunals overall continued to experience high demand over this period and we continue to use strategies to manage this. Both the Office of the Public Trustee and the Public Advocate also continued to face increased demand for their services, reflecting the State's ageing population. I would like to take this opportunity to recognise and thank the Public Advocate, Ms Pauline Bagdonavicius, who was acting Director General for much of the 2016 calendar year after the resignation of my predecessor Ms Cheryl Gwilliam. Pauline ensured the good work of the Department continued on throughout the year until my appointment was finalised. The Registry of Births, Deaths and Marriages continued to create and preserve accurate, permanent and confidential records of life events in Western Australia. In closing, I look forward to continuing to work with the Attorney General on the Government's election commitments and policy priorities. I would also like to thank the Department's staff, who have continued to deliver a high standard of customer service in an environment of high demand and service change.



Dr Adam Tomison
Director General
Department of the Attorney General

Operating Locations

The Department of the Attorney General head office operates from 28 Barrack Street, Perth.

The Department provides court and tribunal services through 13 metropolitan and 21 regional locations in Western Australia.

Acts Administered

For a list of Acts administered through the Department of the Attorney General refer to Appendix 1.



Strategic Framework

Our purpose

The Department of the Attorney General provides high quality and accessible justice, legal, registry, guardianship and trustee services which meet the needs of the community and government.

This supports justice outcomes and opportunities for current and future generations.

In particular, the Department directly contributes to a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

Our principles and values

We are committed to the Public Sector Code of Ethics principles and subscribe to the values of our Department:

Excellent service - Our client groups have varied service needs. We strive to achieve and maintain credible and professional services to diverse client groups. This is achieved through effective communication and by making services relevant, responsive, accessible, accurate and fair.

Integrity and accountability - We are open, honest, impartial and ethical in our communications and decisions. We take responsibility for our behaviours, which are governed by the legal system, agreed standards and codes.

Equity and fairness - We respect diversity and know that we sometimes have to treat individual members of our staff, the community and client groups differently to reach fair outcomes.

Collaboration and learning - Our people take pride in their work and the value they contribute to the Department. We recognise the knowledge and skills of our people and support their continuous learning and development.

Professional autonomy - We respect the differing professional attributes that are developed and nurtured in our business areas and the rights of our people to provide objective, frank and fearless advice to their clients and the community.

Our roles and services

The Department supports the community, Western Australian Government, judiciary and Parliament through the provision of access to high quality justice and legal services, information and products.

The Department is the agency principally responsible for assisting the Attorney General in developing and implementing Government policy and the administration and compliance with approximately 200 Acts.

The Department has a diverse range of services, which include:

- court and tribunal services
- advocacy, guardianship and administration services
- trustee services
- birth, death and marriage registrations
- services to Government, including policy, legal and Parliamentary drafting.

Our services have the potential to affect almost all Western Australians. As such, we work hard to ensure effective:

- Assistance and infrastructure for the community and judiciary that enables cases to be progressed, orders to be enforced and victims to be supported and counselled.
- Access to accurate, permanent and confidential records of births, deaths and marriages by the community and Government.
- Legal advice and legislative preparation are available to help Government service the community.
- Protection for people with decision-making disabilities and equitable access to trustee services.
- Strategic policy advice to Government on justice, victims of crime and law and order issues.
- Departmental services appropriate to the needs of the diverse population of the State.

We also lead and influence justice reform and strategic policy development for the State.

We do this professionally by collaborating internally and with other agencies to efficiently and effectively make our services accessible, timely and relevant to the needs of our client community groups.

We are continuously improving our services to understand and meet client and community needs in a way that reflects their geographic, cultural and demographic diversity.

This includes developing better mechanisms for resolving justice issues, cross-government co-operation that supports better justice outcomes, and developing more efficient business processes and integrated systems.

Our future

We are valued as leaders in developing and delivering justice services, policy and reforms that are significant and sustainable.

KEY RESULT AREAS

Service delivery

Improving the quality of our services and the ability of our clients and the community to access them.

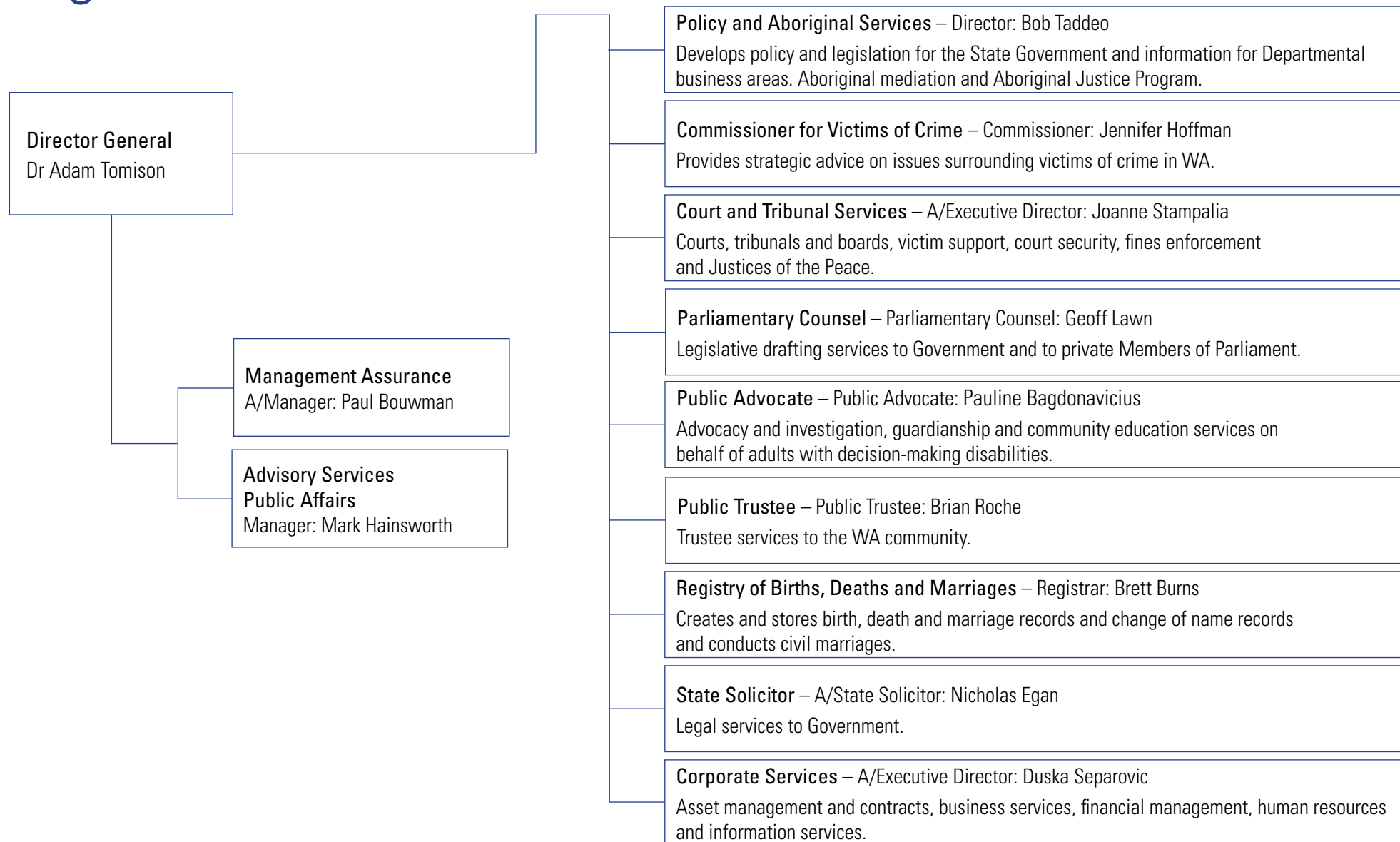
Strategic policy development and advice

Providing strategic policy analysis and advice to Government on key reforms in the justice system.

Investing in people

Developing and sustaining our organisational capacity by recognising and developing the skills and expertise of our people.

Organisational Structure



Performance Management Framework

Government Goals

The work of the Department of the Attorney General reflects the State Government goal of:

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

Outcomes and Services

| Department of the Attorney General Desired Outcomes | Services |
|--|---|
| 1. An efficient, accessible court and tribunal system | 1. Court and Tribunal Services |
| 2. Trustee, Guardianship and Administration services are accessible to all Western Australians | 2. Advocacy, Guardianship and Administration Services |
| | 3. Trustee Services |
| 3. Western Australian birth, death and marriage certificates are accurate and accessible | 4. Births, Deaths and Marriages |
| 4. Government receives quality, timely legal and legislative drafting services | 5. Services to Government |
| 5. Equitable access to legal services and information * | 6. Legal Aid Assistance* |

* This outcome and service is delivered by the Legal Aid Commission. The Legal Aid Commission is partly funded through the Department of the Attorney General but prepares a separate annual report including reporting against Key Performance Indicators.

Changes to the Department's Outcome Based Management Structure

There were no changes to the Department's Outcome Based Management framework for 2016/17.

Financial Summary

| Expenses | Original Budget 2016/17 \$000 | Revised Budget 2016/17 \$000 | Actual Expenditure 2016/17 \$000 |
|---|----------------------------------|---------------------------------|-------------------------------------|
| 1. Court and Tribunal services | 391,993 | 401,053 | 380,140 |
| 2. Advocacy, Guardianship and Administration services | 6,689 | 7,181 | 7,119 |
| 3. Trustee Services | 22,316 | 22,222 | 23,127 |
| 4. Births, Deaths and Marriages | 8,062 | 8,586 | 7,150 |
| 5. Services to Government | 73,761 | 83,094 | 91,576 |
| 6. Legal Aid Assistance | 39,356 | 43,461 | 43,537 |
| Total Cost of Services | 542,177 | 565,597 | 552,649 |

Financial Targets

| | Original Target 2016/17 \$000 | Revised Target 2016/17 \$000 | Actual 2016/17 \$000 | Variation | Comment |
|---|-------------------------------------|------------------------------------|----------------------------|-----------|---|
| Total Cost of Services (expense limit) | 542,177 | 565,597 | 552,649 | 1.9% | The slight increase in total cost was mainly due to higher grants and subsidies payments. |
| Net Cost of Services | 391,350 | 409,946 | 400,796 | 2.4% | The variance was mainly due to cost increases explained above and lower receipts from services. |
| Total Equity | 597,852 | 598,686 | 575,686 | -3.7% | The decrease was mainly due to the transfer of the ANZAC House land to the Department of Lands. |
| Cash Assets | 19,337 | 12,420 | 17,757 | -8.2% | The decrease in cash assets was mainly due to higher grants and subsidies payments in the period. |

Key Performance Indicators

The Key Performance Indicator (KPI) results showed the Department continued to work towards achieving the targets set in the 2016/17 budget statements.

The Fines Enforcement Registry's KPIs for percentage of fines, infringements and costs satisfied within 12 months of referral to the Registry are used to validate that appropriate systems, procedures and resources remain in place to enforce matters in a timely manner.

The percentage of fines and costs satisfied within 12 months of referral to the registry met target however, the percentage of infringements satisfied within the same period fell under target by 4 per cent.

A number of factors will continue to impact these KPI results, including a substantial increase in the average value of a fine and infringement, which has subsequently increased the average amount of time taken to pay a fine or infringement in full.

The time to finalise non-trial matters indicator is used in the Family Court to measure the capacity of the court to resolve applications for final order by methods other than by a formal trial.

In 2016/17, the indicator result was 13 weeks above target due in part to the reallocation of magistrates to trial work and the long-term growth in the complexity and volume of final order parenting applications and court ordered finalisations.

Applications seeking parenting orders take longer to finalise and represent more than 60 per cent of the Family Court KPI finalisations.

The Supreme Court civil jurisdiction continued to achieve positive results where the time to finalise non-trial matters was one week better than target, although the median time to trial for criminal matters was five weeks above target (33 weeks). In the District Court criminal jurisdiction, the median time between initial committal and the first trial date is two weeks above the target of 32 weeks.

Median time to trial (combined criminal and civil) in the Magistrates Court was 25 weeks, six weeks above the budget target of 19 weeks. The higher than target result is due to the growth in criminal case lodgments and increase in charges per case in 2016/17.

The KPI for the Coroner's Court of median time to the first inquest has a target of 128 weeks. The outcome for 2016/17 was 165 weeks compared to 164 weeks in 2015/16.

Although slightly above last year's result, this outcome can be attributed to the Coroner's Court focus on older, more complex coronial inquest cases, with 83 per cent of those cases being older than the target of 128 weeks.

The median time to finalise a matter (excluding guardianship and administration matters) in the State Administrative Tribunal was 12 weeks, three weeks under the budget target and a 25 per cent improvement from the previous year's result.

This favourable result is due to various process changes including improvements in listing and case management practices. 80 per cent of guardianship and administration matters were finalised within 10 weeks which is a result consistent with the previous year.

During 2016/17 the State Solicitor's Office provided advice and representation to 77 Government departments and agencies. This work included responding to 3,804 requests for advice assessing or undertaking 588 prosecutions.

Finally, the Parliamentary Counsel's Office continued its strong support to the Government's legislative and reform agenda by drafting 67 bills of legislation, and 100 per cent in a timely manner.

The complete details of key performance indicators are provided in the Disclosures and Legal Compliance Key Performance Indicators section.

Court and Tribunal Services

Courts

Supreme Court

The Supreme Court is the State's highest court and is divided into two divisions - the General Division and the Court of Appeal.

The General Division hears the most serious criminal charges such as murder, armed robbery, arson and breaches of Commonwealth drug enforcement laws and civil cases involving complex issues or significant matters.

The Division also deals with probate (including disputes over Wills), admiralty (disputes involving ships), disputed elections and applications under the *Corporations Act 2001*.

The Court of Appeal hears appeals from single-judge decisions of the Supreme Court, lower courts and various tribunals.

Outcomes 2016/17

The criminal median time to trial was 33 weeks (five weeks above the budget target).

The Supreme Court continued to deliver high quality services to the community. The Court:

- finalised 2,933 civil cases and 301 criminal cases
- finalised 7,532 probate applications
- conducted 78 criminal trials and 48 civil trials
- finalised 341 criminal appeals and 171 civil appeals
- managed 348 accused cases in the Stirling Gardens Magistrates Court to committal.

Family Court of Western Australia

The Family Court of Western Australia hears matters relating to divorce, parenting orders, property of a marriage or de facto relationship, maintenance, adoptions and surrogacy. It has State and Federal jurisdiction in matters of family law.

Outcomes 2016/17

The workload of the Family Court remains high. The Court received 16,069 applications in 2016/17, including:

- 2,910 Initiating Applications for Final Order
- 5,151 Interim Order applications
- 5,471 Divorce applications
- 2,277 Consent Order applications.

The time to trial increased by 13.5 weeks to 94.5 weeks. The increase in parenting and interim applications over recent years continues to negatively impact this indicator.

District Court

The District Court hears serious criminal offences, excluding those with a maximum term of life imprisonment. The court also exercises a significant civil jurisdiction. It hears and determines commercial and debt recovery matters involving claims up to \$750,000, while exercising unlimited jurisdiction in claims for damages for personal injuries and exclusive jurisdiction for damages claims for injury sustained in motor vehicle accidents. The court also has a civil appeal jurisdiction.

Outcomes 2016/17

The criminal median time to trial in the District Court was 34 weeks (two weeks above the budget target).

87 per cent of all cases were finalised within the budget target timeframe of 52 weeks. During 2016/17 the Court had:

- 2,541 criminal cases lodged
- 2,376 criminal cases finalised
- 5,422 civil cases lodged, 113 of which were appeals from lower courts
- 5,120 civil cases finalised, 109 of which were appeals from lower courts
- 386 criminal cases finalised by trial and 79 civil cases.

Magistrates Court

The Magistrates Court of Western Australia hears criminal and civil matters involving people aged 18 years and above.

The Magistrates Court operates in more than 75 locations across the State. Criminal offences (known as simple offences) are heard in the Magistrates Court, in addition to 'either way' offences which can be heard in either a lower or superior court, depending on a determination made by the court.

The Magistrates Court also deals with civil matters for claims up to \$75,000, as well as restraining orders and extraordinary driver's licence applications.

Outcomes 2016/17

During 2016/17, the Magistrates Court had more than 106,000 criminal case lodgments, a five per cent (5,200 cases) increase from 2015/16. This increase was driven primarily by increases in lodgments of illicit drug offences, acts intended to cause injury and offences against justice procedures, government security and government operations.

During the same period, criminal charge lodgments increased six per cent; charges per case remained historically high at 2.0 charges per case. Charges relating to public order offences, property damage and environmental pollution offences, and abduction, harassment and other offences against the person, reported a 0.2 per cent increase in charge per case.

A charge per case figure indicates the number of offences alleged against a defendant within a single case.

A case represents any number of charges lodged at one registry on a single day against one defendant.

The Magistrates Court experienced a three per cent decrease in civil lodgments since 2015/16. Goldfields (11 per cent, 132 cases), Joondalup (two per cent, 85 cases) and Midland (seven per cent, 531 cases) regions experienced increases while all other regions had a decrease.

The median time to trial for criminal and civil trials in the Magistrates Court was 25 weeks, above the budget target of 19 weeks. This was compared to 23 weeks in 2015/16. The result was mainly due to increasing criminal lodgments and charges per case.

Mental Health Court (Start Court and Links)

The Start Court (adults) and Links (children) began on 18 March 2013 and is the first mental health court diversion program in Western Australia. The 2016/17 State Budget process saw the extension of the adult and children's programs for an additional three years to July 2019.

The Mental Health Court Diversion Program provides a tailored response to offending that is linked to mental illness. Program participants are supervised by a court while they receive holistic treatment and support that addresses the underlying causes of their offending behaviour. This approach aims to improve participants' health and wellbeing, break the cycle of offending and provide an alternative to imprisonment.

The program is a joint initiative between the Mental Health Commission and the Department. The project involves dedicated and trained staff from multiple agencies including Legal Aid Western Australia, the Mental Health Law Centre, Western Australian Police and the Department of Health – State Forensic Mental Health Services. Outcare, a non-government organisation, and a private psychologist also provides services to the program.

The adult component of the program, the Start Court, operates as a dedicated court within the Perth Magistrates Court, and the children's component, Links, offers clinical and psycho-social support to young people who appear before the Perth Children's Court.

Outcomes 2016/17

In 2016/17, 385 individuals were referred to the Start Court, which accounted for 803 appearances in the court.

Sunday Court

Sunday Court at the Perth Police Centre began on 6 July 2014. The Sunday Court deals with accused people held in custody at the complex, allowing persons in custody access to a magistrate at the earliest opportunity.

The Sunday Court also deals with accused people from regional police lockups and hospitals via video or audio link, again allowing persons in custody access to a magistrate at the earliest opportunity.

Outcomes 2016/17

From 1 July 2016 until 30 June 2017, 2,459 accused persons appeared before the Sunday Court.


Of the 2,459 accused persons:

- 634 were remanded in custody to appear at a future court date
- 1,341 were bailed to reappear to a future court date
- 484 accused had their charges finalised.

Perth Drug Court and Diversion Programs

The Perth Drug Court diverts serious offenders who have complex substance abuse problems into highly intensive and supervised treatment responses. Participants who successfully complete a Drug Court Program will have addressed their offending behaviour and may avoid a term of imprisonment in order to continue their rehabilitation in the community.

A series of diversion programs are also delivered within the Magistrates Court that specifically assist people with drug and/or alcohol related problems. These programs are jointly delivered by the Mental Health Commission and the



Department. Participants in these programs are able to access treatment and counselling aimed at assisting them to break their cycle of drug and/or alcohol related problems and offending.

Since 2013, offenders in the broader metropolitan area who experience alcohol-related problems are now also able to access these programs. In response to the increasingly complex needs of offenders, the diversion programs are also available within other case management regimes including the Family Violence List and the Start Court.

Outcomes 2016/17

Including the Drug Court, a total of 1,168 offenders throughout the State gained access to a diversion program during 2016/17. This was 12 per cent less than the number for 2015/16.

Family Violence List

In 2015, former Attorney General Michael Mischin announced that Western Australian courts would provide more support to family violence victims under a new model of dealing with restraining orders and serious assaults which occur in a family setting.

The Department subsequently worked with key State Government and non-Government agencies to establish a Family Violence List integrated model.

The Family Violence List has been trialled at the Fremantle Magistrates Court since December 2015.

Key aspects of the new model include:

Dedicated court lists for family violence-related criminal charges.

A greater acknowledged level of collaboration between courts and other Government and non-Government domestic

violence-focused agencies.

Memoranda of Understanding and inter-agency collaboration between key Government departments – Department of Communities, WA Police and the Department of Justice.

Attendance at court by Family Violence Service and community corrections staff to ensure a specialist integrated response from professionals with specialist training in family and domestic violence.

The pilot program has progressed well and consideration is now being given to introducing the Family Violence List integrated model to other metropolitan Magistrates Court locations.

Children's Court

The Children's Court of Western Australia deals with offences alleged to have been committed by young people aged 10 to 17 years. The Court hears protection and care applications for children under the age of 18.

The Mental Health Court Diversion Program, known as Links, gives the President and magistrates of the Children's Court access to a team of mental health specialists, including a clinical psychologist, a consultant psychiatrist, mental health nurses and support workers.

The Links team is on-hand to provide assessments and reports to the court, make referrals to appropriate services and offer clinical intervention. Links aims to divert young offenders from the criminal justice stream to ensure they receive necessary treatment as well as alternative sentencing options for those whose offences are the result of mental illness.

The Perth Children's Court also delivers a Children's Drug Court, which aims to divert young people who are

experiencing drug-related problems into intensive case management and treatment.

Outcomes 2015/16

- Finalisation of criminal cases increased from 6,157 finalisations in 2015/16 to 6,949 in 2016/17.
- Civil lodgments remained steady at 1,800 in 2016/17 compared to 1,812 in 2015/16.
- The Links Clinical Assessment Team has provided advice, assessment or assistance in 467 cases during 2016/17, compared with 444 in 2015/16.

Coroner's Court


The coronial system investigates more than 2,400 cases each year where a death arises from apparent unnatural causes or when the cause of death is unknown.

The role of the Coroner is to ensure deaths reported to the Coroner are investigated and, where appropriate, an inquest is held. The hearing is usually open to the public. During an inquest, witnesses are called to give evidence to enable the Coroner to determine a cause of death.

A more comprehensive annual report on the deaths which have been investigated is provided each year by the State Coroner to the Attorney General for tabling in State Parliament under section 27 of the *Coroners Act 1996*.

Outcomes 2016/17

During the year, the Coroner's Court Legislative Project continued to be progressed as part of a three-year reform strategy. This project addresses the recommendations of the Law Reform Commission of WA Report, a Review of Coronial Practice in Western Australia. The outcome of this project will see amendments to the *Coroners Act 1996* and



updated processes and procedures for the Coroner's Court. The Coroner's Court continued its focus on addressing the backlog of coronial cases. As at 30 June 2017 there had been a reduction in backlog cases from a record high of 938 in September 2011, to 347 cases; a reduction of 25 per cent compared with 30 June 2016. About 56 per cent of the backlog cases were waiting on external agencies to supply reports or information before a coroner could make a determination on the matters.

In 2016/17 the court dealt with 2,422 reportable deaths, in addition to 1,173 death certificates and finalised a total of 2,419 matters. The Coroner's Court sat for 144 days in 2016/17 and finalised 53 inquest cases.

Tribunal

State Administrative Tribunal

The State Administrative Tribunal hears a broad range of matters, from large planning and development disputes to safeguarding the rights of vulnerable members of the community in guardianship and administration matters.

The Tribunal uses less formal procedures than other jurisdictions and is designed to encourage self-represented litigants and to increase access to the justice system.

Outcomes 2016/17

The median time to finalise a matter (excluding guardianship and administration matters) in the Tribunal was 12 weeks, a result three weeks under the budget target and a 25 per cent improvement from the previous year's result. This favourable result is due to various process changes including improvements in listing and case management practices. 80 per cent of guardianship and administration

matters were finalised within 10 weeks which is a result consistent with the previous year.

The Tribunal received 6,864 applications in 2016/17, a decrease of 15 per cent on 2015/16. The decline is predominantly driven by guardianship and administration (GAA) matters as a result of process changes specific to some GAA application types. The process changes are:

- From 1 July 2016, GAA applications under section 112(4) of the *Guardianship and Administration Act 1990* which relate to the inspection of documents, are no longer treated as an originating application and are now lodged as a supplementary document within the lead matter.
- Previously, if a party had applied for both guardianship and administration under section 17A(1), section 40(1), section 49(1), section 85(2), section 86(1), section 87(1) and section 88 of the *Guardianship and Administration Act 1990*, they were treated as separate applications (as two matters generated). As of April 2016, a process change specific to those sections was introduced and applications filed under each section are now treated as a single matter if specific criteria are met.

Key application trends included:

- A 28 per cent decrease in GAA applications, with 3,879 applications that accounted for 57 per cent of the applications received by the Tribunal. The steep decline is due to the reasons mentioned above and therefore data is not comparable between the two time periods.
- A 12 per cent increase in commercial and civil applications, largely the result of a 15 per cent increase in applications under section 13(7) of the *Commercial Tenancy (Retail Shops) Agreement Act 1985*.

- A 12 per cent decrease in development and resource applications, with the decrease relating to the *Planning and Development Act 2005*.
- A 24 per cent increase in vocational regulation applications, mainly the result of rises in applications under the *Health Practitioner Regulation National Law (WA) Act 2010* and *Security and Related Activities (Control) Act 1996*.

Boards

The Department provides administrative support to four justice-related boards. These are the:

- Prisoners Review Board
- Mentally Impaired Accused Review Board
- Supervised Release Review Board
- Gender Reassignment Board.

Prisoners Review Board

The Prisoners Review Board is an independent statutory authority administered by the Department. The Board considers prisoners for release from custody, sets or varies conditions of release and considers applications for the suspension and/or cancellation of orders.

During the year the Prisoners Review Board held 548 meetings. The Prisoners Review Board made 1,085 orders to release offenders on discretionary parole during 2016/17 and parole was denied on 1,728 occasions. Parole was suspended or cancelled on 500 occasions.

A comprehensive annual report for the Prisoners Review Board is provided each year by the Board's Chair to the Attorney General for tabling in State Parliament under section 112 of the *Sentence Administration Act 2003* (WA).

Mentally Impaired Accused Review Board

The Mentally Impaired Accused Review Board is an independent statutory authority administered by the Department. The Board is concerned with people found not guilty of a crime due to unsoundness of mind and those found to be mentally unfit to stand trial.

In 2016/17 the Board held 30 meetings. Pursuant to section 33 of the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA), the Board is required to provide the Minister with a written report about an accused at least once in every year. In 2016/17, the Board prepared 43 statutory reports.

A comprehensive annual report for the Mentally Impaired Accused Review Board is provided each year by the Chair to the Attorney General for tabling in State Parliament under section 48 of the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA).

Supervised Release Review Board

The Supervised Release Review Board is an independent statutory authority administered by the Department. The Supervised Release Review Board, created under the *Young Offenders Act 1994* (WA), determines the suitability of young offenders in detention to be released.

During 2016/17 the Board held 54 meetings.

A comprehensive annual report for the Supervised Release Review Board is provided each year by the Chair to the Minister for Corrective Services for tabling in State Parliament under section 165 of the *Young Offenders Act 1994* (WA).

Gender Reassignment Board

The Gender Reassignment Board considers applications from people wishing to have their gender reassigned from male to female or female to male and issues gender recognition certificates, in accordance with the *Gender Reassignment Act 2000* (WA).

In 2016/17 the Board received 33 applications, representing a 57 per cent increase from the last financial year.

Criminal Injuries Compensation

The *Criminal Injuries Compensation Act 2003* (WA) provides for victims of crime to be compensated for injuries they have suffered as a consequence of the commission of an offence.

Outcomes 2016/17

The number of criminal injuries compensation applications accepted this year increased by 16 per cent from 2,734 in 2015/16 to 3,167 in 2016/17. Finalisations increased by 14 per cent on last year from 2,262 finalisations in 2015/16 to 2,585 finalisations in 2016/17.

In 2016/17 a total of \$39.7 million was awarded to 2,279 victims of crime. To assist in compensating the State for this cost, a total of \$1.77 million was recovered from offenders, consistent with the previous year.

A more comprehensive annual report on the operations of the Office of Criminal Injuries Compensation is provided each year by the Chief Assessor to the Attorney General for tabling in State Parliament under section 62 of the *Criminal Injuries Compensation Act 2003* (WA).

Justices of the Peace

The office of Justice of the Peace (JP) is a voluntary and statutory position involving a range of duties and responsibilities, most commonly including the witnessing of documents. At many justice facilities throughout Western Australia, JPs are also required to preside in Magistrates Courts, particularly in regional areas. The Department has responsibility for supporting Western Australian JPs.

Outcomes 2015/16

This year the Department continued to increase training opportunities for the State's 2,729 JPs. In particular, training was targeted at the 220 JPs who are eligible and make themselves available for judicial duties.

The Department publishes a JP newsletter which is distributed quarterly to all JPs. The newsletter provides JPs with timely information about training opportunities and information relevant to their role as a JP in the community.

To facilitate ongoing improvement and appropriate training for JPs, the Department distributes an annual survey to JPs. The survey provides information in respect to the type and frequency of duties that JPs perform and assists the Department to review the training needs of JPs.

94 training seminars, workshops, or online modules were conducted in the year, which included 24 in the metropolitan area, 45 in regional or country locations and 25 online modules. 777 JPs participated in approved Departmental training seminars, workshops or online modules.

Court Counselling and Support Services

Court Counselling and Support Services provide a range of services including the Victim Support Service and Child Witness Service, Family Violence Service and Family Court Counselling and Consultancy Services. The key focus is on improving the quality of such services to the people of Western Australia.

Victim Support Service

The Victim Support Service (VSS) provides a range of specialist services to victims of crime to assist in their interaction with the criminal justice system and to help them in their recovery from trauma.

These services can be accessed by telephone, face-to-face or by email. A range of court-based information and support services to assist victims attending court is also available, together with help to prepare victim impact statements.

The VSS also provides the prosecution agency with assessment reports to support applications to the court for vulnerable witnesses to provide their evidence via CCTV.

As well as support in the metropolitan area, there are 13 Victim Support and Child Witness locations within regional courthouses from Kununurra to Esperance.

Outcomes 2016/17

During 2016/17, VSS provided support and counselling to 6,501 new clients and continued to provide services to more than 2,000 existing clients from the previous year. These numbers demonstrate a continued, steady increase over time (a 4.5 per cent increase from the previous year) and requires intensive case management and support to victims of crime.

In addition, the VSS continued to provide victim awareness training to all new recruits at the Western Australia Police Academy.

Child Witness Service

The Child Witness Service (CWS) provides services to children who give evidence in all criminal jurisdictions, in every court in the State. It provides a specialist assessment, court preparation and support service to children under 18 years of age.

The CWS also provides advocacy to ensure children receive all their entitlements under the legislation, and assists with victim impact statements.

These services are available in the metropolitan area and also available at 13 regional courthouses from Kununurra to Esperance.

Outcomes 2016/17

There were 1,100 referrals in 2016/17, compared with 923 in the previous financial year (an increase of 20 per cent), with many cases deemed complex and requiring intensive case management and support for children and their families.

The Service also continued to provide valuable training to a range of key stakeholders including Western Australia Police, the Office of the Director of Public Prosecutions and other agencies about the impact on children giving evidence. This training included appropriate ways to interact with children to ensure the best possible outcomes for them and to support children so they may provide the best evidence to the court.

Family Violence Service

The Family Violence Service (FVS) provides services to victims of family violence. This includes providing information and advice relating to violence restraining order applications, and advocacy and referrals to other agencies.

The service also provides support to judicial officers in the Family Violence List through the provision of bail risk assessment reports and victim support for judicially monitored offender case management.

Outcomes 2016/17

During 2016/17, 3,462 victims of family and domestic violence received support. The FVS staff provided 18,020 services including risk assessments, safety planning, court support, information and referrals. The number of victims assisted and services provided this year is not comparable to the previous year due to the implementation of a new client record management system which impacts on how services are captured.

Family Court Counselling and Consultancy Service

The Family Court Counselling and Consultancy Service (FCCCS) provides a service to child-related proceedings in the Family Court of WA.

The service assists the Family Court to individually case manage child-related proceedings before the Court.

This will often involve making referrals to other agencies, gathering information and reporting back to the magistrate or judge who is responsible for the case. FCCCS provides assessment through either a case assessment conference, family report, or child dispute conference.

Outcomes 2016/17

The FCCCS received 1,586 new referrals and held 1,078 case assessment conferences. These statistics demonstrate a slight increase from the previous year.

Court Security

The role of the Court Risk Assessment Directorate is to facilitate the safe and secure operation of the State's courts and tribunals through the identification of risks and ensuring that court security and custody service providers effectively address those risks.

The Directorate has the lead role in co-ordinating service provider operations where extraordinary risks are identified and a multiple-agency response is required. This year saw an increase in the number of serious offence trials involving multiple accused, which increases the complexity of security arrangements and in turn the Directorate's workload.

During the year a key priority included strengthening the security arrangements at courthouses and tribunals in response to an identified escalation in risks associated with inter-party tensions in civil proceedings and the increase in antisocial and violent behaviour arising out of the use in the community of methylamphetamine-based illicit drugs.

The Directorate continued to work in conjunction with Federal, State and private sector court security and custody providers to mitigate risk within courthouses and their environs so as to promote a safe, open and accessible environment and effectively contribute to the judicial process.

Sheriff of Western Australia

Fines and civil enforcement services are provided by the Sheriff's Office of Western Australia, which also co-ordinates the State's jury services.

The Sheriff is also referred to as the Sheriff of the Supreme Court, Marshal of the Family Court and Marshal of the Federal Court of Australia.

The position's authority is vested from a range of State and Federal legislation, each with a statutory responsibility to the courts.

Civil Enforcements

The Civil Enforcements Team is responsible for the enforcement of orders and warrants from the Supreme and District Courts and for the service of witness summonses in the Perth metropolitan area, on behalf of the Office of the Director of Public Prosecutions. The Civil Enforcements Team also oversees the delivery of bailiff services throughout Western Australia.

Outcomes 2016/17

During the year in review, Civil Enforcements recorded an increase of 12.54 per cent in the number of civil case lodgments and increased the number of civil cases satisfied by 8.69 per cent, while continuing to deliver high quality services to the community.

Jury Services

The core function of Jury Services is to provide sufficient jurors for the Supreme Court and District Court jury trials held across the State.

Jury Services assists community members, who have been selected for jury duty, in meeting their civic responsibilities and manages the budget for this accordingly.

Outcomes 2016/17

A primary focus for the financial year was to provide jurors for trials as cost-effectively and efficiently as possible.

Jury Services has also provided regional courts, where jury trials are held, with tools and methodologies to ensure a consistent approach and improved quality of jury services.

Fines Enforcement Registry

The Fines Enforcement Registry (FER) is responsible for the collection of unpaid court fines and infringements registered by multiple prosecuting authorities throughout Western Australia.

Outcomes 2016/17

The enhanced enforcement sanctions implemented in August 2013 and the One Fines System which came into effect in November 2013 continue to impact on the operations of the Registry. In conjunction with the normal default enforcement process already undertaken by FER the flow-on effect has been an increase in collections and retained revenue.

The enhancements to the eCourts portal in April 2017 to allow for the online application of time to pay arrangements has supported the Registry's capacity to capture debt on formal payment arrangements. In 2016/17 the number of

approved time to pay arrangements increased by 10 per cent, and while there was a 3.5 per cent decline in the number of cases paid in full, FER collected \$121 million, which is a \$3.6 million increase compared to the previous financial year.

Criminal Enforcement Team

Criminal enforcement in Western Australia consists of three areas:

- Criminal Enforcement Team.
- Regional Sheriff Community Development Officers.
- Contractors operating through the combined contract for the delivery of civil and criminal enforcement services.

The Criminal Enforcement Team continues to undertake multiple enforcement activities throughout the Perth metropolitan, Peel, South West, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern areas of Western Australia including immobilising vehicles through the use of wheel clamps, removing number plates and seizing and selling personal property to recover outstanding money owed under Enforcement Warrants.

New vehicles were purchased and fitted out for the Criminal Enforcement Team and a new supplier is currently being sourced to install and maintain ANPR equipment in all vehicles.

Outcomes 2016/17

- 84 wheel clamps applied
- 193 registration plates removed
- 6,826 calling cards left at premises
- 39 warning stickers applied
- 2,477 time to pay and 3,563 stay of execution payment arrangements made
- 24 seizure actions performed

The Sheriff's Community Development Officers continued to enforce outstanding warrants in regional and remote Western Australia.

These officers assist individuals in meeting their obligations of satisfying their matters through payment and community work in order to avoid imprisonment.

Sheriff's Officers also continued their efforts in educating the public on the fines enforcement process.

Civil/criminal enforcement and delivery of driver demerit point and suitability notices in Western Australia contract

The combined Department of the Attorney General and Department of Transport contract for the delivery of services for civil, fines and infringement enforcement; and driver demerit point and suitability notices in Western Australia awarded to Baycorp (WA) Pty Ltd on 23 November 2015, continues to perform well.

Fines and infringement collection rates have steadily increased since commencement of the contract.

Commissioner for Victims of Crime

The position of Commissioner for Victims of Crime was established in July 2013 to advocate on behalf of victims of crime, to give them a greater voice in how they are treated across Government and to ensure victims receive the support they deserve.

The Commissioner for Victims of Crime:

- advocates for and encourages good practice in the treatment of victims across Government
- provides a mechanism for victims to lodge complaints regarding Government services
- provides direct assistance with the preparation of criminal injuries compensation claims and victim impact statements
- examines and comments on legislation impacting on victims of crime

Outcomes 2016/17

The significant 2016/17 outcomes relating to expanding the role of victims of crime in the justice system in Western Australia are the culmination of the ongoing work of this Office since its establishment.


Key achievements in 2016/17 included:

- The “legislative footprint” of victims of crime has grown significantly. Legislation has been passed by the Western Australian Parliament in 2016/17 to broaden the definition of “victim of crime” in sentencing legislation. Victims have also, for the first time, been given a voice and legal standing under dangerous sexual offender legislation.

- The Commissioner for Victims of Crime’s continuing work program regarding family violence reform led to this Office being the lead adviser on legislation which has provided for an extensive overhaul of family violence laws, the *Restraining Orders and Related Legislation Amendment Act 2016* (WA). Creation of a new type of restraining order – the “Family Violence Restraining Orders” – is included in this legislation. Victim safety and perpetrator accountability for violence are the key aims of the overhaul. The Commissioner’s membership in peak groups such as the Western Australian Family and Domestic Violence Governance Council deeply informed this reform work.
- The Commissioner has also been involved in extensive implementation work to ensure that various systems and processes within Government would be ready for these legislative changes to begin operating. For instance, the changes under both dangerous sexual offender and family violence reform legislation operate in practice to allow a broader range of victims of crime to register for information regarding offenders on the Department of Corrective Services’ Victim Notification Register.
- As with previous years, the Commissioner has also worked to ensure that the service delivery offering to victims of crime is constantly in a state of evolution. The family violence legislative reform program has laid the foundations for perpetrators of family violence to be ordered to undertake intervention programs as part of the making of a Family Violence Restraining Order. This is a significant shift toward the civil jurisdiction of

Western Australian courts being able to deal with the causes of family violence, as well as its consequences. Another pleasing service delivery development for victims that the Commissioner has had ongoing involvement with is the continued successful co-located Western Australia Police trial at the George Jones Child Advocacy Centre in Armadale. This trial involves collaborative work for child victims and their families between police, other Government and non-government child sexual abuse advocates.

- The Commissioner has again undertaken consultation about victims’ issues in regional areas of Western Australia, including in July and September 2016 as part of collaborative forums with the Department for Child Protection and Family Services in Kununurra and Broome.
- The Commissioner also represents Western Australia at a range of national forums relating to victim of crime interests, including in 2016/17 as a delegate to the Council of Australian Government’s National Summit on Reducing Violence against Women and their Children in October 2016.
- The Commissioner took up diverse opportunities to provide professional development on victim of crime issues, including having ongoing involvement with the detective training curriculum at the Joondalup Police Academy. Regular presentations were also made to raise awareness of the guidelines for treatment of victims under the *Victims of Crime Act 1994*, and the availability of support for victims of crime.



The Commissioner and Departmental officers met regularly with an extensive group of stakeholders within Government, the non-government sector and with victims of crime.

This ongoing consultation has been the key source of advice to the Commissioner contributing to all of the outcomes achieved by the Office in 2016/17.

These discussions have been particularly important to the Commissioner providing advice to the State Government regarding the victim perspective in areas such as historic institutional child sexual, physical and emotional abuse, and criminal law reform.

Victims of Crime Reference Group

The Victims of Crime Reference Group was established in October 2006 to address victim-related issues and to help improve justice services to victims of crime in Western Australia. The group's terms of reference are to:

- advise the Attorney General on policies about how victims are to be treated, support services for victims and entitlements of victims
- consult victims, community victim groups and State Government agencies on issues and policies concerning victims
- promote legislative, administrative or other reforms to meet the needs of victims

The group is chaired by the Commissioner for Victims of Crime, and comprises eight victims of crime, the manager of Victim Support and Child Witness Services in the Department of the Attorney General and representatives from the Office of the Director of Public Prosecutions, Western Australia Police, Department of Corrective Services, Department of Health, the Department for Child Protection and Family Support and the Office of the Attorney General.

Outcomes 2016/17

Key achievements in 2016/17 included:

The focus of the group in the second half of 2016 was to hold workshops and consultations regarding technology, cybercrime and technology-facilitated abuse. In order to inform Government regarding law reform in this area in 2017:

- Workshops were held with a legal academic and a legal policy adviser regarding the current legal settings, and comparative legal approaches in other jurisdictions, to technology-facilitated abuse
- A workshop was held with an expert in technology-based abuse and crime who provides training to thousands of WA school children and their families each year, in order to obtain insight regarding the experience of young people with these issues
- The Victims of Crime Reference Group met again to hear from the Commonwealth Office of e-Safety for Children to hear about possible processes for the "take down" of abusive images from the internet of children/women in family violence circumstances, and the national role of the Commonwealth e-Safety Office regarding technology facilitated abuse generally

The caretaker period prior to the State election in March 2017, and the formation of a new Government following the election, means that the membership and role of the group are being considered as part of the strategic priority of Government of building a victim-focussed justice system.

Advocacy, Guardianship and Administration Services

Office of the Public Advocate

The Office of the Public Advocate protects and promotes the human rights of adults with a decision-making disability through the functions given to the Public Advocate under the *Guardianship and Administration Act 1990*.

These vulnerable members of the community may face the risk of exploitation, abuse and neglect. The Office works to reduce these risks by providing services including:

- investigations into the need for guardianship and/or administration orders for adults with a decision-making disability
- guardian of last resort; that is, the legal decision-maker for personal, lifestyle and treatment decisions, for adults with a decision-making disability
- information, advice and training regarding the guardianship and administration system and the documents adults can use to plan for their future decision-making, as a safeguard in the event they lose decision-making capacity.

Outcomes 2016/17

In 2016/17, the Office of the Public Advocate's main objectives were to:

- meet the growing demand for advocacy and investigation services
- meet the growing demand for guardianship services
- provide community education regarding the guardianship and administration system and the

planning documents – enduring powers of attorney, enduring powers of guardianship and advance health directives.

Throughout the year, the Office continued to promote and protect the human rights of adults with a decision-making disability.

In 2016/17 the Office of the Public Advocate:

- Received 1,180 new referrals from the State Administrative Tribunal for investigations into the personal or financial welfare of adults with a decision-making disability, representing a five per cent increase from the previous year.
- Undertook a total of 1,496 investigations into the personal or financial welfare of adults with a decision-making disability, consistent with the previous year, when a total of 1,516 investigations were carried out. These included new matters and matters carried over from 2015/16.
- Was newly appointed as guardian of last resort for 487 people, compared to 468 in 2015/16, an increase of four per cent.
- Was guardian for a total of 1,738 people at 30 June 2017, representing a 12 per cent increase from 30 June 2016.
- Was involved in making personal, lifestyle and treatment decisions for people through a total of 2,572 guardianship orders and reviews of orders, representing a nine per cent increase from the previous year.

- Delivered 17 community education seminars regarding the guardianship and administration system, the legislation and the planning documents available to people under the legislation.

- Addressed 4,719 enquiries via its advisory service.

The Office's community guardianship program aims to match adults who have the Public Advocate appointed as their guardian with volunteers from the community who are willing and able to take over the role as guardian.

At 30 June 2017, 19 volunteers were engaged in the program, 13 of whom were appointed as guardian for their represented person.

Changes to the disability sector, brought about by the State Government's 2013 agreement to join the National Disability Insurance Scheme (NDIS), continued to impact the Office in 2016/17.

A number of the Office's clients who receive disability support, including accommodation and services, and are under 65 years of age, were affected by the scheme.

Delegated guardians from the Office worked with NDIS staff throughout the year in the development and approval of NDIS support plans.

Trustee Services

The Public Trustee

The Public Trustee provides a range of Will, deceased estate administration and trustee services which are available to all Western Australians.

The statutory authority manages net assets of around \$1.2 billion, and has the responsibility for managing the legal and financial affairs of many vulnerable people in our community as well as examining the accounts of private administrators.

Service Delivery

The Public Trustee's trust management area manages a total of 5,720 clients and continued to grow in 2016/17, with the Public Trustee being appointed to manage 872 new trust clients.

The SAT referred 693 new trust clients to the Public Trustee, compared with 684 in the previous financial year. SAT appointments continue to rise which is attributed to increases in the number of people whose decision making capabilities are affected by conditions such as dementia, intellectual disability, mental illness, acquired brain injury or substance abuse which makes them vulnerable to neglect, abuse or exploitation.

As the global financial market begins to stabilise, the Public Trustee's Common Account performs well against comparable benchmarks (such as other common funds and cash management accounts) and has provided steady returns on the Public Trustee Investment Funds.

The Public Trustee continues to achieve self-funding.

The Public Trustee continues its focus on business transformation. Projects to save costs and improve efficiency, such as changes to accounts payable and the automation of the receipting of invoices, were completed. Systems to automate client payments are scheduled to be implemented in 2017/18. Other business improvement projects included the upgrade of the client correspondence system and the acceleration of probate applications.

The business transformation of the Wills, legal and client service centres was completed and a new system of multi-faceted training was introduced for new Wills lawyers.

Activities to improve client awareness of the Public Trustee's services and related issues (such as elder abuse and intestacy) included a range of education seminars to community groups, service providers, legal professionals, trust practitioners and other Government agencies.

The Public Trustee also continues to provide training sessions for private administrators.

Give2Good

The Public Trustee's Give2Good Foundation allows everyday Western Australians to make a lasting contribution to their community both during their lifetime and beyond.

Charitable gifts are made to the Foundation in the form of endowed funds which are invested to accumulate and create a stream of ongoing funding for charitable organisations.

The Give2Good Foundation continues to attract bequests as it is a secure and cost-effective vehicle for charitable donations.

WA Will Bank

The Public Trustee's WA Will Bank continues to grow. This service provides active management and safe storage of around 100,000 Western Australians' Wills.

WA Will Bank is free to the public and continues to attract positive feedback from testators and their loved ones.

Public Trustee 2020 and Beyond

The Public Trustee's 'PT2020 and Beyond' project was introduced to develop innovative solutions to transform the office through enhancements to technology, policy and procedures.

A primary focus of this project has been aimed at reducing the amount of manual tasks performed by staff to allow more quality time with clients.

Registry of Births, Deaths and Marriages

The Registry creates and permanently stores birth, death, marriage and change of name records for life events occurring in Western Australia. The Registry also performs civil marriages in the Perth Registry Office.

Outcomes 2016/17

- In 2016/17, the Registry served more than 37,581 customers in person at the Perth Registry office, with an average of 3,131 customers per month.
- During this period, 4,271 changes of name were registered, at an average of 355 per month.
- Birth registrations for the period totalled 35,184, which equates to 2,932 per month.
- There were 12,266 marriages registered during the period, at a rate of 1,022 per month.
- There were 15,172 death registrations for the financial year, equating to 1,264 per month.
- In the 2016/17 financial year, the Registry's website had 3.12 million page views.

Accessibility of Records

The Registry expanded its presence in regional WA by adding a further 11 courthouse locations where certificates could be issued. There are now 21 courthouses across WA aiding regional communities with direct access to certificate issuing services rather than having to apply at the Perth Registry.

During 2016/17 the courts issued 30,007 certificates on behalf of the Registry.

Protection of Personal Information

The protection of personal information and the prevention and detection of identity fraud and theft is a growing priority for agencies responsible for issuing identity documents in the community. More than 344,000 Western Australian birth, death, marriage and change of name certificates were validated against Registry information during 2016/17.

This is a decrease of seven per cent from last year.

The Registry 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 identity credentials such as birth certificates which can be authenticated through the Commonwealth Document Verification Service (DVS). DVS checks, available to government agencies since 2009, are now being made available to the private sector, with an initial focus on organisations that have legislative obligations to identify their customers (for example, financial institutions which need to meet 'know your customer' requirements in anti-money laundering and counter-terrorism financing regulations).

The Commonwealth recently expanded DVS to a range of businesses that have a reasonable necessity to verify the individual for the organisation's activities and functions. These functions may include pre-employment screening, property purchases, or motor vehicle hire, for example.

The Registry is currently working with the Commonwealth to fully participate in the extended service.

Registration and Certificates

Births

The Registry recorded a slight decrease in the registrations of births, deaths, marriages and changes of name in 2016/17.

The Registry issued 132,802 certificates during 2016/17, which is a two per cent decrease in the overall number of certificates issued by the Registry from the previous year.

Marriages

There were 22,809 requests for marriage certificates, a decrease of six per cent from the previous financial year.

The Registry performed 1,563 marriage ceremonies during 2016/17. An analysis of birth places revealed 120 countries were represented by the couples getting married.

| Place of Birth | Total |
|----------------|-------|
| Australia | 909 |
| China | 306 |
| England | 205 |
| Vietnam | 175 |
| Malaysia | 136 |
| India | 123 |
| Philippines | 111 |
| New Zealand | 90 |
| Brazil | 68 |
| Taiwan | 66 |
| Indonesia | 65 |
| Thailand | 54 |
| South Korea | 51 |
| Hong Kong | 47 |
| South Africa | 45 |
| USA | 32 |
| Colombia | 31 |
| Singapore | 30 |
| France | 29 |
| Ireland | 29 |

Deaths

In 2016/17 there were 23,813 requests for death certificates, an increase of one per cent from the previous financial year.

Uncertified Copies

This new product was introduced by the Registry in 2016/17, allowing family historians to access uncertified copies of historical registrations at a reduced cost, with 1,847 copies issued.

Open Day Program

The Registry continued its involvement in the Department's Open Day program during 2016/17. This initiative, operating in partnership with the Department's Policy and Aboriginal Services Directorate and other key stakeholders, provides vastly improved services to disadvantaged or vulnerable people living in regional and remote Aboriginal communities. Registry staff help Aboriginal people register their births and obtain birth certificates.

This service assists Aboriginal people to overcome barriers that may limit their ability to participate more fully in society by not having a birth certificate. A birth certificate is often the first step in establishing a person's identity which is needed to access education, a driver's licence, employment or claiming government benefits.

Since the Registry's involvement with the Open Day Program in 2011/12, the Registry has issued more than 3,662 birth certificates, registered 1,423 previously unregistered Aboriginal births and issued more than 1,888 confirmation of birth letters. Of the 1,423 previously unregistered births 238 relate to births pre-1980. Approximately 17 per cent of births registered through the Open Day Program relate to

births that occurred more than 30 years ago.

During the financial year the Registry issued more than 657 birth certificates, registered 169 previously unregistered births and issued over 235 confirmation of birth letters.

Baby Names

Most popular girls names as collated by the Registry in the 2016 calendar year

| Position in 2016 | Name | Occurrence | Position in 2015 | Position in 2014 | Position in 2013 |
|------------------|-----------|------------|------------------|------------------|------------------|
| 1 | Charlotte | 127 | 3 | 3 | 2 |
| 2 | Ava | 120 | 2 | 2 | 3 |
| 3 | Mia | 113 | 4 | 4 | 10 |
| 4 | Isla | 109 | 5 | 7 | 14 |
| 5 | Amelia | 107 | 8 | 5 | 9 |
| 6 | Olivia | 93 | 1 | 4 | 1 |
| 7 | Ella | 91 | 13 | 6 | 6 |
| 8 | Harper | 82 | 15 | 15 | 20 |
| 9 | Grace | 79 | 7 | 10 | 11 |
| 10 | Evie | 78 | 25 | 19 | 30 |

Most popular boys names as collated by the Registry in the 2016 calendar year

| Position in 2016 | Name | Occurrence | Position in 2015 | Position in 2014 | Position in 2013 |
|------------------|---------|------------|------------------|------------------|------------------|
| 1 | Jack | 159 | 2 | 2 | 1 |
| 2 | Oliver | 158 | 1 | 1 | 2 |
| 3 | Noah | 123 | 4 | 3 | 3 |
| 4 | William | 114 | 5 | 4 | 4 |
| 5 | Lucas | 100 | 11 | 5 | 5 |
| 6 | Ethan | 98 | 7 | 8 | 8 |
| 6 | James | 98 | 3 | 7 | 6 |
| 7 | Thomas | 88 | 6 | 6 | 11 |
| 7 | Liam | 88 | 9 | 9 | 14 |
| 8 | Charlie | 85 | 12 | 13 | 19 |
| 9 | Jacob | 80 | 20 | 9 | 12 |
| 10 | Mason | 79 | 8 | 10 | 7 |

The State's top regional baby names are available on the Registry website www.bdm.dotag.wa.gov.au.

Services to Government

Policy and Aboriginal Services

Strategic Policy Development and Advice

The Department, through its Policy and Aboriginal Services Directorate, provides strategic policy advice and analysis to Government on key reforms in the justice system. It achieves this by:

- facilitating the amendment of legislation to reform criminal and civil law and procedure
- developing policy initiatives to improve justice-related outcomes for all members of the community and developing initiatives that improve justice outcomes for Aboriginal people
- undertaking reviews, evaluation and research to recommend improvements to, and future directions for, policy, legislation and services
- undertaking research and statistical analysis about current justice issues and trends
- in drafting and developing policy and undertaking Departmental reviews regarding victims of crime, extensive consultation was undertaken with key stakeholders. This was underpinned through the direct involvement of the Commissioner for Victims of Crime in guiding, consulting and drafting legislative and operational administrative amendments.

Legislation

During 2016/17 the Department guided the development of new and amending pieces of legislation. These included the:

Dangerous Sexual Offenders Legislation Amendment Act 2016

The *Dangerous Sexual Offenders Legislation Amendment Act 2016* was proclaimed in September 2016. It aims to empower the Supreme Court of Western Australia to order the post-sentence preventative detention and supervision of sexual offenders who pose a serious danger to the community.

The amendments are consistent with the outcomes of the 2011 and 2014 reviews of the *Dangerous Sexual Offenders Act 2006* (WA), and will improve the ability to adequately protect the community from known dangerous sexual offenders.

Sentencing Legislation Amendment Act 2016

The *Sentencing Legislation Amendment Act 2016* was passed by State Parliament in November, some parts of which came into effect by proclamation in February 2017 and others on 1 July (Post Sentence Supervision Orders).

This Act consolidates a number of amendments to sentencing legislation, which:

- implements stricter supervision of certain serious and violent offenders, particularly those who commit family violence and arson offences through the introduction of post-sentence supervision orders

- implements recommendations arising from the statutory review of the Sentencing Act 1995 (WA), offering the courts alternative sentencing dispositions for those convicted of lower level offences
- responds to two issues raised as a result of Western Australian Court of Appeal decisions in relation to resocialisation programmes for long-term prisoners and circumstances of aggravation.

Evidence Amendment Act 2016

The *Evidence Amendment Act 2016* received Royal assent on 3 October 2016 and aims to ensure the admissibility as evidence-in-chief the visually recorded interview of all child witnesses and all persons with a mental impairment, following a recent case involving a child where the court ruled that, in that instance, the visually recorded interview was inadmissible.

Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016

The Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016 was passed by State Parliament in November 2016 and came into effect on 1 July.

The Act aims to make the civil restraining orders regime created under the *Restraining Orders Act 1997* (WA) more responsive to the particular issues associated with family violence by increasing safety for victims of family violence and strengthening integrated, accountable and effective interventions targeting perpetrators of family violence and abuse. This is achieved through the creation of a new class

of order, the Family Violence Restraining Order (FVRO), which is separate from Violence Restraining Orders (VROs) and Misconduct Restraining orders (MROs).

Reviews

During the year the Department carried out a statutory review (that is, a review required by legislation) of the *Sentencing Act 1995*:

Review of the *Sentencing Act 1995*

A statutory review of section 9AA of the *Sentencing Act 1995* began in 2016/17. This review is examining the effects of amendments made by the *Sentencing Amendment Act 2012* in relation to creating greater transparency around the operation of any reduction in sentence resulting from a guilty plea.

Copyright

The State has a statutory obligation under s183 of the *Copyright Act 1968* (Commonwealth) to pay copyright owners for the use of copyright works used for the services of the State.

Amendments to the Act in 1998 had the effect of requiring governments to deal with declared collecting societies rather than individual copyright owners.

These societies are authorised under the Act to collect remuneration on behalf of all copyright owners whose works have been copied by Government.

Most statutory obligations of State Government agencies for remuneration for the reproduction of works (literary, dramatic, musical or artistic) and “published editions” of works are met through centrally funded whole of government agreements, administered by the Department, with the following copyright collecting societies:

- Copyright Agency Limited (CAL) for the photocopying and electronic copying of works (literary, dramatic, musical and artistic) and published editions of works, other than works that are included in a sound recording, film or television or sound broadcast
- Australasian Performing Right Association Limited (APRA) for the public performance of music through the use of radio and television receivers in public and work areas, background music in lifts and waiting rooms
- Audio-Visual Copyright Society Limited (trading as Screenrights) for the copying of sound and television broadcasts and works included in an audio-visual item.

Outcomes 2016/17

In September 2016 the State’s agreement with CAL was extended until 30 June 2017 at a cost of \$553,318. Negotiations for a new agreement with CAL are ongoing.

Law Reform Commission of Western Australia

The Law Reform Commission of Western Australia is an independent statutory authority for which the Department provides executive and project management support.

The Commission provided the previous Attorney General with its final report into the Review of the *Firearms Act 1973* (WA) reference which was tabled in State Parliament on 22 November 2016.

The Commission requested submissions to the 44 questions and 46 proposals listed in the discussion paper, receiving an unprecedented number of more than 1,200 submissions. The final report provided a comprehensive 143 recommendations. Currently, the recommendations from the final report are with the Minister for Police who holds portfolio responsibility for the *Firearms Act 1973* (WA).

The Commission completed the final report into the Provisional Damages and Damages for Gratuitous Services reference which was tabled in State Parliament on 20 October 2016.

The final report put forward four recommendations in relation to a proposed introduction of both provisional damages, and damages for gratuitous services regimes. The economic implications of the recommendations are currently undergoing actuarial analysis. In August 2016, the Commission received a new reference to examine and report upon the caveat system in relation to de facto and marital breakdowns giving consideration to the:

- inter-relationship of the right to lodge a caveat over land and the *Family Court Act 1997* (WA) and the *Family Law Act 1975* (Cth).
- submission of the Family Law Practitioners’ Association of Western Australia (Inc) titled “Submission to the Attorney General for the State of Western Australia in relation to issues at the intersection of family law and caveat systems.”
- amendments proposed in that submission; namely:
 - a) the creation of a right for a party to lodge a caveat over land owned by a former spouse following a relationship breakdown and pending resolution of matters between the former spouses by way of Family Court order or otherwise; and
 - b) the conferral of power on the Family Court of Western Australia to make an order extending the operation of a caveat where the caveator and the registered proprietor are former spouses who are already parties to a case before the Family Court of Western Australia

and to recommend whether any legislative or other changes should be enacted or implemented.

The Commission published a discussion paper in May 2017 seeking submissions from interested parties. The final report will be published in the 2017/18 financial year.

Aboriginal Justice Program

The Department, through the Aboriginal Justice Program, proactively addresses the over-representation of Aboriginal people in the criminal justice system through a range of policy initiatives and targeted services.

Triple Action Strategy

In October 2014, the former Premier of Western Australia made a public commitment seeking to reduce the over-representation of Aboriginal people and Aboriginal deaths in custody. The Department's Policy and Aboriginal Services Directorate subsequently enhanced the Aboriginal Justice Program and developed the Triple Action Strategy to address the State Government's Aboriginal reform agenda.

The strategy has three platforms to strengthen family, social and cultural capital for Aboriginal people convicted of low level offences by:

- affirmative and culturally appropriate engagement with Aboriginal people in the justice system
- accessible justice services delivery, particularly in regional and remote areas of Western Australia
- alternative and accountable options to the imprisonment of Aboriginal people for low level offences.

The following programs are being delivered to enhance the Triple Action Strategy.

Open Days

Aboriginal Open Days aim to improve social and justice outcomes and promote alternatives to incarceration for Aboriginal people with unpaid fines, driver's licence issues, and the stay of execution of warrants.

They provide a suite of easily accessible, targeted services, delivered in a culturally appropriate manner, on or close to country. The Department delivers Open Days in a collaborative service delivery model with other agencies.

At Open Days, Aboriginal people can apply for a birth certificate, obtain a letter of birth confirmation or arrange to register their birth. Additionally, they can resolve their outstanding fines through payment or time to pay

arrangements, apply for a driver's licence, register for Centrelink payments and, in some locations, obtain legal and financial guidance and assistance.

In 2016/17 there were 50 Open Days delivered in priority locations throughout rural and regional Western Australia. The locations were researched and identified from data at the Fines Enforcement Registry as being localities where many Aboriginal people were at risk of being incarcerated for unpaid fines and infringements, stay of warrants of executions and/or driving without a licence.

Key outcomes for the AJP during the reporting period are:

| Comparative analysis of Strategy achievement | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
|---|-----------|-----------|-----------|-----------|
| Number of Open Days held | 38 | 39 | 73 | 50 |
| Number of people attending Open Days | 1,196 | 1,611 | 2,751 | 2,107 |
| Conversion of fines - Time To Pay (TTP) & Stay of Execution (SOE) | \$142,598 | \$178,290 | \$329,096 | \$724,379 |
| Amount of fines paid - Actual Payments | \$438,491 | \$464,853 | \$662,094 | \$900,902 |
| Number of people entering into Time to Pay (TTP) | 171 | 204 | 339 | 310 |
| Stay of Warrant executions (SOE) | 67 | 93 | 138 | 164 |
| Licence suspension lifted | 267 | 384 | 684 | 345 |
| Birth certificate application | 480 | 710 | 925 | 657 |
| Confirmation of birth letters issued | 193 | 233 | 424 | 253 |
| Births registered | 222 | 516 | 337 | 169 |
| Practical driving assessments conducted | 60 | 138 | 146 | 130 |
| Theory tests conducted | 82 | 325 | 232 | 165 |
| Log books issued / re-issued | 37 | 62 | 115 | 74 |
| Centrelink – applications for Medicare | 55 | 80 | 146 | 105 |
| Centrelink – concession cards issued | 55 | 80 | 146 | 98 |

Aboriginal Driver Training and Education

The AJP was allocated Royalties for Regions funding for the Aboriginal Driver Training and Education (ADTE) program over five years, starting in 2012/13.

The funding has been used to establish a targeted scheme aimed at assisting Aboriginal people, particularly young people, in the criminal justice system in regional and remote communities.

Funding supports the provision of access to driver training and culturally appropriate education services for obtaining, regaining and retaining motor driver's licences.

Services provided under the program also include driving instruction, driver education and assistance with administrative and testing procedures to obtain, or regain a driver's licence. The program also recruits and trains local community members to become qualified driving instructors. The funding provides for clients to be referred to service providers by a range of justice-related agencies including prison/work camps, WA Police, Department of Corrective Services, Adult Community Corrections, DCS Juvenile Justice Teams, Courts, Sheriff Community Development Officers and the Fine Enforcement Registry.

Key Outputs Include:

| Year | New Enrolments | Learners Permits | Provisional MDL's | MDL's Regained | New Instructors |
|--------------|----------------|------------------|-------------------|----------------|-----------------|
| 2013/14 | 647 | 170 | 22 | 67 | 5 |
| 2014/15 | 458 | 243 | 51 | 51 | Nil |
| 2015/16 | 699 | 351 | 104 | 106 | 5 |
| 2016/17 | 640 | 388 | 143 | 53 | 5 |
| TOTAL | 2,444 | 1,152 | 320 | 277 | 15 |

Aboriginal Mediation Service

The Aboriginal Mediation Service provides culturally appropriate conflict and dispute resolution services to Aboriginal and Torres Strait Islander people in a range of areas, including disputes involving families, neighbours and multi-party community issues, as well as burial and coronial matters.

During the reporting period the Aboriginal Mediation Service handled 83 enquiries, resulting in 23 matters being considered for pre-mediation, mediation or other alternative dispute resolution processes.

The Aboriginal Mediation Service also provided three interagency meetings with other key Government stakeholders to assist clients and two external information sessions to assist the referring party to make effective referrals, and to deal with conflict in their communities using a culturally appropriate form of dispute resolution.

Grants

The Department administers a grants program on behalf of the Attorney General, drawing on funds collected under the *Criminal Property Confiscation Act 2000*. Money and property is seized from criminals by the WA Police and the Office of the Director of Public Prosecutions, and after costs the remaining funds are distributed to the community through grants.

Outcomes 2016/17

In 2016/17, the Department entered into 18 new grant agreements with successful recipients of the October 2015 funding round where a total of \$3.19 million were made to local government and non-profit community groups. These grants will support projects aimed at delivering better justice outcomes for at-risk young people as well as providing support to a diverse range of community members from people with disabilities to victims of family violence and seniors.

The Department also continued to work closely with organisations who are currently in varying stages in the implementation of their Criminal Property Confiscation Grants funded projects.

Parliamentary Counsel's Office

The Parliamentary Counsel's Office provides comprehensive legislative drafting and related services to the State Government, its departments and agencies to ensure that legislation is prepared to give effect to government policy and priorities.

Services provided by the Parliamentary Counsel's Office include:

- preparing drafts of Bills for Ministers so they can be introduced into State Parliament in accordance with the Government's legislative program.
- preparing drafts of subsidiary legislation for Ministers and Government agencies so the Acts they administer can be fully implemented and properly administered
- providing legislative drafting services to private Members of Parliament and facilitating the work of parliamentary committees
- compiling texts of Acts and subsidiary legislation with their amendments incorporated so the laws of the State can be made available in a variety of forms to those who must comply with them and those who must apply and enforce them
- maintaining and arranging publication of information about the legislation of Western Australia.

Outcomes 2016/17

During the year the Parliamentary Counsel's Office completed a number of significant drafting tasks to give effect to the State Government's legislative and policy priorities. These drafting tasks included:

- Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017 to increase penalties in relation to trafficking of methamphetamine.

- Limited Partnerships Bill 2016 to implement nationally consistent reforms to limited partnerships law in Western Australia.
- School Boarding Facilities Legislation Amendment and Repeal Bill 2016 to implement the recommendations of the Blaxell Inquiry and to transfer administration of country high school hostels to the Education Department.
- Sentencing Legislation Amendment Bill 2016 to implement the Government's election commitment to provide stricter supervision of certain serious and violent offenders, particularly those who commit family violence and arson offences.
- Local Government Amendment (Auditing) Bill 2017 to implement the recommendations of the CCC regarding auditing of local government.
- Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 to improve the justice system protection and responses to family violence.
- Marketing of Potatoes Amendment and Repeal Bill 2016 to deregulate the Western Australian potato industry.

The Parliamentary Counsel's Office continued to provide legislative drafting services to private Members of Parliament and two Bills drafted for private members were introduced during the year.

The Parliamentary Counsel's Office also provided advice and drafted documentation to facilitate the Machinery of Government changes of the new State Government in 2017.

The Parliamentary Counsel's Office completed the drafting and publishing of more than 350 items of subsidiary legislation. Significant items of subsidiary legislation included:

- Medicines and Poisons Regulations 2016
- Lotteries Commission (Authorised Lotteries) Rules 2016
- Health Regulations Amendment (Public Health) Regulations 2016
- Supreme Court (Arbitration) Rules 2016
- Settlement Agents Code of Conduct 2016
- Local Government (Financial Management) Amendment Regulations 2017
- Restraining Orders Amendment Regulations 2017
- Disability Services Amendment Regulations 2017
- Workers' Compensation and Injury Management (Acts of Terrorism) (Final Day) Amendment Regulations 2016
- Integrity (Lobbyists) Regulations 2016
- Water Services Legislation Amendment Regulations 2016
- Surveillance Devices Amendment Regulations 2016
- Prisons (Broome Regional Prison) Order 2017.

State Solicitor's Office

The State Solicitor's Office (SSO) provides broad-based legal services to the Government of Western Australia and many State Government departments, instrumentalities and agencies.

These legal services include:

- conducting litigation
- providing legal advice
- representing clients in courts and tribunals
- preparing a range of legal documents, including contracts, agreements and court documents

The SSO also advises the Attorney General on legal matters, including those relating to law reform.

Outcomes 2016/17

Significant legal matters addressed by the SSO during the year are set out below.

While these matters represent some of the high points of SSO's activities, in terms of the size, media prominence and complexity of the work carried out, much of the SSO's work directly supports the broader operations of Government.

During 2016/17 the SSO provided advice and representation to 77 Government departments and agencies. This work included:

- responding to 3,804 requests for advice
- assessing or undertaking 588 prosecutions
- representing agencies in 121 coronial inquests
- involvement in 44 prerogative writs
- supporting the State in 110 industrial relations matters
- delivering more than 4,729 other legal activities in support of the delivery by Government of policies and programs.

Significant Legal Matters

Protection of the State's policy interests

Machinery of Government

SSO provided all legal advice to Government necessary to facilitate the Government's Machinery of Government changes to take effect on 1 July 2017.

Royal Commission

On 11 January 2013, the Commonwealth and State Governments issued Letters Patent appointing a Royal Commission to inquire into and report on institutional responses to child sexual abuse. The Royal Commission is

operating in all States and Territories including Western Australia and is due to hand down its final report in December 2017. SSO assisted agencies by providing legal advice and representation to the State and State officers, including assisting with the preparation of responses to notices to produce issued to government officers by the Royal Commission, by:

- preparing statements for officers who were asked to prepare statements for the Commission
- appearing as counsel at hearings and roundtables
- assisting in the preparation of submissions and responses to issue papers
- providing legal advice to Government about recommendations made by the Royal Commission following the publishing of its December 2016 report.

Roe 8

SSO provided legal services to both the previous and current Governments in relation to the project to extend the Roe Highway, known as Roe 8. These services included successfully appealing to the Court of Appeal from a decision that the approval of the project under the *Environmental Protection Act 1986* (WA) was invalid; successfully resisting an application to the High Court for special leave to appeal from the Court of Appeal decision; successfully opposing an application to the Federal Court for an injunction; and assisting with the implementation of the current Government's decision not to proceed with the project.

Rayney v the State of Western Australia

In 2008, the plaintiff commenced a Supreme Court

defamation action against the State in relation to words published at certain police media conferences given in August and September 2007. SSO has been representing the State in the trial of the action began in late February 2017 and which is approaching completion as of the end of this financial year.


Protection of the State's revenues

Placer and Alacer

SSO acted for the Commissioner of State Revenue in significant disputes arising from the acquisition in 2006 of Placer Dome Inc by Barrick Gold Corp (the Placer matter) and the 2011 merger of Avoca Resources and Anatolia Minerals (the Alacer matter). The disputes concerned valuation issues arising under the land rich provisions of the *Stamp Act 1921* and the landholder provision of the *Duties Act 2008* respectively. The duties in issue were significant. Both matters were heard by the State Administrative Tribunal in the 2015/2016 financial year and the Commissioner was successful in each case. Placer appealed from that decision. The appeal was heard by the Court of Appeal in December 2016 and the Court has reserved its decision.

Eclipse Resources

SSO represented the State, the Minister for the Environment, and the Chief Executive Officer of the Department of Environment Regulation in legal proceedings against Eclipse Resources Pty Ltd, seeking a recovery of unpaid landfill levy and penalties. Following a two-week trial in November 2015, the Government parties were successful, securing an order that Eclipse pay to the Minister \$21.4 million in unpaid levy and penalties. SSO successfully defended Eclipse's appeal to the Court of Appeal from that decision, which has broader implications for the waste



disposal industry with more than \$300 million in levies to be recovered over the forward estimates.

Significant commercial claims

The Bell Group Ltd (in Liquidation)

SSO continues to assist the Insurance Commission of WA in relation to the realisation of the proceeds of settlement of the “Bell proceedings”, Western Australia’s largest and longest running civil case. The litigation is the last dispute involving the State of Western Australia to be resolved arising out of various commercial government activities in the 1980s.

James Point Pty Ltd v WA

SSO represents the State and both the Ministers for Transport and Lands in defending proceedings brought by James Point Pty Ltd in November 2011 in relation to the development of a private port at James Point in Kwinana. The litigation is highly complex, raising a number of contractual and statutory issues.

Planning and compensation matters

Southregal Pty Ltd [2017] HCA 7

SSO acted for the Western Australian Planning Commission (WAPC) in a successful High Court appeal by WAPC from a decision of the Court of Appeal on the availability of compensation for landowners affected by a public purpose reservation under a region scheme. The WAPC had declined claims for compensation for injurious affection on the basis that none of the claimants fitted the requirements of s.173 of the *Planning and Development Act 2005* because only owners of land at the time a planning scheme is made or amended, and not subsequent purchasers, are entitled to

compensation. Following on from an earlier decision of the High Court (Temwood), Southregal now has the explicit effect of limiting the class of persons eligible to claim compensation (and hence the number of claims) to those whose land was reserved after they became registered proprietors of the same.

De Beazior

SSO acted for the Western Australian Planning Commission on an assessment of compensation for injurious affection to land attributable to a long-standing public purpose reservation in the Metropolitan Region Scheme. The proceedings began before the announcement of the Northlink project, for which the land is now required. The case raised a novel and significant legal issue as to whether land which is environmentally valuable and therefore constrained from development should be valued as if it had development potential because of the reservation predating the introduction of environmental protection laws in WA.

A commercial arbitration decision favourable to the State was delivered in early 2016, but was subsequently the subject of a Supreme Court appeal. The matter subsequently settled prior to the determination of the Court on the basis of a further payment – over and above the original payment of \$600,000 of \$1,776,057, which sum included \$95,000 for the claimant’s legal and professional (experts) fees, with the appeal proceedings being dismissed by consent.


Wang Nominees Pty Ltd (commercial arbitration)

The 1928 Florence Hummerston kiosk building, previously located on the Esplanade, was dismantled in 2012 and subsequently relocated as part of the Elizabeth Quay project. A compulsory acquisition of the lease of the Kiosk to Wang Nominees Pty Ltd in its Esplanade location led

to a substantial claim for compensation by reason of the long length of the lease and the profitability of the lessee’s restaurant venture, the Grand Palace. The action relating to the determination of the quantum of compensation payable had been listed for trial starting on 29 May 2017 in the Supreme Court, but the action was dismissed by consent on 1 June 2017 following settlement of the matter.

Prestage [2016] WASC 326

The matter originally involved proceedings initiated by Mr and Mrs Prestage against the WAPC (on behalf of which SSO is acting) in the State Administrative Tribunal, seeking to have the quantum of land value determined for land reserved for a public purpose under a region scheme. There was a dispute about the degree to which the environmental values of the land would limit development potential, which in turn had a bearing on the quantum of compensation payable. Following Mr Prestage’s death, Mrs Prestage withdrew the claim for compensation and discontinued the SAT proceedings, and under a different provision of the Planning and Development Act 2005, sought a valuation of unaffected value from the Board of Valuers, providing only limited evidence from that originally prepared for the SAT proceedings, and excluding the WAPC’s environmental evidence. Owing to the limited procedures set out in the Planning and Development Regulations 2009 for the Board to follow, the Board did not confer with the WAPC to ascertain whether there were any other relevant considerations and determined that the land had a higher land value than its environmental qualities would indicate was appropriate. The consequence of the Board’s high finding of value was that the WAPC was left with a significant compensation liability. Proceedings were initiated by the WAPC against the Board as to whether



the Board owed a duty of procedural fairness to the WAPC as the party liable to pay compensation following the Board's determination. The matter came before Beech J at first instance, and a finding was made against the WAPC case. The WAPC has instructed SSO to take the matter to the Court of Appeal, and the appeal case will be heard in August 2017.

Reid [2016] WASCA 181

The State Administrative Tribunal had dismissed the developer's application for review of conditions imposed on subdivision approval by the WAPC (again, for which SSO is acting) involving a requirement to provide an underground electricity supply to the land and to grant a restrictive covenant in perpetuity for the benefit of the Department of Parks and Wildlife. This would require the developer and any future proprietors of the land to conserve approximately 23 ha of the land, and therefore preclude any development or use of that portion of the land; and also prepare and obtain approval to a fire management plan intended to protect the benefit of the conservation covenant. The Tribunal upheld the conditions. The matter was taken on appeal by the developer to a single judge of the Supreme Court who upheld the decision of the Tribunal. The matter was then the subject of a further appeal to the Court of Appeal which, in a judgment of Martin CJ, clarified the test to be applied when determining validity of a condition imposed on a subdivision and the circumstances in which there may be a factual connection between purpose for which conditions were imposed and the likely or possible consequences of the proposed subdivision. Principles enunciated in *Temwood* and each of *Cardwell* and *Lloyd v Robinson* relating to the power of the WAPC to impose conditions were reaffirmed.

Ord Irrigation Co-op Ltd and Department of Water

Between 2004 and 2014, the Ord Irrigation Cooperative Ltd (the OIC) held successive licences from the Department of Water, conferring a five year Annual Water Entitlement (AWE) of 335 gegalitres each. In 2014, the OIC applied to the Department for a further renewal of its water licence. The Department renewed the licence but with a reduced AWE of 225 gegalitres (subsequently increased to 246.3 gegalitres). The primary basis for reducing the OIC's AWE was that the OIC had consistently failed to utilise its AWE of 335 gegalitres. In 2015, the OIC applied to the State Administrative Tribunal pursuant to s.26(GG(1)(c) of the Rights in Water and Irrigation Act 1914 (WA) for a review of the Department's decision. SSO was instructed to act on behalf of the Department. The Tribunal determined, consistently with SSO's arguments, that the Department has the power to vary water allocations upon renewal of Licences provided such variation is consistent with the Department's policies and the relevant Water Allocation Plan.

Native Title claims

SSO has continued to represent the State in the mediation and litigation of native title claims in the Federal Court, and associated appeals to the Full Court of the Federal Court and the High Court. SSO has also represented the State in the arbitration of Native Title Act future act matters involving the grant of land and mining titles in the National Native Title Tribunal.

The SSO provides legal and policy advice to Government in all matters involving native title and Aboriginal heritage issues, including possible changes to State law, amendments to the Native Title Act, and assistance in negotiating and drafting Indigenous Land Use Agreements.

Significant matters included:

The South West Settlement

This is an historic native title settlement, negotiated over a five year period, with the South West Aboriginal Land and Sea Council and the six south-west native title claim groups for this large area of WA. The settlement, once approved by the Federal Court, involves the surrender of any native title rights and interests by the native title claim groups in exchange for a comprehensive package of benefits.

These benefits include, among other things, statutory recognition of the Noongar people as traditional owners of the South West Settlement area, the establishment of a Noongar Boodja Trust into which funding instalments of \$50 million will be paid yearly for 12 years, and land allocations of up to 320,000 hectares. As part of the settlement, in 2016 State Parliament enacted the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016*, which recognises the important relationship the Noongar people have with the Noongar lands, and the significant and unique contribution of Noongar people to the heritage, cultural identity, community and economy of WA.

SSO has represented the State in High Court and Federal Court challenges by Noongar applicants to the settlement (the McGlade decision), and has provided advice to Government in respect of the Native Title Act Amendment Act recently passed by the Commonwealth to deal with the impact of the McGlade decision on the settlement, and on indigenous land use agreements generally.



Timber Creek Compensation Claim

SSO has represented the Attorney General for WA in an intervention by WA in a native title compensation test case, a Federal Court appeal in the Northern Territory, and, with the Solicitor General of WA, has provided advice to Government in respect of the implications of this decision for WA.

Bindinbur Claim Litigation and Wutha Claim Litigation

SSO has represented the State in a number of native title claim litigation hearings, including the Bindinbur claim over a part of the Dampier Peninsula north of Broome, and the Wutha claim in the Goldfields region, which was the subject of a hearing to determine if the Wutha hold native title in the claimed area.

Consent Determinations of Native Title

SSO has represented the State in a number of Federal Court consent determinations of native title, providing advice and negotiating the terms of the agreed determinations, and appearing for the State at the on-country hearings preferred by the native title parties and the Federal Court.

Area 4 Compensation Case

SSO continues to act in a compensation claim under *Land Administration Act 1997* (WA) seeking approximately \$87 million for the Thalanyji native title holders, following the taking and extinguishment of the Thalanyji people's non-exclusive native title rights and interests over 64.8 hectares of land within Onslow.

The interests in the land were compulsorily acquired by the Minister for Lands in 2013 to enable the land to be developed by Landcorp for residential and associated uses following significant industrial developments in the Onslow area.

Agreements including Indigenous Land Use Agreements

The SSO assisted with the negotiation, drafting and implementation of major native title agreements in the Pilbara and Kimberley regions of WA, including agreements for the creation of conservation reserves under the Kimberley Science Conservation Strategy.

Land Administration Act Amendments

SSO has provided advice to the Government agencies involved in the development of amendments to a range of State legislation. In particular, SSO has provided advice in respect of the amendments proposed to the *Land Administration Act 1997* (WA).

Commercial matters


SSO supports the State Government across the entire range of procurement, divestment and operations of Government transactions. SSO either directly provides legal services or supervises the provision of services by outsourced commercial service providers. SSO facilitates the provision of the necessary transaction services, providing steering committee, project control group and working group representation and advice on governance and government specific legal issues, while at the same time acting as contract manager for the service provider and integrity and quality control on the transaction documents. SSO has been responsible for delivering the State's legal resources on a number of key social and economic infrastructure projects.

These include the following key projects:

Energy Reform

SSO has been advising the Public Utilities Office in relation to far-reaching reforms of the electricity supply industry in Western Australia. These reforms, still under development and implementation, include:

- a transfer of the operation of WA's wholesale electricity market from the Independent Market Operator of WA to the Australia Energy Market Operator
- a transfer of the regulation of electricity and gas networks from the Economic Regulation Authority under WA legislation to the Australia Energy Regulator under the national regimes for gas and electricity
- a transfer of responsibility for the security and reliability of the South West interconnected system (electricity network) from Western Power to the Australian Energy Market Operator
- numerous reforms to the WA Wholesale Electricity



Market, including the introduction of constrained access for generators, extensive modifications to the 'reserve capacity mechanism' and new institution (governance arrangements)

- preparation for the introduction of full retail contestability and new arrangements for the relationships between Western Power, electricity retailers and retail customers

The legal demand of this reform program has been extensive. SSO has co-ordinated and overseen the work of four different external advisers engaged on behalf of the Public Utilities Office to meet the needs of the State Government's reform agenda.

Government Asset Sales Program

SSO has been significantly involved in the State Government's Asset Sale program, which comprises:

- the sale of the Perth Market site for approximately \$135 million in February 2016. This project also included the winding up of the Perth Market Authority
- the proposed divestment of the Fremantle Port. This divestment is proposed to be in the form of a long term lease and has an expected value of \$2 billion
- the proposed divestment of the Utah Point Bulk Handling Facility. This divestment is proposed to be in the form of a long term lease and has an expected value of \$250400 million
- the proposed divestment of part of the Keystart loan book, and ongoing Keystart operational funding
- a potential divestment of the Totalisator Agency Board (note that this divestment is at a preliminary stage and the State has not yet undertaken scoping or due diligence of the WA TAB).

The projects described above required solicitors from SSO to be members of the steering committees and subcommittees, provide detailed opinions and advice, draft and review procurement and transaction documents, prepare drafting instructions for, and review drafts of, divestment legislation, assist the Treasurer and other Ministers during State Parliament's consideration of the divestment legislation, while providing or arranging for and co-ordinating the full range of legal services to each project.

Forrestfield Airport Link Project

This project involves the 8.5 km extension of the metropolitan passenger rail network from Forrestfield in the Shire of Kalamunda to the Perth CBD. SSO acts in respect of the procurement and contractual documentation required for the project.

Perth Children's and Fiona Stanley Hospital Project and Midland Hospital Project

The Perth Children's Hospital, with an estimated budget of \$1.2 billion, is being delivered at the QEII site in Nedlands. The new Midland regional hospital in the eastern suburbs is being delivered by a private service provider under contract to the State. The SSO has worked with all Government agencies (in particular the Department of Health and the Department of Treasury) as well as external service providers in all aspects of the construction, commissioning and implementation phases.

Karratha Health Campus

The SSO drafted the Karratha Health Campus Managing Contractor Agreement and supported the State in contract negotiations. The contract was successfully executed in July 2015. Support continued throughout 2015/16 as this \$207 million regional health facility proceeds through the design phase.

Melaleuca Remand and Re-integration Facility

SSO acted for the Department of Corrective Services to prepare and advise on construction and operations and servicing contracts for the State's new 254-bed women's remand and re-integration facility. The facility was opened on 15 December 2016. The cost for the 2016/17 part-year was \$9.038 million, marginally under the budget of \$9.4 million.

New Museum Project

The New Museum, incorporating heritage buildings, is to be constructed in the Perth Cultural Centre, Northbridge, on the existing WA Museum site. The New Museum has a State project commitment of approximately \$428 million. SSO has provided legal advice to the State about procurement and contractual documentation required for the project.

The State has contracted with managing contractor Multiplex to design the Museum as well as design and construct the Central Energy Plant for the Perth Cultural Centre. The Central Energy Plant will reduce energy use and CO2 emissions in the Perth Cultural Centre by 30 to 40 per cent by 2020.



Acacia Prison

SSO acted for the Department of Corrective Services in its negotiations with Serco around extension of the Acacia Prison Services Agreement. The contract was extended for a further five years. Estimated savings to Government arising from renegotiated pricing represents \$55 million over five years. Additional benefits include the installation of a further 75 beds in Acacia Prison, as well as some capital improvements to security and prisoner management, each at Serco's cost, and a commitment by the Department and Serco to implement performance benchmarks which will provide financial incentives to improve performance in areas such as recidivism rates and program completion by prisoners.

Northlink WA Project

SSO has been advising the State on the \$1.12 billion NorthLink WA project; a joint Federal and State Government-funded project that will provide a vital, state of the art transport link between Morley and Muchea. It will reduce travel times and congestion, and provide significant productivity benefits to the economy, industry, motorists and local communities. The project will link to Gateway WA, servicing regional traffic movements to commercial and industrial areas such as Malaga, Kewdale, Perth Airport and the Perth CBD.

New Perth Stadium

Built on the Burswood Peninsula, this project provides a 60,000-seat world class stadium designed for multi-discipline sporting and entertainment events, together with associated transport infrastructure. SSO continues to provide advice to the State during the construction phase of the project as well as assisting various Departments with drafting and negotiating the stadium operator and user agreements.

WA Schools PPP Project

This project delivers a package of four new primary schools and three new secondary schools as well as the second stage of an existing secondary school. The project uses a public private partnership model with the successful private sector proponent designing, constructing, financing and maintaining the schools over the next 25 years. SSO has provided legal advice to the State in respect of the procurement and contractual documentation required for the project and will continue to provide advice throughout the project delivery period.

GovNext Project

SSO provided advice and support to the State's Chief Information Officer in relation to this project which delivers a whole-of-government contracting framework for the provision of consumption-based service models for computers, storage, cloud computing, and a secure unified government communications network for the Western Australian public sector. This project leveraged whole of government demand to establish a contract that drives continuous best pricing and discounting of ICT infrastructure services applied across all participating agencies. It will enable agencies to minimise cost of communications through an integrated, whole-of-government communications network.

Managing our Assets

Asset Management

During the year the Department continued its regional courts roll-out projects. The Kununurra temporary court was relocated to Karratha and its custody facility was relocated to Broome. The contract for this \$5.7 million project was awarded in July 2016 and the premises were operational by June 2017. The final stages of the staff relocations into the David Malcolm Justice Centre occurred in July 2017.

State Building - Major Projects

Metropolitan

Armadale Courthouse and Police Complex

Planning has begun on the new \$86 million Armadale Courthouse and Police Complex. It is a joint project with WA Police. The site for this complex was purchased in September 2016. The Armadale Courthouse will accommodate four criminal courtrooms, one civil courtroom and a pre-trial conference room with separate and secure facilities for victims, the judiciary, staff and the general public.

David Malcolm Justice Centre

The Supreme Court (Civil) in the David Malcolm Justice Centre at 28 Barrack Street in Perth began operations in July 2016. The final relocation stage of the new office accommodation for the Department in the Perth CBD occurred in July 2016.

Regional

Kununurra Temporary Courthouse

Following the completion and opening of the Kununurra replacement courthouse, planning proceeded on the relocation and re-use of the transportable Kununurra Court.

During 2016/17, both the Karratha and Broome Courthouses were substantially upgraded as a result of integrating the transportable buildings relocated from Kununurra.

Audio-visual Systems

Audio-visual (AV) systems in Western Australian courts provide interactive and real-time video and audio links between local, regional and remote sites. Flexible AV systems ensure multi-purpose use, including receiving evidence from witnesses in other areas of the State and witnesses located interstate and overseas. The AV systems also link in with Western Australia's prisons, community-based services offices, juvenile detention and remand centres as well as some police stations. They also facilitate the replay of evidence in trials.

The AV systems enable the recording of audio for transcription as well as video links into the courtroom, reducing the need for persons in custody, witnesses and judicial officers to physically attend court. This makes accessing justice across Western Australia easier, safer, cheaper and faster.

Outcomes 2016/17

In 2016/17 there were 28,758 video link appearances between courts and prisons, totalling 4,630 hours of court hearing time. The total court appearances by persons in custody was 38,882 of which 71 per cent appeared by video conference.

During the year 11,810 video links were made to locations other than prisons, totalling a further 3,300 hours of court hearing time.

The Department continued to expand and enhance its court AV facilities to meet demand. Key project activities included:

- **Digital Audio Recording Upgrade Project** – completed the installation of new digital court audio recording systems at the following locations:
 - Karratha Court
 - Mandurah Court
 - Joondalup Court
 - Fremantle Court
 - Children's Court
 - Rockingham Court
 - Armadale Court
 - Moora Court
 - Merredin Court
 - Narrogin Court
 - Katanning Court
 - Manjimup Court
 - Collie Court

- Completed the installation of new video recording devices into all regional jury courtrooms
- Completed the installation of court AV systems in the new Supreme Court (Civil) in the David Malcolm Justice Centre including listings displays, IP television systems and audio-visual solutions in 70 rooms and courtrooms
- Consulted in relation to the ongoing District Court Building Technical Services Review
- Installed jury location screens in Central Law Courts 37 and 52
- Completed the installation of an integrated court AV system in the newly constructed Karratha Court 2
- Relocated remote witness room functionality in the new Broome Court demountable building
- Installed a new integrated AV system into Mandurah Court 2
- Upgraded AV components, including touch screens and controllers, in various court locations
- Upgraded two courtrooms in the Supreme Court (Stirling Gardens) with integrated AV systems featuring audio conferencing capability
- Successfully undertook webcasting from courts within Supreme Courts Stirling Gardens and DMJC.
- A new contract for AV development, implementation, supply, maintenance and support services under the 'CUA AVS2012 Audio-visual Solutions' was awarded to Rutledge AV and commenced on 14 March 2017.
- Completed an upgrade to Family Court 3.5. The new design includes contemporary SVSi technologies for flexible, easily controlled and more cost effective AV switching. The successful configuration and implementation of this new technology will form the

basis of future integrated court AV systems in CTS.

Integrated Courts Management System

The primary focus of the Integrated Courts Management System (ICMS) is the replacement of the old and outdated case management systems, critical to the operation of courts and tribunals in Western Australia. The replacement of these systems in all courts and tribunals creates the opportunity to make information used by courts and tribunals more efficient through the transfer of information across the whole justice system. Since the establishment of the eCourts Plan the majority of courts legacy systems have been replaced with ICMS.

This year the focus has been on developing the public portal, eFile, replacing the Judicial Workbench, and replacing the Criminal Injuries Compensation systems. The new Judicial Workbench and Criminal Injuries Compensation systems will be delivered in the last half of 2017.

Outcomes 2016/17

The functionality delivered in 2016/17 includes:

- **District Court Civil eFile and Civil Judgment Enforcements** – Delivery of the remaining requirements for the District Court's civil work, including the ability for self-represented litigants to electronically lodge documents via the eCourts Portal (while limiting features for vexatious litigants); provision for judges to view and confirm orders in eBench; and electronic lodgment of civil judgment enforcements for all jurisdictions.
- **Supreme Court Civil eFile** – Expansion of the eLodgment capability to enable the electronic lodgment

of more than 400 Supreme Court Civil documents, auto-listing matters where possible.

- **Online Resolution** – Extended the online resolution pilot to include additional scenarios and functionality for strata and guardianship and administration matters including the ability to lodge the guardianship and administration application into ICMS.
- **Court Listings** – The ability to view all of today's courts listings throughout the State for all jurisdictions. If a person has enough personal details, they can search for future criminal or civil listings.
- **Residential Tenancy** – Expanded the Magistrates Courts portal to interface with the Department of Commerce to obtain bond details when lodging a Residential Tenancy application online which will bring up names of parties and addresses of rental premises, saving time and eliminating data errors; and advertising bond disposal details when the tenant's whereabouts is unknown via the eCourts Portal, replacing the need to advertise in the newspaper.
- **Time to Pay Applications** – A person can now apply for or add cases to their current payment arrangement, find out when their next payment is due, and make a payment online.
- **Electronic Arrest Warrants** – Development work is complete and the functionality is estimated to be implemented in the latter half of 2017.

Contracts

The Contracts Branch is responsible for procurement governance, buyer training, maintaining the Oracle Purchasing System, procurement process development, providing leadership and advice to the Department with respect to contracting and tendering and managing the interface between the Department of the Attorney General and the Department of Finance.

During the financial period from 1 July 2016 to 30 June 2017, the Contracts Branch assisted business units to establish a diverse range of contracts which support the Department's critical functions and services.

Contracts Awarded

| Contracts Summary | |
|-----------------------|--------|
| Value | Number |
| \$0 - \$19,999 | 1 |
| \$20,000 - \$99,999 | 20 |
| \$100,000 - \$499,999 | 22 |
| \$500,000 - \$999,999 | 2 |
| \$1 million + | 6 |

The data in these monetary thresholds derives from arrangements where a formal contract was executed in the form of a Letter of Engagement or Advice of Acceptance of Offer as a result of a quotation or tender process.

Information and Communications Technology

The Shared Information Services Directorate (SISD) continued to maintain and to secure the Information and Communications Technology (ICT) environment provided to the Department of the Attorney General and the Department of Corrective Services, with an availability of 99.88 per cent.

A range of infrastructure projects including the Essential Court Infrastructure Upgrade, network perimeter security architecture and firewall upgrade were completed or nearing completion at the end of the financial year. As part of the ongoing improvement of security, Mobile Device Management has been implemented on devices owned by the Department.

During 2016/17, SISD completed the move to the David Malcolm Justice Centre, including projects to allow sharing of resources and transition staff from Westralia Square with minimal disruption.

The Department has started planning works for the transition to the GovNext-ICT environment, with significant progress made towards an overall plan for the Department. As part of the adoption of cloud services, the Department has made significant progress towards a migration to Microsoft Exchange online, with core planning and testing complete before implementation within 2017/18.

SISD has also supported the Parliamentary Inspector of the Corruption and Crime Commission network setup and the migration of the Office of the Director of Public Prosecution's Active Directory environment.

Records and Compliance

The Knowledge Management and Compliance Branch (KMCB) continues to implement a number of records management performance improvement initiatives and maintains progress towards established best practice records management benchmarks.

In line with the Department's Electronic Document and Records Management System (EDRMS) Implementation Framework, the staged rollout of the EDRMS is progressing. KMCB continues to work in collaboration with each business area scheduled in the implementation program.

A consultative approach based on best practice has contributed to successful implementation outcomes with extremely positive feedback from each area. The implementation of the EDRMS will realise cost savings, business process efficiencies and improvements when creating and managing electronic records over hard copy.

To assist KMCB in improving the efficiency and effectiveness of records management services, staff feedback has been used in the branch's continuous improvement process. This is to enhance confidence and take up of the Department's corporate EDRMS. During the year KMCB also continued its program of systems training and compliance audits to raise staff awareness of their recordkeeping obligations.

Throughout the year KMCB continued its program of retention and disposal projects to provide recordkeeping advice and assist business units such as Court Counselling and Support Services in assessing corporate records for disposal in line with approved policies. The outcome of these projects ensures KMCB has a greater understanding of the recordkeeping requirements of business units and improves recordkeeping processes and practices.

Library and Information Services

Library and Information Services continues to support the work of the Department, the judiciary, government legal officers and external legal practitioners.

Work has continued on the physical integration of the Department's library collection with that of the Legal Practice Board's Law Library (previously at the Supreme Court) to form the new Law Library.

The integration of these two collections will provide a single comprehensive legal library collection of more than 50,000 volumes to meet the needs of the judiciary, government legal officers and external legal practitioners, delivered from a single location on Level 2 of the David Malcolm Justice Centre.

During stage 1 of the Library Integration Project, library staff carried out a detailed analysis of the holdings of the old Supreme Court library to determine which titles were not already held in the Department's library. Unique items are being catalogued and reprocessed before being shelved in the new Law Library. As part of this transition, the PLEAS system has also transitioned across to the Department.

It is anticipated that stage 1 will be complete by the end of 2017. Subsequent stages of the project will see the remainder of the material distributed to other State courts and libraries.

As required by section 7 of the Legal Profession (Law Library) Regulations, the Director General has established a committee to advise on the management of the Library.

The Committee is chaired by a Judge of the Supreme Court and includes representatives of the Law Society, the WA Bar Association and the Legal Practice Board.

Managing our People

Human Resources

The Department is committed to delivering a high standard of services to the community and continues to focus on building a strong workforce, driven by the development of desired skills and expertise among its staff.

In 2016/17, the decommissioning of shared corporate services provided to the Department of the Attorney General and the Department of Corrective Services continued. However, with the introduction of Machinery of Government changes towards the end of this financial year after the election of the McGowan State Government, further implementation was put on hold.

The Department participated in a Public Sector Commission Employee Perception Survey in February 2017 with an encouraging participation rate of 46 per cent when compared to the public sector average. The Department received high scores in key result areas relating to managers and supervisors, familiarity with the public sector Code of Ethics and the Department's Code of Conduct, employees' understanding of their duties and responsibilities and performance management, including formal discussions.

The Department continued to make substantial progress in managing its excessive leave with a significant reduction in leave liability. The focus on compliance with the leave management policy provisions resulted in enhancing employee wellbeing and reduced associated financial liability for the agency. Reduction in leave liability continued to be an operational target across the Department. The

leave liability policy and guidelines were updated during the year to strengthen this commitment and improve compliance measures.

The Department continues to express its commitment towards employment and career development of Aboriginal and Torres Strait Islander people, as well as people with a disability, through its successful trainee programs. The Department is committed to nurturing an inclusive workplace culture through effective workforce planning strategies and initiatives.

Code of Conduct

The Department is committed to providing a fair, responsive and supportive workplace.

The Department's Code of Conduct aims to encompass the values of respect, integrity, unity and diversity, justice and collaboration in all staff.

The Code also outlines standards of behaviour and helps inform employees how to exercise judgement and accept personal responsibility in their professional roles and not bring their employer into disrepute.

The Code was updated in December 2016 to comply with Public Sector Commission standards and to strengthen the Department's commitment towards ethical principles, obligations and workplace standards and behaviour.

The Employee Perception Survey results indicated that the Department received significantly higher scores in employees' familiarity with the public sector Code of Ethics and the Agency's Code of Conduct.

During the year, regular communication and education occurred to raise employees' awareness and understanding of the Code and to reinforce the requirement for staff to carry out their work in an accountable, appropriate and transparent manner. The online Accountable and Ethical Decision Making refresher training course was made compulsory for all employees, while system updates were made to ensure employees complete the course every four years.


Employee Relations

During the year the Department focused on employment practices ensuring healthy and positive employee relations. The Department continued to consult with employees with regards to the Corporate Services review and the review of business areas within Court and Tribunal Services. The negotiations for a replacement Jury Officers Agreement began in February 2017.

Health and Wellness Program

Get On Track Challenge

The Department encouraged employees to participate in the "Get on Track Challenge". This free program is a team-based challenge designed to help employees increase their daily physical activity and fruit and vegetable intake. The program is based on the latest behaviour change research, which supports consistent, small changes for long term health outcomes.



Employees were motivated to participate and take the challenge in teams of up to four with work colleagues, friends, or family. Those taking part log their daily physical activity and food intake and can compare their healthy habits before and after taking part in the challenge.

Move More, Sit Less

Move More, Sit Less is, as the name suggests, all about getting employees moving more and sitting less and changing sedentary behaviours. It is about recognising that the less employees move and the more they sit, they are putting their health and quality of life at risk.

The Department incorporated measures to promote movement into workplace policies and procedures. Providing sit-stand workstations for employees in the new David Malcolm Justice Centre was a significant step in line with this program. Online information further promotes employee education and awareness.

Influenza Vaccinations

The Department continued the annual influenza vaccination program for staff. Many staff from all areas across the Department participated, including regional staff and members of the judiciary. The total number of staff members vaccinated this year was 744.

One Life Pledge

The One Life Suicide Prevention Strategy was launched by the State Government to address the unacceptably high suicide rate in Western Australia. The Strategy represents the Government's commitment to the prevention of suicide and self-harm and is aligned with the National Suicide Prevention Strategy.

The Department had previously signed the One Life Gold Pledge on 11 February 2013.

The One Life Suicide Prevention Strategy has provided the Department of the Attorney General with a framework and governance structure that, during the past few years, has guided our initiatives and programs.

The total number of staff trained in suicide prevention workshops this year was 67.

Recognition of Service

The Department acknowledged the contributions made by staff from Court and Tribunal Services for the Sunday Courts Program when the program received the Best Collaboration across Government Agencies recognition from the Institute of Public Administration Australia. A senior manager from Court and Tribunal Services was also awarded the Information Technology Practitioner of the Year.

Additionally, the Department continued recognising the long years of service of its employees, appreciating their contribution towards public service and the community at large.

Staff Development and Performance

The Department's Employee Development System (EDS) sets work goals and development objectives for each staff member.

The EDS also assists staff and management to monitor outcomes against goals and objectives. The average participation rate for EDS meetings was 74 per cent during the financial year.

Graduate Support Program

A Graduate Support Program operated from February to November 2016. Twelve participants were drawn from existing employees (ranging from Levels 2 to 7) who have attained a tertiary qualification in the last three years. Each graduate participated in a structured learning and development program designed to create a tailored individual development plan, as well as exposing them to the breadth of the organisation and to facilitate career opportunities within the public sector. Graduates met with senior leaders across the Department and were matched with mentors who could assist them with articulating and achieving their personal development and career goals.

Mentoring Program

The Department's Mentoring Program assists in developing the capability and potential of its employees. It is a vehicle to encourage the transfer of knowledge from more experienced employees to less experienced employees within a structured model.

This model provides mentees with opportunities to address a range of development requirements. Such opportunities range from seeking assistance with developing career plans to enhanced capability within current roles. Program

applicants complete an expression of interest in which they outline the professional areas they wish to develop (mentees) and the areas they are prepared to assist with development (mentors). Mentees are matched with suitable mentors. The 2016 program had 16 participants.

Training and Development

The Department ensures that employees have opportunities to take part in training, and this is achieved through a range of Corporate Workforce Development Programs.

In 2016/17 a number of corporate staff development programs were offered, including those related to leadership and management, such as Management Principles, Coaching Skills for Managers and HR Essentials for Managers. Additionally, online learning programs enabled staff to complete training at their workstation and in their own time. Online programs available included Accountable and Ethical Decision Making, Health and Safety, Record Keeping Awareness, Information Security and Mental Health.

All Safety and Health representatives attended the mandatory accredited introductory training course within 12 months of being elected.

The representatives continue to refresh their skills and knowledge on first aid, safety and health in line with WorkSafe WA guidelines.

The Department's On-boarding Program is designed to assist the process of orienting, training, socialising and retaining new employees during the first year of employment.

A step-by-step guide takes managers and new employees through the process of joining the Department. Since implementation in 2013, the On-boarding Program has been provided to 598 employees.

Training and Development

In the period 1 July 2016 to 30 June 2017, the Department employed a number of trainees through Public Sector Commission traineeship programs. Trainees took part in a structured workplace-based traineeship, completing either a Certificate II or III in Government.

- People With a Disability: 1 full-time trainee (Certificate III) and 2 part-time School Based trainees (Certificate II) are being hosted by the Department in Higher Courts and the Public Trustee respectively.
- School Based trainees: 2 trainees are currently employed by the Department (Certificate II) and are placed at the Public Trustee. One School Based trainee, who graduated in October 2016, has been appointed as a permanent Level 1 at the Registry of Births, Deaths and Marriages.
- Aboriginal trainee: 1 trainee has been appointed as a permanent Level 1 at the Registry of Births, Deaths and Marriages.

Significant diversity employment planning took place for further recruitment of indigenous youth for 2018, including in regional areas.

Employee Assistance Program

The program received 86 new cases during the year and serviced 18 cases carried over from previous years. Clinical contact and service hours for the year were 313, accessed by 104 clients totalling 312.50 clinical hours.

| | 2016/17 | 2015/16 | 2014/15 | 2013/14 |
|----------------|---------|---------|---------|---------|
| Clients | 104 | 119 | 119 | 102 |
| Hours | 313 | 269.75 | 291.25 | 297.5 |

Gender ratio of persons accessing the service continued to demonstrate a lower usage rate by males than females.

Volunteers

Volunteers perform an important role in supporting and augmenting the delivery of justice-related services across Western Australia.

Volunteers provide a range of services including information related to courts, in-court support, assisting with violence restraining order applications and liaison with specialist external agencies to support the referral of people to other necessary services.

Volunteers also provide a high quality service to victims of crime to assist them through the court and associated legal system.

The Office of the Public Advocate's community guardianship program is reliant on volunteer community guardians.

The Department extends its sincere appreciation for the immense contribution of all volunteers to Western Australian justice services.

Independent Auditor's Report



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

DEPARTMENT OF THE ATTORNEY GENERAL

Report on the Financial Statements

Opinion

I have audited the financial statements of the Department of the Attorney General which comprise the Statement of Financial Position as at 30 June 2017, 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, and Notes comprising a summary of significant accounting policies and other explanatory information, including Administered transactions and balances.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Department of the Attorney General for the year ended 30 June 2017 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for Opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Department in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibility of the Director General for the Financial Statements

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, the *Financial Management Act 2006* and the Treasurer's Instructions, and for such internal control as the Director General determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Director General is responsible for assessing the agency's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Department.

Auditor's Responsibility for the Audit of the Financial Statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director General.
- Conclude on the appropriateness of the Director General's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the agency's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Director General regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Department of the Attorney General. The controls exercised by the Department are those policies and procedures established by the Director General to ensure 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 (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, the controls exercised by the Department of the Attorney General are sufficiently adequate to 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 during the year ended 30 June 2017.

The Director General's Responsibilities

The Director General is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Auditor General's Responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or noncompliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the Key Performance Indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Department of the Attorney General for the year ended 30 June 2017. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Department of the Attorney General are relevant and appropriate to assist users to assess the Department's performance and fairly represent indicated performance for the year ended 30 June 2017.

The Director General's Responsibility for the Key Performance Indicators

The Director General is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Director General determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Director General is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

Auditor General's Responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the agency's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators

This auditor's report relates to the financial statements and key performance indicators of the Department of the Attorney General for the year ended 30 June 2017 included on the Department's website. The Department's management is responsible for the integrity of the Department's website. This audit does not provide assurance on the integrity of the Department's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.


COLIN MURRAY
AUDITOR GENERAL
FOR WESTERN AUSTRALIA
Perth, Western Australia
24 August 2017

Certification of Financial Statements

For the year ended 30 June 2017

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 ended 30 June 2017 and the financial position as at 30 June 2017.

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



Rodolfo Montilva Castillo

Reporting Officer

24 August 2017

Statement of Comprehensive Income

For the year ended 30 June 2017

| | Notes | 2017 \$'000 | 2016 \$'000 |
|---|-------|----------------|----------------|
| COST OF SERVICES | | | |
| Expenses | | | |
| Employee benefits expense | 6 | 227,807 | 296,001 |
| Supplies and services | 8 | 112,216 | 101,688 |
| Depreciation and amortisation expense | 9 | 20,435 | 21,278 |
| Finance costs | 10 | 15,809 | 16,290 |
| Accommodation expenses | 11 | 66,093 | 67,049 |
| Grants and subsidies | 12 | 94,054 | 92,803 |
| Other expenses | 13 | 16,235 | 17,146 |
| Total cost of services | | 552,649 | 612,255 |
| Income | | | |
| Revenue | | | |
| User charges and fees | 15 | 105,084 | 98,150 |
| Commonwealth grants and contributions | 16 | 19,020 | 18,433 |
| Other revenue | 17 | 28,416 | 29,900 |
| Total Revenue | | 152,520 | 146,483 |
| Gains/(Loss) | | | |
| Net gain/(loss) on disposal of non-current assets | | (666) | 12 |
| Total Gains/(Loss) | | (666) | 12 |
| Total income other than income from State Government | | 151,854 | 146,495 |
| NET COST OF SERVICES | | 400,795 | 465,760 |

See also the 'Schedule of Income and Expenses by Service'.

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

Statement of Comprehensive Income

For the year ended 30 June 2017

| | Notes | 2017 \$'000 | 2016 \$'000 |
|--|-------|-----------------|----------------|
| Income from State Government | 18 | | |
| Service appropriation | | 360,862 | 371,727 |
| Liabilities assumed by the Treasurer | | - | 70,305 |
| Resources received free of charge | | 25,159 | 23,573 |
| Royalties for Regions Fund | | 2,287 | 1,972 |
| Total income from State Government | | 388,308 | 467,577 |
| SURPLUS/(DEFICIT) FOR THE PERIOD | | (12,487) | 1,817 |
| OTHER COMPREHENSIVE INCOME | | | |
| Items not reclassified subsequently to profit or loss | | | |
| Changes in asset revaluation surplus/(deficit) | 30 | (14,078) | (344) |
| Total other comprehensive income | | (14,078) | (344) |
| TOTAL COMPREHENSIVE INCOME FOR THE PERIOD | | (26,565) | 1,473 |

See also the 'Schedule of Income and Expenses by Service'.

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

Statement of Financial Position

For the year ended 30 June 2017

ASSETS

Current Assets

| | Notes | 2017 \$'000 | 2016 \$'000 |
|--------------------------------------|--------|----------------|----------------|
| Cash and cash equivalents | 31 | 7,956 | 7,854 |
| Restricted cash and cash equivalents | 19, 31 | 9,189 | 13,104 |
| Receivables | 20 | 7,711 | 13,125 |
| Amounts receivable for services | 21 | 2,600 | 2,396 |
| Other current assets | 22 | 1,305 | 4,951 |
| Total Current Assets | | 28,761 | 41,430 |

Non-Current Assets

| | | | |
|--------------------------------------|--------|----------------|----------------|
| Restricted cash and cash equivalents | 19, 31 | 612 | - |
| Amounts receivable for services | 21 | 190,082 | 172,725 |
| Property, plant and equipment | 23 | 627,496 | 652,206 |
| Intangible assets | 25 | 7,346 | 9,703 |
| Total Non-Current Assets | | 825,536 | 834,634 |
| TOTAL ASSETS | | 854,297 | 876,064 |

LIABILITIES

Current Liabilities

| | | | |
|----------------------------------|----|---------------|---------------|
| Payables | 27 | 23,761 | 19,823 |
| Borrowings | 28 | 6,150 | 5,404 |
| Provisions | 29 | 43,417 | 43,765 |
| Total Current Liabilities | | 73,328 | 68,992 |

See also the 'Schedule of Assets and Liabilities by Service'.
The Statement of Financial Position should be read in
conjunction with the accompanying notes.

Statement of Financial Position

For the year ended 30 June 2017

| | Notes | 2017 \$'000 | 2016 \$'000 |
|--------------------------------------|-------|----------------|----------------|
| Non-Current Liabilities | | | |
| Borrowings | 28 | 196,449 | 202,271 |
| Provisions | 29 | 8,832 | 8,543 |
| Total Non-Current Liabilities | | 205,281 | 210,814 |
| TOTAL LIABILITIES | | 278,609 | 279,806 |
| | | | |
| NET ASSETS | | 575,688 | 596,258 |
| | | | |
| EQUITY | 30 | | |
| Contributed equity | | 254,002 | 248,007 |
| Reserves | | 270,060 | 284,138 |
| Accumulated surplus | | 51,626 | 64,113 |
| TOTAL EQUITY | | 575,688 | 596,258 |

See also the 'Schedule of Assets and Liabilities by Service'.

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

Statement of Changes in Equity

For the year ended 30 June 2017

| | Note | Contributed equity \$'000 | Reserves \$'000 | Accumulated surplus \$'000 | Total equity \$'000 |
|---|------|---------------------------------|--------------------|----------------------------------|------------------------|
| Balance at 1 July 2015 | 30 | 224,956 | 284,482 | 62,296 | 571,734 |
| Surplus for the period | | - | - | 1,817 | 1,817 |
| Other comprehensive income | | - | (344) | - | (344) |
| Total comprehensive income for the period | | - | (344) | 1,817 | 1,473 |
| Transactions with owners in their capacity as owners: | | | | | |
| Capital appropriations | | 3,467 | - | - | 3,467 |
| Equity contribution | | 2,805 | - | - | 2,805 |
| Other contributions by owners | | 24,799 | - | - | 24,799 |
| Distribution to owners | | (8,020) | - | - | (8,020) |
| Total | | 23,051 | - | - | 23,051 |
| Balance at 30 June 2016 | | 248,007 | 284,138 | 64,113 | 596,258 |
| Balance at 1 July 2016 | 30 | 248,007 | 284,138 | 64,113 | 596,258 |
| Surplus for the period | | - | - | (12,487) | (12,487) |
| Other comprehensive income | | - | (14,078) | - | (14,078) |
| Total comprehensive income for the period | | - | (14,078) | (12,487) | (26,565) |
| Transactions with owners in their capacity as owners: | | | | | |
| Capital appropriations | | 3,287 | - | - | 3,287 |
| Equity contribution | | 2,960 | - | - | 2,960 |
| Other contributions by owners | | 5,685 | - | - | 5,685 |
| Distribution to owners | | (5,937) | - | - | (5,937) |
| Total | | 5,995 | - | - | 5,995 |
| Balance at 30 June 2017 | | 254,002 | 270,060 | 51,626 | 575,688 |

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

Statement of Cash Flows

For the year ended 30 June 2017

| | Notes | 2017 \$'000 | 2016 \$'000 |
|--|-------|------------------|------------------|
| CASH FLOWS FROM STATE GOVERNMENT | | | |
| Service appropriation | | 340,905 | 352,238 |
| Capital appropriation | | 3,287 | 3,467 |
| Equity contribution | | 2,960 | 2,805 |
| Holding account drawdown | | 2,396 | 2,557 |
| Royalties for Regions Fund | 31 | 7,972 | 4,853 |
| Net cash provided by State Government | | 357,520 | 365,920 |
| Utilised as follows: | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | |
| Payments | | | |
| Employees benefits | | (227,075) | (233,268) |
| Grants and Subsidies | | (94,054) | (92,803) |
| Supplies and services | | (98,247) | (99,654) |
| Accommodation | | (59,708) | (62,558) |
| Finance costs | | (15,429) | (15,918) |
| GST payments on purchases | | (20,252) | (20,992) |
| GST payments to taxation authority | | (3,525) | (3,481) |
| Receipts | | | |
| Receipts from services | | 138,571 | 124,331 |
| Commonwealth grants and contributions | | 14,443 | 13,942 |
| GST receipts on sales | | 3,492 | 3,420 |
| GST receipts from taxation authority | | 20,568 | 20,310 |
| Net cash used in operating activities | 31 | (341,216) | (366,671) |

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

Statement of Cash Flows

For the year ended 30 June 2017

| | Notes | 2017 \$'000 | 2016 \$'000 |
|---|-------|-----------------|----------------|
| CASH FLOW FROM INVESTING ACTIVITIES | | | |
| Payments | | | |
| Purchase of non-current physical assets | | (13,130) | (9,053) |
| Receipts | | | |
| Proceeds from sale of non-current physical assets | | - | 12 |
| Net cash used in investing activities | | (13,130) | (9,041) |
| CASH FLOW FROM FINANCING ACTIVITIES | | | |
| Payments | | | |
| Finance lease payments | | (5,456) | (4,918) |
| Equity distribution | | (919) | (3,208) |
| Net cash used in financing activities | | (6,375) | (8,126) |
| Net increase/(decrease) in cash and cash equivalents | | (3,201) | (17,918) |
| Cash and cash equivalents at the beginning of the period | | 20,958 | 38,876 |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | 31 | 17,757 | 20,958 |

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

Schedule of Income and Expenses by Service

For the year ended 30 June 2017

| | Court and Tribunal Services | | Trustee Services | | Births, Deaths and Marriages | | Advocacy, Guardianship and Administration Services | | Legal Aid Assistance | | Services to Government | | Total | |
|---|-----------------------------|----------------|------------------|----------------|------------------------------|----------------|--|----------------|----------------------|----------------|------------------------|----------------|-----------------|----------------|
| | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 |
| COST OF SERVICES | | | | | | | | | | | | | | |
| Expenses | | | | | | | | | | | | | | |
| Employee benefits expense | 157,053 | 222,330 | 15,806 | 15,599 | 4,165 | 3,847 | 5,518 | 5,299 | - | - | 45,265 | 48,927 | 227,807 | 296,002 |
| Supplies and services | 85,948 | 79,493 | 3,022 | 2,735 | 1,107 | 1,328 | 360 | 321 | - | - | 21,779 | 17,810 | 112,216 | 101,687 |
| Depreciation and amortisation expense | 18,913 | 19,403 | 914 | 1,319 | 207 | 124 | 47 | 138 | - | - | 354 | 294 | 20,435 | 21,278 |
| Finance costs | 15,809 | 16,290 | - | - | - | - | - | - | - | - | - | - | 15,809 | 16,290 |
| Accommodation expenses | 45,780 | 46,110 | 2,938 | 3,155 | 1,527 | 1,588 | 1,069 | 1,003 | - | - | 14,779 | 15,193 | 66,093 | 67,049 |
| Grants and subsidies | 43,043 | 46,650 | 22 | 18 | 5 | 6 | 4 | 5 | 43,537 | 41,888 | 7,443 | 4,237 | 94,054 | 92,804 |
| Other expenses | 13,594 | 13,991 | 425 | 727 | 139 | 142 | 121 | 138 | - | - | 1,956 | 2,147 | 16,235 | 17,145 |
| Total cost of services | 380,140 | 444,267 | 23,127 | 23,553 | 7,150 | 7,035 | 7,119 | 6,904 | 43,537 | 41,888 | 91,576 | 88,608 | 552,649 | 612,255 |
| Income | | | | | | | | | | | | | | |
| User charges and fees | 72,169 | 65,243 | 19,027 | 18,260 | 7,758 | 7,800 | - | 1 | - | - | 6,130 | 6,846 | 105,084 | 98,150 |
| Commonwealth grants and contributions | 19,020 | 18,433 | - | - | - | - | - | - | - | - | - | - | 19,020 | 18,433 |
| Other revenue | 7,963 | 10,145 | 3,617 | 5,281 | 2 | 39 | 1 | 37 | - | - | 16,833 | 14,398 | 28,416 | 29,900 |
| Gain/(Loss) on disposal of non-current assets | (456) | 4 | (43) | - | (20) | - | (14) | - | - | - | (133) | 8 | (666) | 12 |
| Total income other than income from State Government | 98,696 | 93,825 | 22,601 | 23,541 | 7,740 | 7,839 | (13) | 38 | - | - | 22,830 | 21,252 | 151,854 | 146,495 |
| NET COST OF SERVICES | 281,444 | 350,442 | 526 | 12 | (590) | (804) | 7,132 | 6,866 | 43,537 | 41,888 | 68,746 | 67,356 | 400,795 | 465,760 |
| Income from State Government | | | | | | | | | | | | | | |
| Service appropriations | 260,319 | 257,851 | 322 | - | - | - | 7,064 | 6,640 | 43,461 | 41,888 | 49,696 | 65,348 | 360,862 | 371,727 |
| Liabilities assumed by the Treasurer | - | 70,305 | - | - | - | - | - | - | - | - | - | - | - | 70,305 |
| Resources received free of charge | 24,168 | 23,131 | 4 | 16 | 2 | 22 | 83 | 27 | - | - | 902 | 377 | 25,159 | 23,573 |
| Royalties for Regions Fund | 186 | 191 | - | - | - | - | - | - | - | - | 2,101 | 1,781 | 2,287 | 1,972 |
| Total Income from State Government | 284,673 | 351,478 | 326 | 16 | 2 | 22 | 7,147 | 6,667 | 43,461 | 41,888 | 52,699 | 67,506 | 388,308 | 467,577 |
| SURPLUS/(DEFICIT) FOR THE PERIOD | 3,229 | 1,036 | (200) | 4 | 592 | 826 | 15 | (199) | (76) | - | (16,047) | 150 | (12,487) | 1,817 |

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

Schedule of Assets and Liabilities by Service

For the year ended 30 June 2017

| | Court and Tribunal Services | | Trustee Services | | Births, Deaths and Marriages | | Advocacy, Guardianship and Administration Services | | Legal Aid Assistance | | Services to Government | | Total | |
|--------------------------------------|-----------------------------|----------------|------------------|----------------|------------------------------|----------------|--|----------------|----------------------|----------------|------------------------|----------------|----------------|----------------|
| | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 |
| Assets | | | | | | | | | | | | | | |
| Current assets | 12,273 | 20,838 | 188 | 299 | 3,052 | 2,075 | 26 | 46 | - | - | 13,222 | 18,172 | 28,761 | 41,430 |
| Non-current assets | 817,172 | 828,845 | 4,500 | 5,283 | 2,912 | 43 | 16 | 21 | - | - | 936 | 442 | 825,536 | 834,634 |
| Total assets | 829,445 | 849,683 | 4,688 | 5,582 | 5,964 | 2,118 | 42 | 67 | - | - | 14,158 | 18,614 | 854,297 | 876,064 |
| Liabilities | | | | | | | | | | | | | | |
| Current liabilities | 58,851 | 54,861 | 3,383 | 3,469 | 1,054 | 794 | 889 | 792 | - | - | 9,151 | 9,076 | 73,328 | 68,992 |
| Non-current liabilities | 202,306 | 208,054 | 650 | 663 | 112 | 148 | 171 | 149 | - | - | 2,042 | 1,800 | 205,281 | 210,814 |
| Total liabilities | 261,157 | 262,915 | 4,033 | 4,132 | 1,166 | 942 | 1,060 | 941 | - | - | 11,193 | 10,876 | 278,609 | 279,806 |
| NET ASSETS/ (LIABILITIES) | 568,288 | 586,768 | 655 | 1,450 | 4,798 | 1,176 | (1,018) | (874) | - | - | 2,965 | 7,738 | 575,688 | 596,258 |

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

Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2017

| | 2017 Estimate \$'000 | 2017 Actual '000 | Variance \$'000 | 2017 Actual '000 | 2016 Actual \$'000 | Variance \$'000 |
|--|----------------------------|------------------------|--------------------|------------------------|--------------------------|--------------------|
| Delivery of Services | | | | | | |
| Net amount appropriated to deliver services | 248,810 | 255,966 | 7,156 | 255,966 | 257,071 | (1,105) |
| Amount Authorised by Other Statutes | | | | | | |
| <i>Salaries and Allowances Act 1975</i> | 32,053 | 31,986 | (67) | 31,986 | 30,518 | 1,468 |
| <i>District Court of Western Australia Act 1969</i> | 12,122 | 12,210 | 88 | 12,210 | 11,560 | 650 |
| <i>Judges' Salaries and Pensions Act 1950</i> | 10,836 | 11,137 | 301 | 11,137 | 10,416 | 721 |
| <i>Children's Court of Western Australia Act 1988</i> | 438 | 405 | (33) | 405 | 242 | 163 |
| <i>State Administrative Tribunal Act 2004</i> | 5,878 | 5,088 | (790) | 5,088 | 4,982 | 106 |
| <i>Criminal Injuries Compensation Act 2003</i> | 31,817 | 38,210 | 6,393 | 38,210 | 42,143 | (3,933) |
| <i>Solicitor General Act 1969</i> | 594 | 647 | 53 | 647 | 655 | (8) |
| <i>Suitor's Fund Act 1964</i> | 31 | 38 | 7 | 38 | 36 | 2 |
| Administered Appropriations | 4,793 | 5,175 | 382 | 5,175 | 14,104 | (8,929) |
| Total appropriations provided to deliver services | 347,372 | 360,862 | 13,490 | 360,862 | 371,727 | (10,865) |
| Capital | | | | | | |
| Capital appropriations | 3,287 | 3,287 | - | 3,287 | 3,467 | (180) |
| Equity contribution | 2,960 | 2,960 | - | 2,960 | 2,805 | 155 |
| GRAND TOTAL | 353,619 | 367,109 | 13,490 | 367,109 | 377,999 | (10,890) |

Explanations of variations between the current year estimates and actual results are set out in Note 36 'Explanatory statement'.

Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2017

| | 2017 Estimate \$'000 | 2017 Actual '000 | Variance \$'000 | 2016 Actual '000 | 2016 Actual \$'000 | Variance \$'000 |
|--|----------------------------|------------------------|--------------------|------------------------|--------------------------|--------------------|
| Details of Expenses by Service | | | | | | |
| Court and Tribunal Services | 391,993 | 380,140 | (11,853) | 380,140 | 444,267 | (64,127) |
| Advocacy, Guardianship and Administration Services | 6,689 | 7,119 | 430 | 7,119 | 6,904 | 215 |
| Trustee Services | 22,316 | 23,127 | 811 | 23,127 | 23,553 | (426) |
| Births, Deaths and Marriages | 8,062 | 7,150 | (912) | 7,150 | 7,035 | 115 |
| Services to Government | 73,762 | 91,576 | 17,814 | 91,576 | 88,608 | 2,968 |
| Legal Aid Assistance | 39,356 | 43,537 | 4,181 | 43,537 | 41,888 | 1,649 |
| Total Cost of Services | 542,178 | 552,649 | 10,471 | 552,649 | 612,255 | (59,606) |
| Less Total income | (155,403) | (151,854) | 3,549 | (151,854) | (146,495) | (5,359) |
| Net Cost of Services | 386,775 | 400,795 | 14,020 | 400,795 | 465,760 | (64,965) |
| Adjustments ^(a) | (39,403) | (39,933) | (530) | (39,933) | (94,033) | 54,100 |
| Total appropriations provided to deliver services | 347,372 | 360,862 | 13,490 | 360,862 | 371,727 | (10,865) |
| Capital Expenditure | | | | | | |
| Purchase of non-current physical assets | 16,963 | 13,811 | (3,152) | 13,811 | 9,066 | 4,745 |
| Adjustments for other funding sources | (13,676) | (10,524) | 3,152 | (10,524) | (5,599) | (4,925) |
| Capital appropriations | 3,287 | 3,287 | - | 3,287 | 3,467 | (180) |
| Details of Income Estimates | | | | | | |
| Income disclosed as Administered Income | 69,259 | 84,600 | 15,341 | 84,600 | 85,517 | (917) |

^(a) Adjustments comprise of other funding sources and movements in cash balances and other accrual items such as receivables, payables and provisions. Explanations of variations between the current year estimates and actual results are set out in Note 36 'Explanatory statement'.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 1. Australian Accounting Standards

General

The Department's financial statements for the year ended 30 June 2017 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.

There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Department for the annual reporting period ended 30 June 2017.

Note 2. Summary of significant accounting policies

(a) General statement

The Department is a not-for-profit reporting entity that prepares general purpose financial statements 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 2006* and the Treasurer's instructions impose legislative provisions that govern 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, except for land and buildings (including leased buildings) 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).

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

Note 4 'Key sources of estimation uncertainty' discloses 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 twelve months.

Machinery of Government changes

Under the *Public Sector Management Act 1994* section 35(1)(b), the Governor has amalgamated the departments designated Department of the Attorney General and the Department of Corrective Services; and designated the resulting department as the Department of Justice with effect on and after 1st of July 2017.

The financial statements have been prepared on the going concern basis as the net assets will be transferred to the Department of Justice that will continue to provide services to the public.

(c) Reporting entity

This 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 predominately 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:

- Court and Tribunal Services
- Advocacy, Guardianship and Administration Services
- Trustee Services
- Births, Death and Marriages
- Services to Government
- Legal Aid Assistance

(d) Administered items

The Department administers assets, liabilities, income and expenses on behalf of Government which are neither controlled by, nor integral to the Department in carrying out its functions and are disclosed in the notes to the financial statements (Note 43 'Disclosure of administered income and expenses by service' and Note 45 'Administered assets and liabilities'), forming part of the general purposes financial report of the Department. The administered items are disclosed on the same basis as is described above for the

financial statement of the Department.

The administered assets, liability, income and expenses 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. The income and expenses are not attributable to the Department.

As the administered assets, liabilities, income and expenses 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 items.

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

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

Outstanding fines and costs include:

- 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 2017; and
- Magistrates Courts criminal fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2017.

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 orders the offender to pay the penalty.

Bail is a system that governs the status of individuals charged with committing crimes, from the time of arrest to the time of their next hearing with the major purpose of ensuring their presence at that hearing. Failure to comply with the bail may result in the forfeiture or requirement to pay an amount to the court for the breach of bail. Bail only becomes payable when the court issues a Court order to pay. This is then treated in the same manner as any other court penalty in the administered section of the financial statements.

(e) Provision for unrecoverable debts - administered items

The provision in respect of Court fees and fines outstanding and referred to the FER is based on objective evidence that the Department will not be able to collect the debts.

(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 result of 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 transfers 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 recognised and 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. Revenue is recognised for the major business activities as follows:

Provision of services

Revenue for provision of services is recognised by reference to the stage of completion of the transaction.

Criminal injuries revenue

Criminal injuries revenue is recognised at the time payment is received. Outstanding criminal injuries 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*.

Interest

Revenue is recognised as the interest accrues.

Service appropriations

Service Appropriations are recognised as revenues at fair 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 18 'Income from State Government' for further commentary on Service Appropriations.

Net Appropriation Determination

Pursuant to section 23 of the *Financial Management Act 2006*, 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 Trustee common fund interest revenues, legal services, workers' compensation recoups and other miscellaneous revenues.

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Department. In accordance with this determination, the Department retained \$152.520 million in 2017 (\$146.483 million in 2016) from the following:

- Proceeds from fees and charges of \$105.084 million in 2017 (\$98.150 million in 2016);
- Commonwealth specific purpose grants and contributions of \$19.020 million in 2017 (\$18.433 million in 2016); and
- Other departmental revenue of \$28.416 million in 2017 (\$29.900 million in 2016).

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.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Royalties for Regions funds are recognised as revenue at fair value in the period in which the Department obtains control over the funds. The Department obtains control of the funds at the time the funds are deposited into the Department's bank account.

Gains

Realised and unrealised gains 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

Borrowing costs are expensed when incurred.

(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 (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

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

Subsequent to initial recognition of an asset, the revaluation model is used for the measurement of land and buildings (including leased buildings) and historical cost 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 stated 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 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.

In the absence of market-based evidence, fair value of land and buildings is determined on the basis of existing use. This normally applies where the buildings are specialised or where land use is restricted.

Fair value for existing use buildings 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 the buildings is determined on the depreciated replacement cost basis, on revaluation, the Department elects to eliminate accumulated depreciation against the gross carrying amount of the asset and restate the net carrying amount to the revalued amount (net method).

Fair value for restricted use land is determined by comparison with market evidence for land with similar approximate utility (high restricted use land) or market value of comparable unrestricted land (low restricted use land).

Land and buildings are independently valued 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.

The most significant assumptions and judgements in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated economic life.

Professional judgement by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

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 as described in Note 23 '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 that reflects the consumption of their future economic benefits.

Depreciation 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 - 5 to 15 years or remaining lease term, whichever is lower
- Furniture, fittings and equipment - 5 to 10 years

Buildings and information technology projects are reported as 'Works In Progress' until commissioned. Land is not depreciated.

(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 lives. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income. 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 which is reviewed annually) on the straight line basis. 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 assets are:

Software ^(a) - 5 years

^(a) Software that is not integral to the operation of any related hardware.

Computer software

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

(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 is written down to the recoverable amount and an impairment loss is recognised. Where an asset measured at cost is written down to recoverable amount, an impairment loss is recognised in profit or loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. As the Department is a not-for-profit entity, unless a specialised 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 the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs. 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 the end of each reporting period.

(l) Non-current assets held for distribution to Owner

A non-current asset is classified as held for distribution to owner when the Department is committed to distribute the asset to the owner, the distribution is highly probable and the asset is available for immediate distribution in its present condition.

Non-current assets held for distribution to owner are recognised at the lower of carrying amount and fair value less costs to distribute, and are disclosed separately from other assets in the Statement of Financial Position. Assets held for distribution to owner are not depreciated or amortised.

All Crown land holdings are vested in the Department by the state Government (the Owner). The Department of Lands is the only agency with the power to sell Crown land. The

Department transfers the Crown land and any attached buildings to the Department of Lands when the land becomes available for sale.

(m) 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.

Leased buildings are depreciated over the period during which the Department is expected to benefit from their use. Leased land is not depreciated as the ownership will transfer to the State at the end of the lease term. The assets are disclosed in Note 23.

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.

Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(n) Financial instruments

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

- Loans and receivables
- Financial liabilities measured at amortised cost

Financial instruments have been disaggregated into the following classes:

- **Financial Assets**
 - Cash and cash equivalents
 - Restricted cash and cash equivalents

- Receivables
- Amounts receivable for services
- **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.

(o) Cash and cash equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and where are subject to insignificant risk of changes in value.

(p) Accrued salaries

Accrued salaries (see Note 27 'Payables') represent the amount due to staff but unpaid at 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 fair value. The last pay day in 2016-2017 was 29 June 2017, therefore an accrual of 1 day was brought to account this financial year.

The accrued salaries suspense account (see Note 19

'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 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. The 27th pay occurred in 2016-2017.

(q) Amounts receivable for services (holding account)

The Department receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The holding account receivable balance, resulting from service appropriation funding, is accessible on the emergence of the cash funding requirement to cover lease entitlements and asset replacement.

(r) Receivables

Receivables are recognised at original invoice amount less an allowance for any uncollectable amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectable are written off against the allowance account. The allowance for uncollectable 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.

(s) 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 settlement is generally within 30 days.

(t) Borrowings

All loans payable are initially recognised at fair value, being the net proceeds received. Subsequent measurement is at amortised cost using the effective interest method.

(u) 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.


Provisions – employee benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period. All employee benefit provisions in the financial statements are calculated under AASB 119 '*Employee Benefits*'

Annual leave

Annual leave is not expected to be settled wholly within 12 months after the end of the reporting period and is therefore considered to be 'other long-term employee benefits'. The annual leave liability is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is



given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as 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.

The provision for annual leave is classified as a current liability as the Department does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Long service leave

Long service leave is not expected to be settled wholly within 12 months after the end of the reporting period and is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as 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.

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 end of the reporting period.

Pre-conditional and conditional long service leave provisions

are classified as non-current liabilities because the Department has an unconditional right to defer settlement of the liability until the employee has completed the requisite years of service.

Purchased leave

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional 10 weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the undiscounted amounts expected to be paid when the liabilities are settled.

Superannuation

The Government Employees Superannuation Board (GESB) and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme 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). From 30 March 2012, existing members of the WSS or GESBS and new employees have been able to choose their preferred superannuation fund provider.

The Department makes contributions to GESB or other fund provider on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Department's liability for superannuation changes in respect of employees who are not members of the Pension Scheme or GSS.

The GSS is a defined benefit scheme for the purpose 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 Department to GESB extinguishes the agency's obligations to the related superannuation liability.

The Department has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable 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 GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from the Treasurer for the employer's share.

Provisions – other

Employee 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 Department's 'Employee benefits expense'. The related liability is included in 'Employee on-costs provision'. Refer to Note 29 'Provisions'.

(v) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, the GESB, or other superannuation funds. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

(w) 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 2017 was calculated by independent external 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 Account (Department of Treasury). The expense for Judges' pensions is included as an employee expense of the Department with a corresponding liability assumed by the Treasurer.

The expense recorded in the Department's financial statements at the end of the reporting period, reflects the net increase in the liability at the Department of Treasury.

(x) Resources received free of charge or for nominal cost

Resources (Assets or Services) received free of charge or for nominal cost that can be reliably measured are recognised as income at the fair value of the assets and/or the fair value of those services that the Department would otherwise pay for if not donated. A corresponding expense is recognised for services received. Receipts of assets are recognised in the Statement of Financial Position.

Resources received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(y) Comparative figures

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

(z) Grants and subsidy payments

The Department administers a number of grant and subsidy payments on behalf of the Government. Grant and subsidy liabilities are recognised to the extent that payments are in pursuance of the law (payable under legal liability) and the grant criteria have been satisfied but payments due have not been made. A commitment is recorded when the Government enters into a binding agreement to make a grant but criteria for payment has not been satisfied.

Note 3. Judgements made by management in applying accounting policies

The preparation of financial statements requires management to make judgements about the 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 commitments

The Department has entered into a number of leases for buildings for branch office accommodation. Some of these leases relate to buildings of a temporary nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases.

Note 4. Key sources of estimation uncertainty

Key estimates and assumptions concerning the future 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

Several estimates and assumptions used in calculating the Department's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Judges' Pension

Assumptions that are used to update the assessment of the defined benefit obligations of the Judges Pension Scheme include:

- Financial assumptions based on the expected change in future salary, discount rates and expected change in future pensions.
- Demographic assumptions based on the Whole of Government experience and include mortality rates, retirement rates, incapacity and withdrawal rates, the proportion of members with dependent spouses and dependent children and their age gap.

Changes in these assumptions may impact on the carrying amount of the Judges' Pension liability which is assumed by the Treasurer.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 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 2016 that impact on the Department.

| | |
|--------------------|---|
| AASB 1057 | <i>Application of Australian Accounting Standards</i> This Standard lists the application paragraphs for each other Standard (and Interpretation), grouped where they are the same. There is no financial impact. |
| AASB 2014-4 | <i>Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 & 138]</i> The adoption of the new Standard has no financial impact for the Department as depreciation and amortisation is not determined by reference to revenue generation, but by reference to consumption of future economic benefits. |
| AASB 2015-1 | <i>Amendments to Australian Accounting Standards – Annual Improvements to Australian Accounting Standards 2012-2014 Cycle [AASB 1, 2, 3, 5, 7, 11, 110, 119, 121, 133, 134, 137 & 140]</i> These amendments arise from the issuance of International Financial Reporting Standard Annual Improvements to IFRSs 2012 2014 Cycle in September 2014, and editorial corrections. The Department has determined that the application of the Standard has no financial impact. |
| AASB 2015-2 | <i>Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 & 1049]</i> This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. There is no financial impact. |
| AASB 2015-6 | <i>Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 & 1049]</i> The amendments extend the scope of AASB 124 to include application by not-for-profit public sector entities. Implementation guidance is included to assist application of the Standard by not-for-profit public sector entities. There is no financial impact. |



Notes to the Financial Statements

For the year ended 30 June 2017

AASB 2015-10 *Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 & 128*

This Standard defers the mandatory effective date (application date) of amendments to AASB 10 & AASB 128 that were originally made in AASB 2014 10 so that the amendments are required to be applied for annual reporting periods beginning on or after 1 January 2018 instead of 1 January 2016. There is no financial impact.

AASB 2015-7 *Amendments to Australian Accounting Standards Fair Value Disclosures of Not for Profit Public Sector Entities [AASB 13]*

This Standard relieves not-for-profit public sector entities from the reporting burden associated with various disclosures required by AASB 13 for assets within the scope of AASB 116 that are held primarily for their current service potential rather than to generate future net cash inflows. It has no financial impact.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 5. Disclosure of changes in accounting policy and estimates

Future impact on 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 or by an exemption from TI 1101. By virtue of a limited exemption, the Department has early adopted AASB 2015-7 Amendments to Australian Accounting Standards Fair Value Disclosures of Not for Profit Public Sector Entities. Where applicable, the Department plans to apply the following Australian Accounting Standards from their application date.

Disclosure of changes in accounting policy and estimates

Operative for
reporting periods
beginning on/after

AASB 9 ***Financial Instruments***

1 Jan 2018

This Standard supersedes AASB 139 *Financial Instruments: Recognition and Measurement*, introducing a number of changes to accounting treatments.

The mandatory application date of this Standard is currently 1 January 2018 after being amended by AASB 2012-6, AASB 2013-9 and AASB 2014-1 *Amendments to Australian Accounting Standards*. The Department has not yet determined the application or the potential impact of the Standard.

AASB 15 ***Revenue from Contracts with Customers***

1 Jan 2019

This Standard establishes the principles that the Department shall apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer.

The Department's income is principally derived from appropriations which will be measured under AASB 1058 *Income of Not-for-Profit Entities* and will be unaffected by this change. However, the Department has not yet determined the potential impact of the Standard on 'User charges and fees' and 'Sales' revenues. In broad terms, it is anticipated that the terms and conditions attached to these revenues will defer revenue recognition until the Department has discharged its performance obligations.

AASB 16 ***Leases***

1 Jan 2019

This Standard introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value.

Whilst the impact of AASB 16 has not yet been quantified, the entity currently has operating lease commitments for \$638,899,000. The Department anticipates most of this amount will be brought onto the statement of financial position, excepting amounts pertinent to shortterm or low-value leases. Interest and amortisation expense will increase and rental expense will decrease.

Notes to the Financial Statements

For the year ended 30 June 2017

Disclosure of changes in accounting policy and estimates

Operative for
reporting periods
beginning on/after

| | | |
|--------------------|--|------------|
| AASB 1058 | <i>Income of Not-for-Profit Entities</i> This Standard clarifies and simplifies the income recognition requirements that apply to not for profit (NFP) entities, more closely reflecting the economic reality of NFP entity transactions that are not contracts with customers. Timing of income recognition is dependent on whether such a transaction gives rise to a liability, a performance obligation (a promise to transfer a good or service), or, an obligation to acquire an asset. The Department has not yet determined the application or the potential impact of the Standard. | 1 Jan 2019 |
| AASB 2010-7 | <i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Int 2, 5, 10, 12, 19 & 127]</i> This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The mandatory application date of this Standard has been amended by AASB 2012-6 and AASB 2014-1 to 1 January 2018. The Department has not yet determined the application or the potential impact of the Standard. | 1 Jan 2018 |
| AASB 2014-1 | <i>Amendments to Australian Accounting Standards</i> Part E of this Standard makes amendments to AASB 9 and consequential amendments to other Standards. It has not yet been assessed by the Department to determine the application or potential impact of the Standard. | 1 Jan 2018 |
| AASB 2014-5 | <i>Amendments to Australian Accounting Standards arising from AASB 15</i> This Standard gives effect to consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 15. The mandatory application date of this Standard has been amended by AASB 2015-8 to 1 January 2018. The Department has not yet determined the application or the potential impact of the Standard. | 1 Jan 2018 |
| AASB 2014-7 | <i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)</i> This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 9 (December 2014). The Department has not yet determined the application or the potential impact of the Standard. | 1 Jan 2018 |
| AASB 2015-8 | <i>Amendments to Australian Accounting Standards – Effective Date of AASB 15</i> This Standard amends the mandatory effective date (application date) of AASB 15 <i>Revenue from Contracts with Customers</i> so that AASB 15 is required to be applied for annual reporting periods beginning on or after 1 January 2018 instead of 1 January 2017. For Not-For-Profit entities, the mandatory effective date has subsequently been amended to 1 January 2019 by AASB 2016-7. The Department has not yet determined the application or the potential impact of AASB 15. | 1 Jan 2019 |

Notes to the Financial Statements

For the year ended 30 June 2017

| Disclosure of changes in accounting policy and estimates | Operative for reporting periods beginning on/after |
|---|--|
| <p>AASB 2016-2 <i>Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107</i></p> <p>This Standard amends AASB 107 <i>Statement of Cash Flows</i> (August 2015) to require disclosures that enable users of financial statements to evaluate changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes. There is no financial impact.</p> | 1 Jan 2017 |
| <p>AASB 2016-3 <i>Amendments to Australian Accounting Standards – Clarifications to AASB 15</i></p> <p>This Standard clarifies identifying performance obligations, principal versus agent considerations, timing of recognising revenue from granting a licence, and, provides further transitional provisions to AASB 15. The Department has not yet determined the application or the potential impact.</p> | 1 Jan 2018 |
| <p>AASB 2016-4 <i>Amendments to Australian Accounting Standards – Recoverable Amount of Non-Cash-Generating Specialised Assets of Not-for-Profit Entities</i></p> <p>This Standard clarifies that the recoverable amount of primarily non-cash-generating assets of not-for-profit entities, which are typically specialised in nature and held for continuing use of their service capacity, is expected to be materially the same as fair value determined under AASB 13 <i>Fair Value Measurement</i>. The Department has not yet determined the application or the potential impact.</p> | 1 Jan 2017 |
| <p>AASB 2016-7 <i>Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not for Profit Entities</i></p> <p>This Standard amends the mandatory effective date (application date) of AASB 15 and defers the consequential amendments that were originally set out in AASB 2014-5 <i>Amendments to Australian Accounting Standards arising from AASB 15</i> for not-for-profit entities to annual reporting periods beginning on or after 1 January 2019, instead of 1 January 2018. There is no financial impact.</p> | 1 Jan 2017 |
| <p>AASB 2016-8 <i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i></p> <p>This Standard inserts Australian requirements and authoritative implementation guidance for not-for-profit entities into AASB 9 and AASB 15. This guidance assists not-for-profit entities in applying those Standards to particular transactions and other events. There is no financial impact.</p> | 1 Jul 2019 |
| <p>AASB 2017-2 <i>Amendments to Australian Accounting Standards – Further Annual Improvements 2014-2016 Cycle</i></p> <p>This Standard clarifies the scope of AASB 12 by specifying that the disclosure requirements apply to an entity's interests in other entities that are classified as held for sale, held for distribution to owners in their capacity as owners or discontinued operations in accordance with AASB 5. There is no financial impact.</p> | 1 Jan 2017 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 6. Employee benefits expense

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Wages and salaries ^(a) | 184,645 | 181,398 |
| Annual leave | 17,209 | 18,292 |
| Superannuation - defined contribution plans ^(b) | 18,637 | 19,115 |
| Long service leave | 7,316 | 6,891 |
| Judges' pension-liability assumed by the Treasurer ^(c) | - | 70,305 |
| Total employee benefits | 227,807 | 296,001 |

^(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.

^(b) Defined contribution plans include West State, Gold State and GESBS (contributions paid).

^(c) Reflects the net increase in the pension liability recorded by the Department of Treasury at the end of the reporting period.

Employment on-costs such as workers' compensation insurance are included at Note 13 'Other expenses'. Employment on-costs liability is included at Note 29 'Provisions'.

Changes in the actuarial assumptions impact the carrying amount of the Judges' Pension liability (See Note 4 'Key sources of estimation uncertainty'). At the end of 2017, the increase in the discount rate and the decrease in salary assumption resulted in a net decrease in the Judges' pension liability at the Department of Treasury.

Note 7. Compensation of Key Management Personnel

The Department has determined that key management personnel include The Responsible Ministers and senior officers of the Department. However, the Department is not obligated to compensate The Responsible Ministers and therefore disclosures in relation to The Responsible Ministers' compensation may be found in the Annual Report on State Finances.

Total compensation for senior officers of the Department for the reporting period are presented within the following bands:

| | 2017 | 2016 |
|--|---------------|---------------|
| Compensation Band (\$) | | |
| 680,001 – 690,000 | - | 1 |
| 610,001 – 620,000 | 1 | - |
| 590,001 – 600,000 | - | 1 |
| 560,001 – 570,000 | 1 | - |
| 410,001 – 420,000 | - | 1 |
| 320,001 – 330,000 | 1 | - |
| 310,001 – 320,000 | 1 | - |
| 290,001 – 300,000 | - | 1 |
| 250,001 – 260,000 | 1 | - |
| 240,001 – 250,000 | 1 | - |
| 230,001 – 240,000 | 2 | 1 |
| 220,001 – 230,000 | 2 | - |
| 210,001 – 220,000 | - | 1 |
| 200,001 – 210,000 | - | 2 |
| 190,001 – 200,000 | 1 | 1 |
| 130,001 – 140,000 | - | 1 |
| 110,001 – 120,000 | 1 | - |
| 90,001 – 100,000 | - | 2 |
| 60,001 – 70,000 | - | 1 |
| 40,001 – 50,000 | - | 1 |
| | \$'000 | \$'000 |
| Short-term employee benefits | 3,213 | 3,126 |
| Post-employment benefits | 259 | 278 |
| Other long-term benefits | 87 | 90 |
| Termination benefits | - | - |
| Total compensation of senior officers | 3,559 | 3,494 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 8. Supplies and services

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Consultants and contractors ^(a) | 73,165 | 65,178 |
| Computing services | 18,669 | 17,802 |
| Computing licences | 7,694 | 5,243 |
| Communication expenses | 3,780 | 4,414 |
| Materials | 2,836 | 2,934 |
| Minor equipment | 2,941 | 746 |
| Consumables | 1,556 | 1,225 |
| Copyright, communication and licence | 830 | 1,964 |
| Other ^(b) | 745 | 2,182 |
| | 112,216 | 101,688 |

^(a) Includes \$23,213,000 of resources received free of charge from the Department of Corrective Services (see Note 18).

^(b) Includes \$138,000 of resources received free of charge from other state government agencies (see Note 18).

Note 9. Depreciation and amortisation expense

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Depreciation | | |
| Buildings | 5,955 | 6,098 |
| Furniture, fittings and equipment | 3,973 | 3,408 |
| Leased buildings | 4,044 | 4,031 |
| Leasehold improvement | 3,375 | 5,009 |
| Total depreciation | 17,347 | 18,546 |
| Amortisation | | |
| Information technology systems | 3,088 | 2,732 |
| Total amortisation | 3,088 | 2,732 |
| Total depreciation and amortisation | 20,435 | 21,278 |

Note 10. Finance costs

| | 2017 \$'000 | 2016 \$'000 |
|-----------------------|----------------|----------------|
| Finance lease charges | 15,809 | 16,290 |
| | 15,809 | 16,290 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 11. Accommodation expenses

| | 2017 \$'000 | 2016 \$'000 |
|----------------------------------|----------------|----------------|
| Lease rentals ^(a) | 51,270 | 52,131 |
| Building maintenance | 10,691 | 10,319 |
| Electricity, gas and water usage | 3,561 | 3,466 |
| Council and sewage rates | 571 | 1,133 |
| | 66,093 | 67,049 |

^(a) Includes:

- \$4,576,816 (2016: \$4,491,478) of accommodation provided free of charge by the Commonwealth as non-cash contribution for the Family Court of Western Australia (See Note 16 'Commonwealth grants and contributions').
- \$1,808,019 (2016 \$1,427,000) of resources received free of charge from the Department of Finance (See Note 18).

Note 12. Grants and subsidies

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Recurrent | | |
| Legal Aid | 43,538 | 41,888 |
| Criminal Injuries compensation payments | 38,210 | 42,131 |
| Accused costs | 4,542 | 4,186 |
| Other grants and subsidies ^(a) | 7,764 | 4,598 |
| | 94,054 | 92,803 |

^(a) Includes annual contribution of \$60,000 (2016: \$65,000) paid to the Legal Costs Committee.

Note 13. Other expenses

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Other staff costs ^(a) | 6,253 | 6,772 |
| Jurors' expense | 1,792 | 1,845 |
| Doubtful debts expense | 60 | 91 |
| Motor vehicle and office equipment lease expenses | 2,005 | 2,061 |
| Vehicle hire, fuel, registration and management fees | 1,206 | 1,119 |
| Insurance | 1,219 | 1,128 |
| Printing, binding and photocopying charges | 992 | 865 |
| State pay-roll tax | - | 282 |
| Other expenses | 2,708 | 2,983 |
| | 16,235 | 17,146 |

^(a) Includes travel and accommodation, rental subsidies and workers compensation insurance.

Note 14. Related Party Transactions

The Department is a wholly owned and controlled entity of the State of Western Australia. In conducting its activities, the Department is required to pay various taxes and levies based on the standard terms and conditions that apply to all tax and levy payers to the State and entities related to State. Related parties of the Department include:

- all Ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other departments and public sector entities, including related bodies included in the whole of government consolidated financial statements;
- associates and joint ventures, that are included in the whole of government consolidated financial statements; and
- the Government Employees Superannuation Board (GESB).

Significant transactions with government related entities

Significant transactions include:

- service appropriations (Note 18);
- capital appropriations (Note 30);
- Distribution to Owner (Note 30);
- Royalties for Regions Fund (Note 18);
- superannuation payments to GESB (Note 6);
- lease rentals payments to the Department of Finance (Note 11); and
- grants provided to Legal Costs Committee (Note 12).

Material transactions with related parties

There were no related party transactions during the year between the Department and Ministers/senior officers or their close family members or their controlled (or jointly controlled) entities.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 15. User charges and fees

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Court fees | 71,991 | 65,013 |
| Public Trustee fees | 19,027 | 18,260 |
| Births, deaths and marriages fees | 7,732 | 7,800 |
| Legal services - State Solicitor's Office | 6,128 | 6,846 |
| Licences | 76 | 107 |
| Miscellaneous fees and charges | 130 | 124 |
| | 105,084 | 98,150 |

Note 16. Commonwealth grants and contributions

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Recurrent | | |
| Commonwealth grant for Family Court | 14,208 | 13,748 |
| Commonwealth accommodation for Family Court (non-cash contribution) | 4,577 | 4,491 |
| Commonwealth recoup for Christmas and Cocos Island | 235 | 194 |
| | 19,020 | 18,433 |

Note 17. Other revenue

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Shared Information Services Technology revenue | 13,230 | 13,157 |
| Public Trustee - common fund surplus | 3,610 | 5,100 |
| Recoup of costs - Building Disputes Tribunal | 1,854 | 2,454 |
| Residential recoveries | 2,062 | 2,697 |
| Criminal injuries - recoups | 1,778 | 1,710 |
| Recoup of salaries and workers' compensation | 366 | 525 |
| Other miscellaneous revenue ^(a) | 5,516 | 4,257 |
| | 28,416 | 29,900 |

^(a) Includes unclaimed moneys and other miscellaneous Income.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 18. Income from State Government

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Appropriation received during the period: | | |
| Service appropriation ^(a) | 360,862 | 371,727 |
| | 360,862 | 371,727 |
| Liabilities assumed by the Treasurer during the period: | | |
| Judges' pensions ^(b) | - | 70,305 |
| Total liabilities assumed by the Treasurer | - | 70,305 |
| Resources received free of charge from other state government agencies during the period: ^(c) | | |
| Western Australian Land Information Authority (Landgate): | | |
| • Services for valuation services, land registration and information | 81 | 167 |
| Department of Finance: | | |
| • Provision of integrated procurement services | - | 206 |
| • Notional management fee | 57 | 111 |
| • Building and Management Works Maintenance Work | - | 730 |
| • Government Accommodation | 1,808 | 1,427 |
| Department of Corrective Services: | | |
| • Provision of contract management services (court security and custodial services) | 23,213 | 20,932 |
| | 25,159 | 23,573 |
| Royalties for Regions Fund: | | |
| • Regional infrastructure and headworks account ^(d) | 2,287 | 1,972 |
| | 2,287 | 1,972 |
| Total Income from State Government | 388,308 | 467,577 |

^(a) Service appropriations fund the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises of the budgeted depreciation expense for the year.

^(b) An actuarial assessment of the defined benefits obligations of the Judges' Pension Scheme is undertaken on an annual basis, in accordance with *AASB119 Employee Benefits*.

^(c) 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. The value of resources received free of charge recognised during the period was calculated based on estimates and information provided by agencies.

^(d) This is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in Western Australian regional areas.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 19. Restricted cash and cash equivalents

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Current | | |
| Unclaimed Monies ^(a) | 5,492 | 5,648 |
| Royalties for Regions Fund ^(b) | 397 | 282 |
| Systems upgrade for registry of births, deaths and marriages | 2,800 | 1,674 |
| Commonwealth Grant receipt in advance | 500 | - |
| Ex-gratia payment on behalf of the State | - | 5,500 |
| | 9,189 | 13,104 |
| Non-current | | |
| Restricted cash and cash equivalents ^(d) | 612 | - |
| | 612 | - |

^(a) Represents stale and un-presented cheques; rejected EFT payments and moneys held in suspense as the owners cannot be found.

^(b) Funds provided for projects and programs in Western Australian regional areas.

^(c) Funds provided for Asset Investment.

^(d) Funds held in the suspense account for the purpose of meeting the 27th pay in the financial year that occurs every 11-year, which was in 2016-2017.

Note 20. Receivables

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Current | | |
| Receivables | 8,727 | 13,811 |
| Allowance for impairment of receivables | (3,143) | (3,096) |
| GST receivable | 2,127 | 2,410 |
| | 7,711 | 13,125 |
| Movements in the allowance for impairment of receivables: | | |
| Balance at start of period | 3,096 | 3,103 |
| Doubtful debts expense recognised during the period | 60 | 91 |
| Receivables written off during the period as uncollectable | (11) | (93) |
| Amount settled during the year | (2) | (5) |
| Balance at end of period | 3,143 | 3,096 |

The creation and reversal of the allowance for impaired receivables has been included in 'other expenses' in profit or loss (Note 13 'Other expenses'). Amounts charged to the allowance account are generally written off when there is no expectation of recovering additional cash. The Department does not hold any collateral or other credit enhancements as security for receivables.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 21. Amounts receivable for services (Holding Account)

| | 2017 \$'000 | 2016 \$'000 |
|-------------|----------------|----------------|
| Current | 2,600 | 2,396 |
| Non-current | 190,082 | 172,725 |
| | 192,682 | 175,121 |

Note 22. Other current assets

| | 2017 \$'000 | 2016 \$'000 |
|----------------------|----------------|----------------|
| Prepayments | 1,305 | 4,951 |
| Total current | 1,305 | 4,951 |

Note 23. Property plant and equipment

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Land | | |
| At fair value ^(a) | 85,832 | 99,604 |
| | 85,832 | 99,604 |
| Buildings | | |
| At fair value ^(a) | 283,616 | 297,737 |
| | 283,616 | 297,737 |
| Leased buildings | | |
| At fair value ^(a) | 205,669 | 206,824 |
| | 205,669 | 206,824 |
| Leasehold improvements | | |
| At cost | 44,976 | 55,573 |
| Accumulated depreciation | (19,635) | (26,191) |
| | 25,341 | 29,382 |
| Furniture, fittings and equipment | | |
| At cost | 49,582 | 44,065 |
| Accumulated depreciation | (25,787) | (26,099) |
| | 23,795 | 17,966 |
| Work in progress | | |
| Buildings | 2,504 | 676 |
| Information technology systems | 739 | 17 |
| | 3,243 | 693 |
| | 627,496 | 652,206 |

^(a) Land and buildings were revalued as at 1 July 2016 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2017 and recognised at 30 June 2017. In undertaking the revaluation, fair value was determined on the basis of depreciated replacement cost and fair value of land was determined on the basis of comparison with market evidence for land with low level utility (high restricted use land).

Notes to the Financial Statements

For the year ended 30 June 2017

Note 23. Property plant and equipment (continued)

Reconciliation of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out in the table below.

| | Land | Buildings | Leased buildings | Leasehold improvements | Furniture fittings and equipment | Work in progress | Total |
|---|---------|-----------|------------------|------------------------|----------------------------------|------------------|----------|
| 2017 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Carrying amount at start of period | 99,604 | 297,737 | 206,824 | 29,382 | 17,966 | 693 | 652,206 |
| Additions | 47 | - | - | - | 9,802 | 3,245 | 13,094 |
| Disposal | - | - | - | (666) | - | - | (666) |
| Transfers ^(a) | - | - | - | - | - | (14) | (14) |
| Distribution to Owner | (5,018) | - | - | - | - | - | (5,018) |
| Contribution by Owner ^(c) | - | - | - | - | - | - | - |
| Revaluation Increments | (8,801) | (8,166) | 2,889 | - | - | - | (14,078) |
| Expensed work in progress | - | - | - | - | - | (681) | (681) |
| Depreciation | - | (5,955) | (4,044) | (3,375) | (3,973) | - | (17,347) |
| Carrying amount at end of period | 85,832 | 283,616 | 205,669 | 25,341 | 23,795 | 3,243 | 627,496 |
| | Land | Buildings | Leased buildings | Leasehold improvements | Furniture fittings and equipment | Work in progress | Total |
| 2016 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Carrying amount at start of period | 103,329 | 304,915 | 206,394 | 12,483 | 15,691 | 5,963 | 648,775 |
| Additions | - | - | - | 9 | 5,295 | 2,492 | 7,796 |
| Disposal | - | - | - | - | - | - | - |
| Transfers ^(a) | - | - | - | (19) | 388 | (2,937) | (2,568) |
| Classified as held for distribution to owner ^(b) | - | - | - | - | - | (4,812) | (4,812) |
| Distribution to Owner | - | - | - | - | - | - | - |
| Contribution by Owner ^(c) | - | - | - | 21,918 | - | - | 21,918 |
| Revaluation Increments | (3,725) | (1,080) | 4,461 | - | - | - | (344) |
| Expensed work in progress | - | - | - | - | - | (13) | (13) |
| Depreciation | - | (6,098) | (4,031) | (5,009) | (3,408) | - | (18,546) |
| Carrying amount at end of period | 99,604 | 297,737 | 206,824 | 29,382 | 17,966 | 693 | 652,206 |

^(a) An amount of \$14,000, (2016: \$2,568,000) was transferred to intangible assets.

^(b) At 30 June 2016 Work in progress included \$4.812 million for Fitzroy Crossing Courthouse which was transferred out to WA Police Department in 2015-16.

^(c) At 30 June 2016 State Administrative Tribunal fit out was transferred in from the Department of Treasury.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 24. Fair value measurements

| Assets measured at fair value | Level 1 | Level 2 | Level 3 | Fair value at end of period |
|-------------------------------|---------|---------|---------|-----------------------------|
| 2017 | \$'000 | \$'000 | \$'000 | \$'000 |
| Land | - | - | 85,832 | 85,832 |
| Buildings | - | - | 283,616 | 283,616 |
| Leased buildings | - | - | 205,669 | 205,669 |
| | - | - | 575,117 | 575,117 |

| | Level 1 | Level 2 | Level 3 | Fair value at end of period |
|------------------|---------|---------|---------|-----------------------------|
| 2016 | \$'000 | \$'000 | \$'000 | \$'000 |
| Land | - | - | 99,604 | 99,604 |
| Buildings | - | - | 297,737 | 297,737 |
| Leased buildings | - | - | 206,824 | 206,824 |
| | - | - | 604,165 | 604,165 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 24. Fair value measurements (continued)

Fair value measurements using significant unobservable inputs (Level 3)

| | Land | Buildings | Leased Buildings |
|---|---------------|----------------|---------------------|
| 2017 | \$'000 | \$'000 | \$'000 |
| Fair Value at start of period | 99,604 | 297,737 | 206,824 |
| Additions | 47 | - | - |
| Distribution to owner | (5,018) | - | - |
| Revaluation increments recognised in Other Comprehensive Income | (8,801) | (8,166) | 2,889 |
| Transfers from Level 2 | - | - | - |
| Depreciation expense | - | (5,955) | (4,044) |
| Fair Value at end of period | 85,832 | 283,616 | 205,669 |

| 2016 | \$'000 | \$'000 | \$'000 |
|---|---------------|----------------|----------------|
| Fair Value at start of period | 103,329 | 304,915 | 206,394 |
| Additions | - | - | - |
| Revaluation increments recognised in Other Comprehensive Income | (3,725) | (1,080) | 4,461 |
| Transfers from Level 2 | - | - | - |
| Depreciation Expense | - | (6,098) | (4,031) |
| Fair Value at end of period | 99,604 | 297,737 | 206,824 |

Valuation processes

Transfers in and out of a fair value level are recognised on the date of the event or change in circumstances that caused the transfer. Transfers are generally limited to assets newly classified as non-current assets held for sale as Treasurer's instructions require valuations of land, buildings and infrastructure to be categorised within Level 3 where the valuations will utilise significant Level 3 inputs on a recurring basis.

Fair value for existing use specialised buildings is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the depreciated replacement cost. Depreciated replacement cost is the current replacement cost of an asset less accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired economic benefit, or obsolescence, and optimisation (where applicable) of the asset. Current replacement cost is generally determined by reference to the market observable replacement cost of a substitute asset of comparable utility and the gross project size specifications.

Fair value for restricted use land is based on market value, either by using market evidence of sales of comparable land that is unrestricted less restoration costs to return the site to a vacant and marketable condition (low restricted use land), or by comparison with market evidence for land with low level utility (high restricted use land).

Basis of Valuation

In the absence of market-based evidence, due to the specialised nature of some non-financial assets, these assets are valued at Level 3 of the fair value hierarchy on an existing use basis. The existing use basis recognises that restrictions or limitations have been placed on their use and disposal when they are not determined to be surplus to requirements. These restrictions are imposed by virtue of the assets being held to deliver a specific community service and the Department's enabling legislation.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 25. Intangible assets

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Computer Software | | |
| At cost | 61,899 | 61,871 |
| Accumulated amortisation | (54,553) | (52,168) |
| | 7,346 | 9,703 |
| Reconciliations: | | |
| Computer Software | | |
| Carrying amount at start of period | 9,703 | 8,597 |
| Additions | 717 | 1,270 |
| Transfers | 14 | 2,568 |
| Retirements | - | - |
| Amortisation | (3,088) | (2,732) |
| Carrying amount at end of period | 7,346 | 9,703 |

Note 26. Impairment of assets

There were no indicators of impairment to property, plant and equipment or intangible assets at 30 June 2017.

The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

Note 27. Payables

| | 2017 \$'000 | 2016 \$'000 |
|---------------------------------|----------------|----------------|
| Current | | |
| Trade payables | 17,478 | 14,175 |
| Unclaimed monies | 5,492 | 5,648 |
| Accrued salaries ^(a) | 791 | - |
| Total current | 23,761 | 19,823 |

^(a) 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. A salary accrual of 1 working day was taken up in 2016-17. (The last pay day of the 2015-2016 financial year was on 30 June 2017 so no accrual was necessary). See also Note 2(s) 'Payables' and Note 37 'Financial instruments'.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 28. Borrowings

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Current | | |
| Finance lease liabilities (secured) ^(a) | 6,150 | 5,404 |
| Total current | 6,150 | 5,404 |
| Non-current | | |
| Finance lease liabilities (secured) ^(a) | 196,449 | 202,271 |
| Total non-current | 196,449 | 202,271 |

^(a) Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Assets pledged as security | | |
| The carrying amounts of non-current assets pledged as security are: | | |
| Leased land and building | 205,669 | 206,824 |
| | 205,669 | 206,824 |

Note 29. Provisions

| | 2017 \$'000 | 2016 \$'000 |
|--------------------------------------|----------------|----------------|
| Current | | |
| Employee benefits provision | | |
| Annual leave ^(a) | 10,185 | 9,984 |
| Long service leave ^(b) | 29,964 | 30,813 |
| Superannuation | 3,132 | 2,699 |
| | 43,281 | 43,496 |
| Other provisions | | |
| Employment on-costs ^(d) | 136 | 269 |
| | 136 | 269 |
| | 43,417 | 43,765 |
| Non-current | | |
| Employee benefits provision | | |
| Long service leave ^{(b)(c)} | 8,014 | 7,765 |
| Superannuation | 791 | 727 |
| | 8,805 | 8,492 |
| Other provisions | | |
| Employment on-costs ^(d) | 27 | 51 |
| | 27 | 51 |
| | 8,832 | 8,543 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 29. Provisions (continued)

^(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:

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Within 12 months of the end of the reporting period | 8,589 | 8,329 |
| More than 12 months after the end of the reporting period | 1,596 | 1,655 |
| | 10,185 | 9,984 |

^(b) Long service leave liabilities have been classified as current where 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:

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Within 12 months of the end of the reporting period | 11,417 | 11,100 |
| More than 12 months after the end of the reporting period | 26,561 | 27,478 |
| | 37,978 | 38,578 |

^(c) Pro rata long service leave liabilities have been classified as non-current as the Department has an unconditional right to defer settlement of the liability until the employee has completed the requisite years of service.

^(d) 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, apart from the unwinding of the discount (finance cost), is disclosed in Note 13 'Other expenses'.

Movements in other provisions

Employment on-cost provision

Carrying amount at start of period

Additional provisions recognised

Net amounts used

Carrying amount at end of period

| | 2017 \$'000 | 2016 \$'000 |
|------------------------------------|----------------|----------------|
| Carrying amount at start of period | 320 | 672 |
| Additional provisions recognised | 350 | 343 |
| Net amounts used | (507) | (695) |
| Carrying amount at end of period | 163 | 320 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 30. Equity The Government holds the equity interest in the Department on behalf of the community. Equity represents the residual interest in the net assets of the Department. The asset revaluation surplus represents that portion of equity resulting from the revaluation of non-current assets.

Contributed equity

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Balance at start of period | 248,007 | 224,956 |
| Contributions by owners | | |
| Capital appropriation | 3,287 | 3,467 |
| Equity contribution | 2,960 | 2,805 |
| Other contributions by owners | | |
| Royalties for Regions Fund - Regional Infrastructure and Headwork Account | 5,685 | 2,881 |
| Transfer of Assets - State Administrative Tribunal fit out | - | 21,918 |
| Total contributions by owners | 11,932 | 31,071 |
| Distributions to owners | | |
| Transfer of net assets to other agencies: | | |
| WA Police - Fitzroy Crossing Courthouse | - | (4,812) |
| Department of Lands - ANZAC House land | (5,018) | - |
| Net assets transferred to Government: | | |
| Dept of Treasury - Kalgoorlie Courthouse unspent funds | (919) | (1,520) |
| Dept of Treasury - Mt Magnet Courthouse unspent funds | - | (1,688) |
| Total distributions to owners | (5,937) | (8,020) |
| Balance at end of period | 254,002 | 248,007 |

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Reserves | | |
| Asset revaluation surplus | | |
| Land | | |
| Balance at start of period | 94,040 | 97,765 |
| Net revaluation decrements | (8,801) | (3,725) |
| Balance at end of period | 85,239 | 94,040 |
| Buildings | | |
| Balance at start of period | 190,098 | 186,717 |
| Net revaluation increments/(decrements) | (5,277) | 3,381 |
| Balance at end of period | 184,821 | 190,098 |
| Balance at end of period | 270,060 | 284,138 |
| Accumulated surplus | | |
| Balance at start of period | 64,113 | 62,296 |
| Result for the period | (12,487) | 1,817 |
| Balance at end of period | 51,626 | 64,113 |
| Total Equity at end of period | 575,688 | 596,258 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 31. Notes to the Statement of Cash Flows

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:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Cash and cash equivalents | 7,956 | 7,854 |
| Restricted cash and cash equivalents - current (Note 19 'Restricted cash and cash equivalents') | 9,189 | 13,104 |
| Restricted cash and cash equivalents - non-current (Note 19 'Restricted cash and cash equivalents') | 612 | - |
| | 17,757 | 20,958 |

| | 2017 \$'000 | 2016 \$'000 |
|----------------------------|----------------|----------------|
| Royalties for Regions Fund | | |
| Capital Funding | 5,685 | 2,881 |
| Recurrent Funding | 2,287 | 1,972 |
| | 7,972 | 4,853 |

Reconciliation of net cost of services of net cash flows used in operating activities

| | 2017 \$'000 | 2016 \$'000 |
|--|------------------|------------------|
| Net cost of services | (400,795) | (465,760) |
| Non-cash Items | | |
| Depreciation and amortisation expense (Note 9 'Depreciation and amortisation expense') | 20,435 | 21,278 |
| Movement in the allowance for impairment of receivables (Note 20 'Receivables') | 47 | (7) |
| Judges' Pensions expense - Liability assumed by the treasurer | - | 70,305 |
| Resources received free of charge (Note 18 'Income from State Government') | 25,159 | 23,573 |
| Net (gain) / loss on disposal of property, plant and equipment | 666 | (12) |
| Accrued interest cost | 380 | - |
| (Increase)/decrease in assets | | |
| Current receivables ^(a) | 5,084 | (3,621) |
| Other current assets | 3,646 | (2,957) |
| Increase/(decrease) in liabilities | | |
| Current payables ^(a) | 3,938 | (7,200) |
| Provisions | (59) | (1,527) |
| Change in GST in receivables/payables ^(b) | 283 | (743) |
| Net cash used in operating activities | (341,216) | (366,671) |

^(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

^(b) This reverses out the GST in receivables and payables.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 32. Resources provided free of charge

During the period the following services were provided to other agencies free of charge for functions outside the normal operations of the Department:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Legal services provided by the State Solicitor's Office to: | | |
| Other Government agencies | 32,822 | 31,786 |
| Corporate support provided by the Department to: | | |
| Department of Corrective Services | 5,747 | 9,436 |
| Legal Practice Board | - | 1,017 |
| Office of the Director of Public Prosecutions | 873 | 1,060 |
| Law Reform Commission | 284 | 203 |
| Commissioner for Children and Young People | 109 | 149 |
| Parliamentary Inspector of the Corruption and Crime Commission | 138 | 154 |
| Legal Costs Committee | 55 | 53 |
| Professional Standards Council | 55 | 39 |
| | 40,083 | 43,897 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 33. Commitments

Finance lease commitments

| | As at 30 June 2017 | | | As at 30 June 2016 | | |
|--|------------------------------|-------------------------------------|-----------------|------------------------------|-------------------------------------|-----------------|
| | CBD Courts Complex \$'000 | Fremantle Justice Complex \$'000 | Total \$'000 | CBD Courts Complex \$'000 | Fremantle Justice Complex \$'000 | Total \$'000 |
| Minimum lease payments in relation to finance leases are as follows: | | | | | | |
| Within 1 year | 19,570 | 1,561 | 21,131 | 19,359 | 1,638 | 20,997 |
| Later than 1 year and not later than 5 years | 80,657 | 6,245 | 86,902 | 79,907 | 6,245 | 86,152 |
| Later than 5 years | 237,543 | 5,464 | 243,007 | 258,787 | 7,026 | 265,813 |
| Minimum lease payments | 337,770 | 13,270 | 351,040 | 358,053 | 14,909 | 372,962 |
| Less future finance charges | (143,918) | (4,523) | (148,441) | (159,730) | (5,557) | (165,287) |
| Present value of finance lease liability | 193,852 | 8,747 | 202,599 | 198,323 | 9,352 | 207,675 |
| The present value of the finance lease liability is as follows: | | | | | | |
| Within 1 year | 5,483 | 667 | 6,150 | 4,803 | 601 | 5,404 |
| Later than 1 year and not later than 5 years | 29,230 | 3,564 | 32,794 | 26,082 | 3,222 | 29,304 |
| Later than 5 years | 159,139 | 4,516 | 163,655 | 167,437 | 5,530 | 172,967 |
| Present value of finance lease liability | 193,852 | 8,747 | 202,599 | 198,322 | 9,353 | 207,675 |
| Included in the financial statements as: | | | | | | |
| Current liabilities (Note 28 'Borrowings') | 5,483 | 667 | 6,150 | 4,803 | 601 | 5,404 |
| Non-current liabilities (Note 28 'Borrowings') | 188,369 | 8,080 | 196,449 | 193,519 | 8,752 | 202,271 |
| | 193,852 | 8,747 | 202,599 | 198,322 | 9,353 | 207,675 |

CBD Courts Complex: In December 2004, the Department entered into an agreement to finance the development of a new purpose built District Court Building in Perth. Construction was completed in June 2009. Under this agreement ownership of the facility will transfer to the Department at the conclusion of the lease term.

Fremantle Justice Complex: In March 2001, the Department 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 Department at the conclusion of the lease term.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 33. Commitments (continued)

Non-cancellable operating lease commitments

Commitments for minimum lease payments are payable as follows:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Within 1 year | 32,105 | 55,011 |
| Later than 1 year and not later than 5 years | 115,771 | 218,715 |
| Later than 5 years | 491,023 | 305,809 |
| | 638,899 | 579,535 |

The Department has entered into non-cancellable operating leases for the use of certain premises, motor vehicles and office equipment. The term of the leases varies between one to seven years, with rent payable monthly in advance. Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

Capital expenditure commitments

Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Within 1 year | 196 | 5,325 |
| Later than 1 year and not later than 5 years | - | 243 |
| Later than 5 years | - | - |
| | 196 | 5,568 |

The Capital expenditure commitments were reported by the Department of Finance at the end of the reporting period 30 June 2017.

Other expenditure commitments

Other expenditure commitments for operational services contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Within 1 year | 29,419 | 18,873 |
| Later than 1 year and not later than 5 years | 11,707 | 37 |
| Later than 5 years | - | - |
| | 41,126 | 18,910 |

The commitments shown above are all inclusive of GST.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 34. Contingent liabilities and contingent assets

Contingent liabilities

The following contingent liabilities are additional to the liabilities included in the financial statements:

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Litigation in progress | | |
| Criminal injuries compensation court appeals | 2,025 | 1,950 |
| | | |
| | 2017 \$'000 | 2016 \$'000 |
| Disclosure regarding criminal injuries | | |
| Claims yet to be assessed | 51,285 | 48,705 |

Contaminated sites

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

In prior financial years lots 510, 557 and 1059 were reported as suspected contaminated sites. These lots are located within the Carnarvon Police and Justice Complex site at the corner of Robinson Street and Babbage Island Road, Morgantown, Carnarvon.

Investigations conducted confirmed the presence of hydrocarbons (such as from diesel or oil) in soils exceeding ecological Investigations levels. Hydrocarbons were also identified in groundwater at concentrations exceeding Aquatic Ecosystems – Freshwater/Marine guidelines.

Remedial works were conducted and the soils within the site have been remediated to a condition suitable for commercial use including the assigned use as a justice complex but the groundwater underlying the site remains contaminated.

The Department of Water and Environment Regulation in consultation with the Department of Health has classified the site as “Remediated for Restricted use” with restrictions on the abstraction of groundwater and site management requirements. Currently there is a Memorial, which the current land titles are affected by.

The results of the groundwater monitoring have been submitted to DWER, these reports indicate that the groundwater underlying the site remains contaminated and there is no conclusive evidence that natural attenuation is occurring in the site. Groundwater monitoring bore holes were replaced during the construction works and will be used for future assessments and reporting of findings will be carried out and submitted to DWER for reclassification.

Issues related to the attenuation cannot be granted as outside influences can affect monitoring results. There is a fuel station within 150 metres of the complex site which is not within the monitoring boundaries which may influence actual test readings. Recent results of the site land parcel in-ground testing sees the site reducing its contamination level to an acceptable level, but would not be able to attain a 100% clearance.

There will be additional costs to progress further testing for the removal of the memorial, which has not been quantified nor approved at this stage as further tests will be required.

The Department is unable to assess the likely outcome of any re-classification process, and accordingly, it is not practicable to estimate the potential financial effect or to identify the uncertainties relating to the amount or timing of any outflows.

Contingent assets

The following contingent assets are additional to the assets included in the financial statements:

| | 2017 \$'000 | 2016 \$'000 |
|-------------------------|----------------|----------------|
| Recovery of court costs | 457 | - |

Note 35. Events occurring after the end of the reporting period

2017 Machinery of Government (MOG) changes

On 1st July 2017 the Department of the Attorney General and the Department of Corrective Services were officially amalgamated to form the Department of Justice.

As a result of the 2017 MOG changes, the functions of the Department of the Attorney General, staff and all property, assets, rights, debts, liabilities and obligations have been compulsorily transferred to the Department of Justice, effective from 1st July 2017.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 36. Explanatory statement

All variances between estimates (original budget) and actual results for 2017 and between the actual results for 2017 and 2016 are shown below. Narratives are provided for selected major variances, which are generally greater than:

- 5% and \$10.8 million for the Statements of Comprehensive Income and Cash Flows; and
- 5% and \$17.1 million for the Statement of Financial Position.

Statement of Comprehensive Income

| | Variance note | Original budget ^(*) 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|---------------------------------------|---------------|--|--------------------------|--------------------------|--|---|
| COST OF SERVICES | | | | | | |
| Expenses | | | | | | |
| Employee benefits expense | 1, A | 250,861 | 227,807 | 296,001 | (23,054) | (68,194) |
| Supplies and services | 2 | 98,818 | 112,216 | 101,688 | 13,398 | 10,528 |
| Depreciation and amortisation expense | | 19,957 | 20,435 | 21,278 | 478 | (843) |
| Finance costs | | 16,103 | 15,809 | 16,290 | (294) | (481) |
| Accommodation expenses | | 60,461 | 66,093 | 67,049 | 5,632 | (956) |
| Grants and subsidies | 3 | 75,322 | 94,054 | 92,803 | 18,732 | 1,251 |
| Other expenses | | 20,655 | 16,235 | 17,146 | (4,420) | (911) |
| Total cost of services | | 542,177 | 552,649 | 612,255 | 10,472 | (59,606) |
| Income | | | | | | |
| Revenue | | | | | | |
| User charges and fees | | 106,923 | 105,084 | 98,150 | (1,839) | 6,934 |
| Commonwealth grants and contributions | | 18,486 | 19,020 | 18,433 | 534 | 587 |
| Other revenue | | 29,995 | 28,416 | 29,900 | (1,579) | (1,484) |
| Total Revenue | | 155,404 | 152,520 | 146,483 | (2,884) | 6,037 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 36. Explanatory statement (continued)

Statement of Comprehensive Income

| | Variance note | Original budget ^(*) 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|---|---------------|--|--------------------------|--------------------------|--|---|
| Gains | | | | | | |
| Net gain on disposal of non-current assets | | - | (666) | 12 | (666) | (678) |
| Total Gains | | - | (666) | 12 | (666) | (678) |
| Total income other than income from State Government | | 155,404 | 151,854 | 146,495 | (3,550) | 5,359 |
| NET COST OF SERVICES | | 386,773 | 400,795 | 465,760 | 14,022 | (64,965) |
| Income from State Government | | | | | | |
| Service appropriation | | 347,372 | 360,862 | 371,727 | 13,490 | (10,865) |
| Liabilities assumed by the Treasurer | 4, B | 16,450 | - | 70,305 | (16,450) | (70,305) |
| Resources received free of charge | | 21,119 | 25,159 | 23,573 | 4,040 | 1,586 |
| Royalties for Regions Fund | | 2,799 | 2,287 | 1,972 | (512) | 315 |
| Total income from State Government | | 387,740 | 388,308 | 467,577 | 568 | (79,269) |
| SURPLUS/(DEFICIT) FOR THE PERIOD | | 967 | (12,487) | 1,817 | (13,454) | (14,304) |
| OTHER COMPREHENSIVE INCOME | | | | | | |
| Items not reclassified subsequently to profit or loss | | | | | | |
| Changes in asset revaluation surplus | | - | (14,078) | (344) | (14,078) | (13,734) |
| Total other comprehensive income | | - | (14,078) | (344) | (14,078) | (13,734) |
| TOTAL COMPREHENSIVE INCOME FOR THE PERIOD | | 967 | (26,565) | 1,473 | (27,532) | (28,038) |

(*) Budgetary information has been restated to align with the presentation and classification adopted in the financial statements.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 36. Explanatory statement (continued)

Statement of Financial Position

| | Variance note | Original budget ^(*) 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|--------------------------------------|---------------|--|--------------------------|--------------------------|--|---|
| ASSETS | | | | | | |
| Current Assets | | | | | | |
| Cash and cash equivalents | | 16,487 | 7,956 | 7,854 | (8,531) | 102 |
| Restricted cash and cash equivalents | | 2,250 | 9,189 | 13,104 | 6,939 | (3,915) |
| Receivables | | 8,753 | 7,711 | 13,125 | (1,042) | (5,414) |
| Amounts receivable for services | | 2,600 | 2,600 | 2,396 | - | 204 |
| Other current assets | | 1,701 | 1,305 | 4,951 | (396) | (3,646) |
| Total Current Assets | | 31,791 | 28,761 | 41,430 | (3,030) | (12,669) |
| Non-Current Assets | | | | | | |
| Restricted cash and cash equivalents | | 600 | 612 | - | 12 | 612 |
| Amounts receivable for services | | 190,082 | 190,082 | 172,725 | - | 17,357 |
| Property, plant and equipment | | 639,821 | 627,496 | 652,206 | (12,325) | (24,710) |
| Intangible assets | | 12,826 | 7,346 | 9,703 | (5,480) | (2,357) |
| Total Non-Current Assets | | 843,329 | 825,536 | 834,634 | (17,793) | (9,098) |
| TOTAL ASSETS | | 875,120 | 854,297 | 876,064 | (20,823) | (21,767) |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 36. Explanatory statement (continued)

Statement of Financial Position

| | Variance note | Original budget ^(*) 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|--------------------------------------|---------------|--|--------------------------|--------------------------|--|---|
| LIABILITIES | | | | | | |
| Current Liabilities | | | | | | |
| Payables | | 21,598 | 23,761 | 19,823 | 2,163 | 3,938 |
| Borrowings | | 6,077 | 6,150 | 5,404 | 73 | 746 |
| Provisions | | 44,939 | 43,417 | 43,765 | (1,522) | (348) |
| Total Current Liabilities | | 72,614 | 73,328 | 68,992 | 714 | 4,336 |
| Non-Current Liabilities | | | | | | |
| Borrowings | | 195,758 | 196,449 | 202,271 | 691 | (5,822) |
| Provisions | | 8,896 | 8,832 | 8,543 | (64) | 289 |
| Total Non-Current Liabilities | | 204,654 | 205,281 | 210,814 | 627 | (5,533) |
| TOTAL LIABILITIES | | 277,268 | 278,609 | 279,806 | 1,341 | (1,197) |
| NET ASSETS | | 597,852 | 575,688 | 596,258 | (22,164) | (20,570) |
| EQUITY | | | | | | |
| Contributed equity | | 243,453 | 254,002 | 248,007 | 10,549 | 5,995 |
| Reserves | | 289,631 | 270,060 | 284,138 | (19,571) | (14,078) |
| Accumulated surplus | | 64,768 | 51,626 | 64,113 | (13,142) | (12,487) |
| TOTAL EQUITY | | 597,852 | 575,688 | 596,258 | (22,164) | (20,570) |

(*) Budgetary information has been restated to align with the presentation and classification adopted in the financial statements.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 36. Explanatory statement (continued)

Statement of Cash Flows

| | Variance note | Original budget ^(*) 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|--|---------------|--|--------------------------|--------------------------|--|---|
| CASH FLOWS FROM STATE GOVERNMENT | | | | | | |
| Service appropriation | | 327,415 | 340,905 | 352,238 | 13,490 | (11,333) |
| Capital appropriation | | 3,287 | 3,287 | 3,467 | - | (180) |
| Equity contribution | | 2,960 | 2,960 | 2,805 | - | 155 |
| Holding account drawdown | | 2,396 | 2,396 | 2,557 | - | (161) |
| Royalties for Regions Fund | | 8,798 | 7,972 | 4,853 | (826) | 3,119 |
| Net cash provided by State Government | | 344,856 | 357,520 | 365,920 | 12,664 | (8,400) |
| Utilised as follows: | | | | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Employees benefits | | (234,411) | (227,075) | (233,268) | 7,336 | 6,193 |
| Grants and subsidies | 5 | (75,322) | (94,054) | (92,803) | (18,732) | (1,251) |
| Supplies and services | | (95,528) | (98,247) | (99,654) | (2,719) | 1,407 |
| Accommodation | | (56,096) | (59,708) | (62,558) | (3,612) | 2,850 |
| Finance costs | | (16,103) | (15,429) | (15,918) | 674 | 489 |
| GST payments on purchases | | (21,513) | (20,252) | (20,992) | 1,261 | 740 |
| GST payments to taxation authority | | (1,300) | (3,525) | (3,481) | (2,225) | (44) |
| Receipts | | | | | | |
| Receipts from services | C | 136,918 | 138,571 | 124,331 | 1,653 | 14,240 |
| Commonwealth grants and contributions | | 13,909 | 14,443 | 13,942 | 534 | 501 |
| GST receipts on sales | | 1,300 | 3,492 | 3,420 | 2,192 | 72 |
| GST receipts from taxation authority | | 21,513 | 20,568 | 20,310 | (945) | 258 |
| Net cash used in operating activities | | (326,633) | (341,216) | (366,671) | (14,583) | 25,455 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 36. Explanatory statement (continued)

Statement of Cash Flows

| | Variance note | Original budget ^(*) 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|---|---------------|--|--------------------------|--------------------------|--|---|
| CASH FLOW FROM INVESTING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Purchase of non-current physical assets | | (16,963) | (13,130) | (9,053) | 3,833 | (4,077) |
| Receipts | | | | | | |
| Proceeds from sale of non-current physical assets | | - | - | 12 | - | (12) |
| Net cash used in investing activities | | (16,963) | (13,130) | (9,041) | 3,833 | (4,089) |
| CASH FLOW FROM FINANCING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Finance lease payments | | (4,974) | (5,456) | (4,918) | (482) | (538) |
| Equity Distribution | | - | (919) | (3,208) | (919) | 2,289 |
| Net cash used in financing activities | | (4,974) | (6,375) | (8,126) | (1,401) | 1,751 |
| Net increase in cash and cash equivalents | | (3,714) | (3,201) | (17,918) | 513 | 14,717 |
| Cash and cash equivalents at the beginning of the period | | 23,051 | 20,958 | 38,876 | (2,093) | (17,918) |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | | 19,337 | 17,757 | 20,958 | (1,580) | (3,201) |

^(*) Budgetary information has been restated to align with the presentation and classification adopted in the financial statements.

Notes to the Financial Statements

For the year ended 30 June 2017

Major Variance Narratives

Variances between estimate and actual for 2017

1. Employee benefits was lower than estimates by \$23 million (9.2%) mainly due to lower actuarial assessment of the Judges' pension-liability. The reduction in the actuarial pension liability at Treasury is attributed to the reduction in the salary increase assumption (nil for the next 4 years and 2.5% p.a. thereafter) combined with an increase in the discount rate (from 2% to 2.6%).
2. Supplies and services exceeded estimates by \$13.4 million (13.6%) mainly due to costs escalation and higher computing services and contract costs.
3. Grants and subsidies exceeded estimates by \$18.7 million (24.9%) mainly due to higher accused costs and other payments (Acts of Grace) on behalf of the State.
4. Liabilities assumed by the Treasurer was nil in 2016-17 due to lower actuarial assessment of the Judges' pension-liability at the Department of Treasury. The reduction in the actuarial pension liability at Treasury is attributed to the reduction in the salary increase assumption (nil for the next 4 years and 2.5% p.a. thereafter) combined with an increase in the discount rate (from 2% to 2.6%).

5. Grants and subsidies exceeded estimates by \$18.7 million (24.9%) mainly due to higher accused costs and other payments (Acts of Grace) on behalf of the State.

Variances between actual results for 2017 and 2016

- A. Employee benefits expense decreased by \$68.2 million (23%) mainly due to lower actuarial assessment of the Judges' pension-liability in 2016-17.
- B. Liabilities assumed by the Treasurer was nil in 2016-17 due to lower actuarial assessment of the Judges' pension-liability at the Department of Treasury. The reduction in the actuarial pension liability at Treasury is attributed to the reduction in the salary increase assumption (nil for the next 4 years and 2.5% p.a. thereafter) combined with an increase in the discount rate (from 2% to 2.6%).
- C. Receipts from services increased by \$14.2 million (11%) due to an increase in User charges and fees and a decrease in receivables.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 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, loans and receivables, payables and finance leases. The Department has limited exposure to financial risks. 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. Credit risk also arises from cash and cash equivalents held at banks and financial institutions.

The maximum exposure to credit risk at the 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 allowance for impairment as shown in the table at Note 37(c) 'Financial instrument disclosures' and Note 20 'Receivables'.

Credit risk associated with the Department's financial assets is minimal because the main receivable is the amounts receivable for services (holding account) and there are no significant receivables other than Government. In addition, receivable balances are monitored on an ongoing basis with the result that the Department's exposure to bad debts is minimal. For banks and financial institutions, only independently rated and highly reputable financial institutions are accepted. At the end of the reporting period, all of the bank deposits are held by the Commonwealth Bank of Australia. There were no other 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 and keeping regular

communications with the Departments of Treasury and Finance 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 because it does not hold investments in securities or bonds.

The majority of the cash and cash equivalents and restricted cash balances are deposited in non-interest bearing accounts. All of the finance lease liabilities have fixed interest rates and are carried at amortised cost. They are therefore not subject to interest rate risk as defined in AASB 7: *Financial Instruments: Disclosures*, since neither the carrying amount nor the future cash flows will fluctuate because of a change in market interest rates.

(b) Categories of financial instruments

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:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Financial assets at amortised cost | | |
| Cash and cash equivalents | 7,956 | 7,854 |
| Restricted cash and cash equivalents | 9,801 | 13,104 |
| Receivables ^(a) | 5,584 | 10,715 |
| Amounts receivable for services | 192,682 | 175,121 |
| Financial liabilities at amortised cost | | |
| Finance lease liabilities | 202,599 | 207,675 |
| Payables | 23,761 | 19,823 |

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

Notes to the Financial Statements

For the year ended 30 June 2017

Note 37. Financial Instruments (continued)

(c) Financial instrument disclosures

Credit risk

The following table discloses the Department's maximum exposure to credit risk 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 Department does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

Interest Rate Exposure and Maturity Analysis of Financial Assets and Financial Liabilities

Ageing analysis of financial assets

| | Carrying amount \$'000 | Not past due and not Impaired \$'000 | Past due but not impaired | | | | | Impaired financial assets \$'000 |
|--------------------------------------|---------------------------|---|---------------------------|------------------------|---------------------------------|-----------------------|--------------------------------|-------------------------------------|
| | | | Up to 1 month \$'000 | 1 - 3 months \$'000 | 3 months to 1 year \$'000 | 1 - 5 years \$'000 | More than 5 years \$'000 | |
| 2017 | | | | | | | | |
| Cash and cash equivalents | 7,956 | 7,956 | - | - | - | - | - | - |
| Restricted cash and cash equivalents | 9,801 | 9,801 | - | - | - | - | - | - |
| Receivables ^(a) | 5,584 | 4,442 | 631 | 50 | 126 | 333 | 2 | 3,143 |
| Amounts receivable for services | 192,682 | 192,682 | - | - | - | - | - | - |
| | 216,023 | 214,881 | 631 | 50 | 126 | 333 | 2 | 3,143 |
| 2016 | | | | | | | | |
| Cash and cash equivalents | 7,854 | 7,854 | - | - | - | - | - | - |
| Restricted cash and cash equivalents | 13,104 | 13,104 | - | - | - | - | - | - |
| Receivables ^(a) | 10,715 | 6,092 | 4,120 | 146 | 5 | 352 | - | 3,096 |
| Amounts receivable for services | 175,121 | 175,121 | - | - | - | - | - | - |
| | 206,794 | 202,171 | 4,120 | 146 | 5 | 352 | - | 3,096 |

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

Notes to the Financial Statements

For the year ended 30 June 2017

Note 37. Financial Instruments (continued)

Liquidity risk

The following table details the contractual maturity analysis of financial assets and financial liabilities. The amounts disclosed in the table are the contractual undiscounted cash flows (interest and principal). Balances due within 12 months equal their carrying balances as the impact of discounting is not significant.

| | Carrying amount \$'000 | Total contractual cash flows \$'000 | Up to 1 month \$'000 | 1 - 3 months \$'000 | 3 months to 1 year \$'000 | 1 - 5 years \$'000 | More than 5 years \$'000 |
|--------------------------------------|---------------------------|--|-------------------------|------------------------|------------------------------|-----------------------|-----------------------------|
| 2017 | | | | | | | |
| Financial Assets | | | | | | | |
| Cash and cash equivalents | 7,956 | 7,956 | 7,956 | - | - | - | - |
| Restricted cash and cash equivalents | 9,801 | 9,801 | 9,801 | - | - | - | - |
| Receivables ^(a) | 5,584 | 5,584 | 5,584 | - | - | - | - |
| Amounts receivable for services | 192,682 | 192,682 | 217 | 433 | 1,950 | 11,645 | 178,437 |
| | 216,023 | 216,023 | 23,558 | 433 | 1,950 | 11,645 | 178,437 |
| Financial Liabilities | | | | | | | |
| Payables | 23,761 | 23,761 | 23,761 | - | - | - | - |
| Finance lease liabilities | 202,599 | 351,113 | 1,653 | 3,648 | 15,902 | 86,902 | 243,008 |
| | 226,360 | 374,874 | 25,414 | 3,648 | 15,902 | 86,902 | 243,008 |

^(a) The amount of receivables excludes GST recoverable from the Australian Taxation Office (statutory receivable). Impaired receivables have also been excluded.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 37. Financial Instruments (continued)

Liquidity risk (continued)

| | Carrying amount \$'000 | Total contractual cash flows \$'000 | Up to 1 month \$'000 | 1 - 3 months \$'000 | 3 months to 1 year \$'000 | 1 - 5 years \$'000 | More than 5 years \$'000 |
|--------------------------------------|---------------------------|--|-------------------------|------------------------|------------------------------|-----------------------|-----------------------------|
| 2016 | | | | | | | |
| Financial Assets | | | | | | | |
| Cash and cash equivalents | 7,854 | 7,854 | 7,854 | - | - | - | - |
| Restricted cash and cash equivalents | 13,104 | 13,104 | 13,104 | - | - | - | - |
| Receivables ^(a) | 6,181 | 6,181 | 6,181 | - | - | - | - |
| Amounts receivable for services | 175,121 | 175,121 | 175,121 | - | - | - | - |
| | 202,260 | 202,260 | 202,260 | - | - | - | - |
| Financial Liabilities | | | | | | | |
| Payables | 19,823 | 19,823 | 19,823 | - | - | - | - |
| Finance lease liabilities | 207,675 | 372,962 | 1,634 | 3,610 | 15,753 | 86,152 | 265,813 |
| | 227,498 | 392,785 | 21,457 | 3,610 | 15,753 | 86,152 | 265,813 |

^(a) The amount of receivables excludes GST recoverable from the Australian Taxation Office (statutory receivable). Impaired receivables have also been excluded.

Fair values

The carrying amounts of receivables and payables are assumed to approximate their fair values due to their short-term nature.

Unless otherwise stated in the applicable notes, all other sub-categories of financial assets and liabilities are recognised at amounts that represent a reasonable approximation of fair value.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 38. Remuneration of auditor

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

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| Auditing the accounts, financial statements and key performance indicators | 194 | 191 |

Note 39. Related bodies

A related body is a body that receives more than half of its funding and resources from an agency and is subject to operational control by that agency. The Department has no related bodies during the financial year.

Note 40. Affiliated bodies

An affiliated body is a body that receives more than half its funding and resources from an agency but is not subject to operational control by that agency.

The following agencies receive more than half their funding and resources from the Department but are not subject to operational control by it and are therefore considered to be affiliated body under the *Financial Management Act 2006*:

The Legal Aid Commission of Western Australia

The Department provided 57% (2016: 55%) of the total operational funds of during the 2016-2017 financial year.

The Legal Costs Committee

The Legal Costs Committee is fully funded (2016: fully funded) by the Department.

The Law Reform Commission

The Department provided 82% (2016: 78%) of the total operational funds of during the 2016-2017 financial year.

Note 41. Supplementary financial information

(a) Department's revenue and debts write-offs

During the financial year, revenue and outstanding debts to the state were written off under the authority of:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| The Accountable Authority ^(a) | | |
| Fines Enforcement Registry | 15,920 | 5,531 |
| Bad Debts | 10 | 93 |
| Other revenue write-offs | 1 | 13 |
| | 15,931 | 5,637 |

^(a) Excludes Criminal Injuries Compensation Act write-offs.

As explained in Note 2(d) outstanding infringements are not included in administered items.

Criminal Injuries Compensation Act write-offs

During the financial year, outstanding criminal injuries recoveries were written off under the authority of:

| | 2017 \$'000 | 2016 \$'000 |
|--|----------------|----------------|
| The Accountable Authority ^(b) | 722 | 880 |
| Criminal injuries Compensation Close-offs ^{(b) (c)} | 1,039 | 1,797 |
| | 1,761 | 2,677 |

^(b) As explained in Note 2 (g) criminal injuries debtors are not recognised as debts in the controlled accounts of the Department.

^(c) Amounts written-off where a reimbursement order was not issued.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 42. Special Purpose accounts

During the reporting period the Department maintained the following special purpose accounts:

| Account name | 2016-2017 | | | | 2015-2016 | | | |
|---|---------------------------|--------------------|--------------------|---------------------------|---------------------------|--------------------|--------------------|---------------------------|
| | Opening balance \$'000 | Receipts \$'000 | Payments \$'000 | Closing balance \$'000 | Opening balance \$'000 | Receipts \$'000 | Payments \$'000 | Closing balance \$'000 |
| 1. Land Acquisition Account | 23,333 | 152,940 | 166,133 | 10,140 | 4,708 | 235,281 | 216,656 | 23,333 |
| 2. Suitor's Fund Account | 108 | 543 | 137 | 514 | 214 | 40 | 146 | 108 |
| 3. Courts Trust Account | 10,742 | 252,385 | 253,803 | 9,324 | 10,924 | 115,320 | 115,502 | 10,742 |
| 4. Departmental Receipts in Suspense | 25 | 30,698 | 30,636 | 87 | 63 | 28,592 | 28,630 | 25 |
| 5. Sheriff's and District Court Bailiff's Trust Account | 107 | 599 | 550 | 156 | 101 | 835 | 829 | 107 |
| 6. Criminal Property Confiscations Account | 22,889 | 11,923 | 10,970 | 23,842 | 19,134 | 13,019 | 9,264 | 22,889 |
| 7. Law Library Fund | - | 600 | 598 | 2 | - | - | - | - |

The following table summarises the purpose of the special purpose accounts maintained by the Department:

| Account name | Purpose of the Special Purpose Account |
|---|---|
| 1. Land Acquisition Account | To hold moneys for and on behalf of Government departments and authorities pending settlement of land acquisition. |
| 2. Suitor's Fund Account | To hold funds, in accordance with section 4 of the <i>Suitor's Fund Act</i> (The Act), to meet the liability for costs of certain litigation and for incidental and other purposes pursuant to the Act. |
| 3. Courts Trust Account | To hold moneys paid into the Supreme, District, Family, Children's and Magistrates Courts in civil and criminal actions, as ordered by those Courts; to hold moneys paid into the Sheriff's Office for service and enforcement action; and to hold moneys collected in the course of Court activities for disbursement to other parties |
| 4. 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 <i>Financial Management Act</i> . |
| 5. Sheriff's and District Court Bailiff's Trust Account | To hold monies collected from the Execution by the Sheriff, Supreme Court or Bailiff District Courts of Western Australia. |
| 6. 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. |
| 7. Law Library Fund | To hold contributions by the Legal Practice Board which are applied towards the cost of the operations of the Law Library in accordance with Section 548A (2) of the <i>Legal Profession Act 2008</i> . |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 43. Disclosure of administered income and expenses by service

| | Court and Tribunal Services | | Services to Government | | General - Not Attributed ^(a) | | Total | |
|---|-----------------------------|----------------|------------------------|----------------|--|----------------|----------------|----------------|
| | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 | 2017 \$'000 | 2016 \$'000 |
| COST OF SERVICES | | | | | | | | |
| Income | | | | | | | | |
| Judicial fines and penalties | 40,193 | 42,988 | - | - | - | - | 40,193 | 42,988 |
| Infringement penalties | - | - | 637 | 818 | - | - | 637 | 818 |
| Copyright income received on behalf of the State | - | - | - | - | 2 | 83 | 2 | 83 |
| Revenue for transfer - other Government agencies | - | - | - | - | 19,898 | 19,883 | 19,898 | 19,883 |
| Criminal property confiscations | - | - | 11,923 | 13,019 | - | - | 11,923 | 13,019 |
| Law Library Fund | - | - | - | - | 600 | - | 600 | - |
| Other paid into Consolidated Account | 549 | 40 | - | - | 10,798 | 8,686 | 11,347 | 8,726 |
| Total administered Income | 40,742 | 43,028 | 12,560 | 13,837 | 31,298 | 28,652 | 84,600 | 85,517 |
| Expenses | | | | | | | | |
| Payments to the Consolidated Account | 41,452 | 40,900 | - | - | - | - | 41,452 | 40,900 |
| Criminal property confiscations - grants | - | - | 2,270 | 1,785 | - | - | 2,270 | 1,785 |
| Criminal property confiscations - supplies and services | - | - | 8,700 | 7,479 | - | - | 8,700 | 7,479 |
| Law Library Fund - payments | - | - | - | - | 598 | - | 598 | - |
| Payment to Road Trauma Trust Account | - | - | 19,898 | 19,883 | - | - | 19,898 | 19,883 |
| Other | 143 | 547 | - | - | 1,031 | 191 | 1,174 | 738 |
| Total administered expenses | 41,595 | 41,447 | 30,868 | 29,147 | 1,629 | 191 | 74,092 | 70,785 |

^(a) Relates to administered costs' receipts in suspense.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 44. Explanatory Statement for Administered Items

All variances between estimates (original budget) and actual results for 2017, and between the actual results for 2017 and 2016 are shown below. Narratives are provided for key major variances, which are generally greater than 5% and \$1.385 million.

| | Variance note | Original budget 2017 \$'000 | Actual 2017 \$'000 | Actual 2016 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2017 and 2016 \$'000 |
|---|---------------|-----------------------------------|--------------------------|--------------------------|---|--|
| COST OF SERVICES | | | | | | |
| Income | | | | | | |
| Judicial fines and penalties | 1, A | 33,646 | 40,193 | 42,988 | 6,547 | (2,795) |
| Infringement penalties | | 1,304 | 637 | 818 | (667) | (181) |
| Copyright income received on behalf of the State | | 227 | 2 | 83 | (225) | (81) |
| Revenue for transfer - other Government agencies | 2 | 17,755 | 19,898 | 19,883 | 2,143 | 15 |
| Criminal property confiscations | 3 | 7,500 | 11,923 | 13,019 | 4,423 | (1,096) |
| Law Library Fund | | - | 600 | - | 600 | 600 |
| Other paid into Consolidated Account | 4, B | 8,827 | 11,347 | 8,726 | 2,520 | 2,621 |
| Total administered Income | | 69,259 | 84,600 | 85,517 | 15,341 | (917) |
| Expenses | | | | | | |
| Payments to the Consolidated Account | | 43,202 | 41,452 | 40,900 | (1,750) | 552 |
| Criminal property confiscations - grants | | 1,900 | 2,270 | 1,785 | 370 | 485 |
| Criminal property confiscations - supplies and services | 5 | 5,600 | 8,700 | 7,479 | 3,100 | 1,221 |
| Law Library Fund - payments | | - | 598 | - | 598 | 598 |
| Payment to Road Trauma Trust Account | 6 | 17,755 | 19,898 | 19,883 | 2,143 | 15 |
| Other | | 802 | 1,174 | 738 | 372 | 436 |
| Total administered expenses | | 69,259 | 74,092 | 70,785 | 4,833 | 3,307 |

Notes to the Financial Statements

For the year ended 30 June 2017

Note 44. Explanatory Statement for Administered Items (continued)

Major Variance Narratives (Administered Items)

Variances between estimate and actual for 2017

1. Judicial fines and penalties collection exceeded estimates by \$6.5 million (19%) mainly due to an increase in fines and infringements registered at the Fines Enforcement Registry.
2. Revenue for transfer is collected on behalf of the Main Roads WA for speed and red light fines. Collection of revenue exceeded estimates by \$2.1 million (12%) due to increasing penalties for a number of offences and the expansion of WA Police's speed and camera fleet.
3. Criminal property confiscations exceeded estimates by \$4.4 million (59%) due to a growth in the criminal money and property seized by the WA Police and the Office of the Director of Public Prosecutions.
4. The increase in other revenue (\$2.5 million, 29%) was mainly attributed to higher Treasury Advances sought for additional funding to meet the obligations of the Suitor's Fund under the Act, higher infringement fines and miscellaneous receipts collected on behalf of the Department of Transport and the Department of Finance (State Revenue office). These collections are not controlled or managed by the Department of the Attorney General.
5. Criminal property confiscations - supplies and services includes funds distributed to the WA Police, Office of the Director of Public Prosecutions (ODPP) and Legal Aid Commission from the confiscation of Crime Proceeds. In 2016-2017 the payments exceeded estimates by \$3.1 million (55%) due to bonus payments from the higher confiscation proceeds and funding provided for Legal Aid Community Legal Centres.
6. Payment to Road Trauma Trust Account increased by \$2.1 million (12%) due to higher funds available for payment as a result of higher speed and red light camera fine revenue collected.

Variances between actual results for 2017 and 2016

- A Judicial fines and penalties decreased by \$2.8 million (7%) mainly due to lower revenue of fines and penalties collected by the Fines Enforcement Registry.
- B Other revenue increased by \$2.6 million (30%) due to higher Treasury Advances sought for additional funding to meet the obligations of the Suitor's Fund under the Act, higher infringement fines and miscellaneous receipts collected on behalf of the Department of Transport and the Department of Finance (State Revenue office). These collections are not controlled or managed by the Department of the Attorney General.

Notes to the Financial Statements

For the year ended 30 June 2017

Note 45. Administered assets and liabilities

| | 2017 \$'000 | 2016 \$'000 |
|---|----------------|----------------|
| Assets | | |
| Cash and restricted cash assets | | |
| Suitors' fund | 514 | 108 |
| Departmental receipts in suspense | 87 | 25 |
| Criminal Property Confiscations | 23,842 | 22,889 |
| Receivables | | |
| Magistrates Court - fines and costs | - | - |
| Fines Enforcement Registry | 187,178 | 177,313 |
| Children's Court | - | - |
| Less: allowance for impairment of receivables - Unrecoverable fees and fines - Note 2 (e) | (91,946) | (91,161) |
| Total administered current assets | 119,675 | 109,174 |
| Total administered assets | 119,675 | 109,174 |
| Liabilities | | |
| Amounts due to the Treasurer (Appeals Cost Board) ^(a) | 2,500 | 2,000 |
| Total administered liabilities | 2,500 | 2,000 |
| Net administered assets | 117,175 | 107,174 |

^(a) Expenditure advance approved by the State Treasurer to provide a temporary advance for funding of the *Suitors' Fund Act*. The funds advanced by the State Treasurer are subject to reimbursement.

Note 46. Commonwealth grant – Christmas and Cocos Island

| | 2017 \$ | 2016 \$ |
|-----------------------------|----------------|----------------|
| Opening balance | 51,722 | (48,956) |
| Income | | |
| Commonwealth reimbursements | 235,265 | 295,751 |
| Court fees | 386 | 585 |
| Total receipts | 235,651 | 296,336 |
| Expenses | | |
| Operating costs | 224,906 | 195,658 |
| Total payments | 224,906 | 195,658 |
| Closing balance | 62,467 | 51,722 |

Operating costs are based on actual 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 Ended 30 June 2017

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 2017.



Rodolfo Montilva Castillo
Reporting Officer
Department of the Attorney General
24 August 2017

Key Performance Indicators

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 Goals | Department of the Attorney General Desired Outcomes | Services |
|--|--|--|
| Results-based service delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians. | 1. An efficient, accessible court and tribunal system | 1. Court and Tribunal Services |
| | 2. Trustee, Guardianship and Administration services are accessible to all Western Australians | 2. Advocacy, Guardianship and Administration Services 3. Trustee Services |
| | 3. Western Australian birth, death and marriage certificates are accurate and accessible | 4. Births, Deaths and Marriages |
| | 4. Government receives quality, timely legal and legislative drafting services | 5. Services to Government |
| | 5. Equitable access to legal services and information* | 6. Legal Aid Assistance* |

* This outcome and service is delivered by the Legal Aid Commission. The Legal Aid Commission is partly funded through the Department of the Attorney General but prepares a separate annual report including reporting against Key Performance Indicators.

Changes to the Department's Outcome Based Management structure

There were no changes to the Department's Outcome Based Management framework for 2016/17.

Key Performance Indicators

The Department of the Attorney General is required under Section 61 of the *Financial Management Act 2006* and Treasurer's Instruction TI 904, to disclose key performance indicators in agency annual reports.

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

The Key Performance Indicators are monitored on a regular basis by the Department's Corporate Executive Committee.

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 five 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 the Department'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 2016/17 budget targets and actual results.

Outcome 1: An efficient, accessible court and tribunal system

The Department aims to provide a court system that is responsive to community needs for access to justice. This supports the Government's strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

To be accessible, the court system must be available to resolve disputes in a timely manner. Accessibility is diminished if there are lengthy delays in bringing matters to trial or finalising matters brought before the courts. The time taken to achieve an outcome in the courts is

considered a primary indicator of the accessibility of the court system and therefore the extent to which the agency level outcome is achieved. The timely resolution of matters brought before the courts is also a measure of the efficiency of the courts system.

Effectiveness indicators are measured separately for key jurisdictions and the Fines Enforcement Registry. The jurisdictions measured are considered key indicators because, combined, they represent the majority of the workload and/or expenditure for the courts.

The key effectiveness indicators comprise measures of time to trial, time to finalise matters and time to finalise non trial matters. The measure used is dependent on the type of matter and the jurisdiction. In criminal jurisdictions, the majority of matters may go to trial therefore time to trial is an appropriate measure whereas in civil jurisdictions most matters may be finalised without going to trial and time to finalise non trial matters is used.

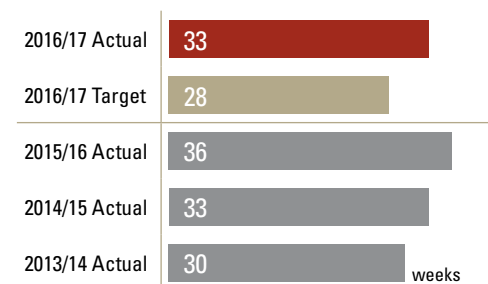
Key Effectiveness Indicators

Supreme Court – Criminal – Time to trial

What does this indicator measure? 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.

How is this indicator calculated? 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 Integrated Courts Management System (ICMS).

What does this indicator show? The higher than target result is due to increased demand for trial time which is attributed to an increased number of committals for trial and greater trial complexity.

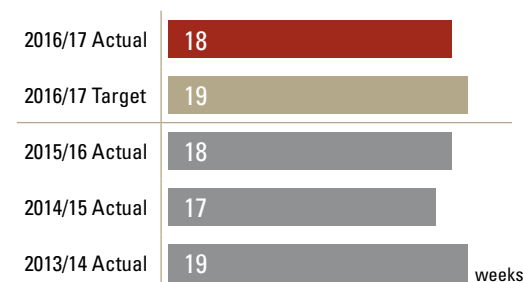


Supreme Court – Civil – Time to finalise non-trial matters

What does this indicator measure? 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.

How is this indicator calculated? This measure is calculated by taking the median time from date of lodgment to first 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).

What does this indicator show? No significant variation.

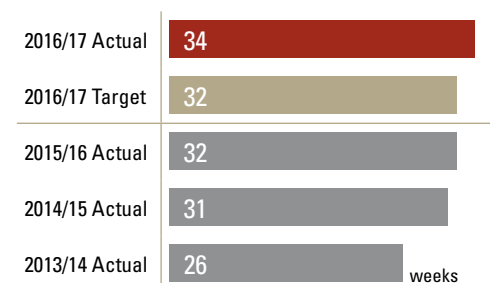


District Court – Criminal – Time to trial

What does this indicator measure? Time to trial is a measure of the median time taken from a specified initial date (e.g. committal, lodgment) 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.

How is this indicator calculated? 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 the Integrated Courts Management System (ICMS).

What does this indicator show? No significant variation.

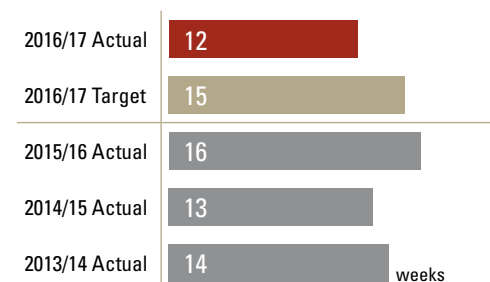


State Administrative Tribunal – Time to finalise

What does this indicator measure? This indicator is measured by calculating the median time to finalise a matter from its lodgment to when a judgement is made.

How is this indicator calculated? This measure is calculated by taking the median time to finalise a matter from date of lodgment to when a judgement is made (excludes all guardianship administration matters). Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show? The better than target result is attributed to the Tribunal's continued active case management.

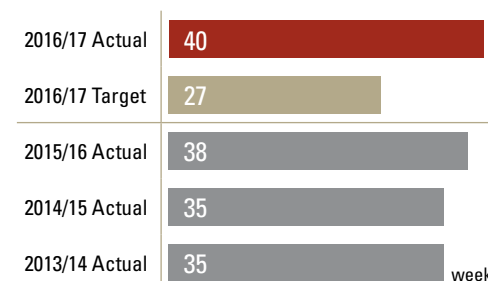


Family Court of Western Australia – Time to finalise non-trial matters

What does this indicator measure? This indicator measures the median time to finalise final order applications by court order, before proceeding to trial. This is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

How is this indicator calculated? 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).

What does this indicator show? The higher than target result is due to long-term growth in the complexity and volume of final order parenting applications and court ordered finalisations; and the reallocation of magistrates to trial work to help address the delay to trial, thereby reducing the Court's capacity to hear non-trial matters.

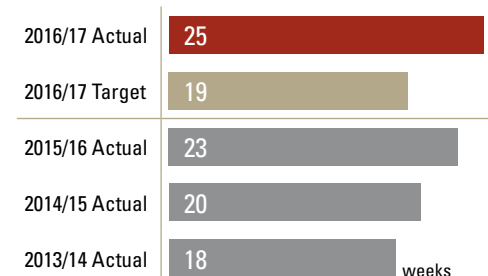


Magistrates Court – Criminal and Civil – Time to trial

What does this indicator measure? Time to trial is a measure of the median time taken from a specified initial date (e.g. lodgment) 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.

How is this indicator calculated? This measure is calculated by taking the median time from the date of lodgment to the first trial date. Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show? The higher than target result in time to trial is due to growth in the number of criminal cases and charges per case lodged in the Magistrates Court during the last two years.

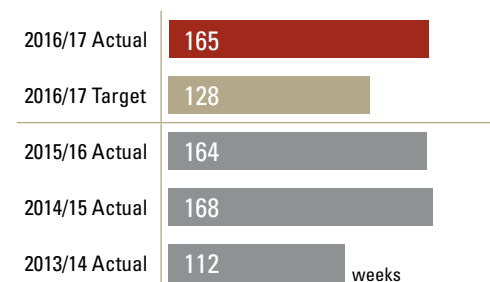


Coroner's Court – Time to trial

What does this indicator measure? Time to trial is a measure of the median time taken from the date of death to the first inquest hearing. 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.

How is this indicator calculated? 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 Coroner's Court a trial is defined as an inquest. Information for this indicator is derived from the National Coroners Information System (NCIS) database.

What does this indicator show? The result is higher than target due to the Coroner's Court focusing on older and more complex inquest cases. More than 83% of cases heard in 2016-17 were older than 128 weeks.



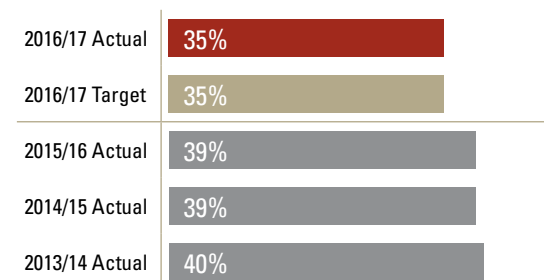
Fines Enforcement Registry - Percentage of Fines Satisfied Within 12 Months

What does this indicator measure? 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.

Fines and Costs

How is this indicator calculated? 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 ICMS database.

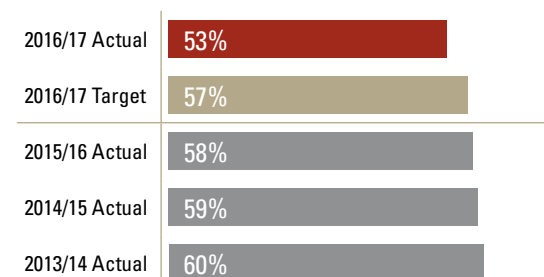
What does this indicator show? No variation.



Infringements

How is this indicator calculated? 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 ICMS database.

What does this indicator show? No significant variation.



Service 1: Court and Tribunal Services

This service is delivered by Court and Tribunal Services.

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 court facilities, administrative support and judicial support staff to enable the determination of cases brought before a court or tribunal. Part of this function also involves the delivery of court counselling services and a range of civil and criminal enforcement services.

Key Efficiency Indicators

What does this indicators measure? The following indicators measure the average cost per case 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.

The cost per case is calculated by dividing the total cost of the jurisdiction by the number of cases finalised.

How are the cost per case indicators calculated? The cost per case indicators are 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 (Hyperion).

The number of finalisations is obtained from various in house case management and tracking systems maintained by the jurisdictions.

Supreme Court – Criminal – Cost per case

The higher cost per case is due to changes in the costing apportionment between civil and criminal jurisdictions and court security staff.

| | |
|----------------|----------|
| 2016/17 Actual | \$46,302 |
| 2016/17 Target | \$38,258 |
| 2015/16 Actual | \$37,688 |
| 2014/15 Actual | \$34,674 |
| 2013/14 Actual | \$36,466 |

Supreme Court – Civil – Cost per case

No significant variation.

| | |
|----------------|----------|
| 2016/17 Actual | \$11,158 |
| 2016/17 Target | \$12,096 |
| 2015/16 Actual | \$13,381 |
| 2014/15 Actual | \$10,573 |
| 2013/14 Actual | \$9,869 |

Court of Appeal – Cost per case

The lower than target cost per case is due to the increased number of finalisations.

| | |
|----------------|----------|
| 2016/17 Actual | \$22,232 |
| 2016/17 Target | \$24,659 |
| 2015/16 Actual | \$35,851 |
| 2014/15 Actual | \$25,829 |
| 2013/14 Actual | \$23,688 |

State Administrative Tribunal – Cost per case

No significant variation.

| | |
|----------------|---------|
| 2016/17 Actual | \$3,956 |
| 2016/17 Target | \$3,977 |
| 2015/16 Actual | \$3,862 |
| 2014/15 Actual | \$3,413 |
| 2013/14 Actual | \$3,290 |

District Court – Criminal – Cost per case

No significant variation.

| | |
|----------------|----------|
| 2016/17 Actual | \$18,351 |
| 2016/17 Target | \$18,405 |
| 2015/16 Actual | \$21,395 |
| 2014/15 Actual | \$22,428 |
| 2013/14 Actual | \$21,636 |

Family Court of Western Australia – Cost per case

No significant variation.

| | |
|----------------|---------|
| 2016/17 Actual | \$2,177 |
| 2016/17 Target | \$2,096 |
| 2015/16 Actual | \$1,905 |
| 2014/15 Actual | \$1,894 |
| 2013/14 Actual | \$1,748 |

District Court – Civil – Cost per case

The lower cost per case is due to changes in the costing apportionment between civil and criminal jurisdictions.

| | |
|----------------|---------|
| 2016/17 Actual | \$4,289 |
| 2016/17 Target | \$6,160 |
| 2015/16 Actual | \$6,798 |
| 2014/15 Actual | \$6,457 |
| 2013/14 Actual | \$6,501 |

Magistrates Court – Criminal – Cost per case

The lower cost per case is due to the exclusion of Accused costs and changes in the costing apportionment between civil and criminal jurisdictions and court security staff.

| | |
|----------------|-------|
| 2016/17 Actual | \$666 |
| 2016/17 Target | \$933 |
| 2015/16 Actual | \$918 |
| 2014/15 Actual | \$912 |
| 2013/14 Actual | \$945 |

Magistrates Court – Civil – Cost per case

The significantly higher cost per case is due to changes in the costing apportionment between civil and criminal jurisdictions and court security staff.

| | |
|----------------|-------|
| 2016/17 Actual | \$593 |
| 2016/17 Target | \$372 |
| 2015/16 Actual | \$354 |
| 2014/15 Actual | \$370 |
| 2013/14 Actual | \$327 |

Children's Court – Civil – Cost per case

The significantly higher cost per case is due to changes in the costing apportionment between civil and criminal jurisdictions and court security staff.

| | |
|----------------|---------|
| 2016/17 Actual | \$2,041 |
| 2016/17 Target | \$763 |
| 2015/16 Actual | \$768 |
| 2014/15 Actual | \$604 |
| 2013/14 Actual | \$500 |

Coroner's Court – Cost per case

No significant variation.

| | |
|----------------|---------|
| 2016/17 Actual | \$5,772 |
| 2016/17 Target | \$5,530 |
| 2015/16 Actual | \$5,252 |
| 2014/15 Actual | \$5,666 |
| 2013/14 Actual | \$5,128 |

Fines Enforcement Registry – Cost per enforcement

How is the cost per enforcement indicator calculated? The total cost of processing fines and infringements is divided by the number of lodgments where a lodgment represents an individual enforcement registered with the Fines Enforcement Registry for enforcement. The data sources for this Key Performance Indicator are Hyperion and the departmental information management system (COGNOS) for the number of lodgments.

What does this indicator show? No significant variation.

| | |
|----------------|------|
| 2016/17 Actual | \$27 |
| 2016/17 Target | \$28 |
| 2015/16 Actual | \$26 |
| 2014/15 Actual | \$27 |
| 2013/14 Actual | \$25 |

Children's Court – Criminal – Cost per case

The lower cost per case is due to the exclusion of Accused costs and changes in the costing apportionment between civil and criminal jurisdictions and court security staff.

| | |
|----------------|---------|
| 2016/17 Actual | \$538 |
| 2016/17 Target | \$996 |
| 2015/16 Actual | \$1,024 |
| 2014/15 Actual | \$972 |
| 2013/14 Actual | \$907 |

Outcome 2: Trustee, guardianship and administration services are accessible to all Western Australians

The Department, through the operations of the Public Advocate safeguards the rights of adults with decision-making disabilities, and reduces the incidence of risk, neglect and exploitation while the Public Trustee ensures equitable access to trustee services for all Western Australians.

This supports the Government's strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The following indicators show the extent to which the Department has achieved this outcome. The indicators measure the accessibility of trustee, guardianship and administration services to all Western Australians.

Key Effectiveness Indicators

Percentage of Guardians of last resort allocated in one day

What does this indicator measure? 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.

How is this indicator calculated? 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.

The Public Advocate is appointed as guardian of last resort only when considered necessary and when there is no one else suitable, available or willing to take on the role. The information for this indicator is extracted from the Public Advocate Case Management System (PACMAN).

What does this indicator show? No variation.

| | |
|----------------|-----|
| 2016/17 Actual | 95% |
| 2016/17 Target | 95% |
| 2015/16 Actual | 98% |
| 2014/15 Actual | 96% |
| 2013/14 Actual | 94% |

Percentage of Western Australian deceased estates administered by the Public Trustee

What does this indicator measure? The Public Trustee offers a secure value for money alternative for administration of deceased estates in Western Australia. This ensures that trustee services are accessible to people in the state. The percentage of deceased estates administered by the Public Trustee indicates the use being made of the service and therefore the overall accessibility of trustee services to Western Australians.

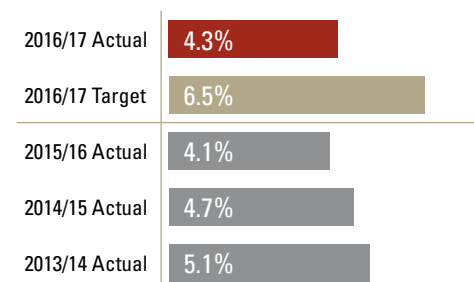
The indicator represents the number of deceased estate files reported as a percentage of the number of adult deaths in Western Australia.

How is this indicator calculated? The Public Trustee operates in a commercial environment offering services that can be provided by numerous professional service providers.

The Public Trustee administers the estates where it has been appointed as executor. Some estates may not require formal administration but still require work to be undertaken in order that assets may be registered in the survivor or beneficiaries' name.

Data for this indicator is sourced from the Registry of births, deaths and marriages and the Public Trustee's Management Accounting and Trust Environment (MATE) system.

What does this indicator show? No significant variation.



Percentage of clients who have services provided by the Public Trustee under an operating subsidy

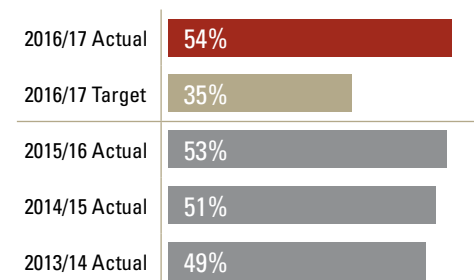
What does this indicator measure? In addition to providing affordable services thereby making trustee services more accessible, the Public Trustee provides services free of charge, or at a reduced cost, to clients who cannot afford them. This further increases the accessibility of trustee services by ensuring that all Western Australians have access to trustee services.

The indicator represents the proportion of services provided free of charge or at a reduced cost under the Public Trustee's community service.

How is this indicator calculated? This indicator measures the proportion of clients provided with services by the Public Trustee under the operating subsidy. The fees raised are rebated back to the clients who meet the minimum requirements under the operating subsidy.

The indicator is calculated using the number of operating subsidy clients compared to the total trust clients administered.

What does this indicator show? The higher than target result is due to a continuing increase in the number appointments from the State Administration Tribunal where the Public Trustee provides services at the subsidised cost to vulnerable persons.



Service 2: Advocacy, guardianship and administration services

This service is delivered by the Public Advocate.

Advocacy, guardianship and administration services protect and promote the financial interests and welfare of people with decision-making disabilities by providing:

- access to investigation and advocacy services;
- appropriate appointment of guardians and administrators and appropriate interventions in relation to Enduring Powers of Attorney and Enduring Powers of Guardianship;

- guardianship and administration community education services; and
- guardianship and administration services provided by the Public Advocate.

The following efficiency indicator measures the cost of delivering the service.

Key Efficiency Indicators

Average cost of providing advocacy and guardianship services

What does this indicator measure? This indicator measures the average cost per case of providing advocacy and guardianship services on behalf of people with decision-making disabilities.

How is this indicator calculated? 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 (Hyperion) and the Public Advocate Case Management System (PACMAN).

What does this indicator show? Variance is mainly due to increased costs following the relocation of the Office of the Public Advocate to the David Malcolm Justice Centre and a slight reduction in the number of applications.

| | |
|----------------|---------|
| 2016/17 Actual | \$1,735 |
| 2016/17 Target | \$1,550 |
| 2015/16 Actual | \$1,744 |
| 2014/15 Actual | \$1,649 |
| 2013/14 Actual | \$1,820 |

Service 3: Trustee Services

This service is delivered by 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 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.

The following efficiency indicators measure the cost of delivering the service.

Key Efficiency Indicators

Average cost per deceased estate administered

What does this indicator measure? This indicator measures the average cost per deceased estate administered.

How is this indicator calculated? This indicator is calculated by dividing the total cost of administration services by the number of deceased estates administered during the year. 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 (Hyperion).

What does this indicator show? No significant variation.

| | |
|----------------|---------|
| 2016/17 Actual | \$2,639 |
| 2016/17 Target | \$2,523 |
| 2015/16 Actual | \$2,664 |
| 2014/15 Actual | \$2,914 |
| 2013/14 Actual | \$2,898 |

Average cost per trust managed

What does this indicator measure? This indicator measures the average cost of managing a trust.

How is this indicator calculated? This indicator is calculated by dividing the total cost to manage trusts by the number of trusts under management during the year. 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 (Hyperion).

What does this indicator show? No significant variation.

| | |
|----------------|---------|
| 2016/17 Actual | \$1,812 |
| 2016/17 Target | \$1,796 |
| 2015/16 Actual | \$1,870 |
| 2014/15 Actual | \$1,919 |
| 2013/14 Actual | \$1,983 |

Average cost per will prepared

What does this indicator measure? This indicator measures the average cost per will prepared.

How is this indicator calculated? This indicator is calculated by dividing the total cost of preparing wills by the number of wills prepared during the year. 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 (Hyperion).

What does this indicator show? The lower than target cost per will prepared is due to the restructure of the wills section.

| | |
|----------------|-------|
| 2016/17 Actual | \$655 |
| 2016/17 Target | \$731 |
| 2015/16 Actual | \$797 |
| 2014/15 Actual | \$751 |
| 2013/14 Actual | \$825 |

Outcome 3: Western Australian birth, death and marriage certificates are accurate and accessible

The Department seeks to ensure eligible people are able to obtain accurate documentary proof of key life events and approved organisations can obtain accurate information for research, statistical and planning purposes in a timely manner.

This supports the Government's strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The following effectiveness indicators show the extent to which the Department, through the activities of the Registry of Births, Deaths and Marriages, has achieved this outcome.

The indicators measure the accuracy and accessibility of certificates of birth, death and marriage to all Western Australians.

Key Effectiveness Indicators

Percentage of certificates of birth, death or marriage issued within two days

What does this indicator measure? The growing need for people to access certificates for identification in a timely manner means that time taken to obtain a certificate of birth death or marriage is a major determiner of accessibility.

This indicator measures the extent to which certificates of birth, death and marriage are issued in a timely manner. This directly measures the extent to which the agency level outcome has been achieved.

How is this indicator calculated? The Western Australian Registration System (WARS) keeps track of the date customers request certificates and the date the certificates are issued. For the purposes of this KPI issued means printed.

The KPI result is calculated by dividing the number of certified certificates issued within two days by the total number of certified certificates issued with the result expressed as a percentage.

The WARS management report "Service Requested and Delivery Times" is used to provide the output for the KPI.

What does this indicator show? No significant variation.

| | |
|----------------|-----|
| 2016/17 Actual | 97% |
| 2016/17 Target | 90% |
| 2015/16 Actual | 97% |
| 2014/15 Actual | 95% |
| 2013/14 Actual | 96% |

Extent to which births, deaths and marriages source information is recorded error free

What does this indicator measure? This indicator measures the percentage of new registrations accurately recorded by the registry, excluding incorrect source information provided by customers.

How is this indicator calculated? 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.

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.

The computerised Western Australian Registration System counts the number of death registrations corrected as a result of staff data entry errors.

The KPI result is calculated by dividing the number of death registrations accurately recorded by the total number of deaths registered for the year.

What does this indicator show? No significant variation.

| | |
|----------------|-----|
| 2016/17 Actual | 98% |
| 2016/17 Target | 97% |
| 2015/16 Actual | 97% |
| 2014/15 Actual | 97% |
| 2013/14 Actual | 97% |

Service 4: Births, Deaths and Marriages

This service is delivered by the Registry of Births, Deaths and Marriages.

The purpose of the Registry is to create and permanently store birth, death and marriage records to enable the public to obtain documentary proof of key life events for legal, personal and historical purposes and also to enable approved organisations to obtain information for research, statistical and planning purposes.

The following efficiency indicator measures the cost of delivering the service.

Key Efficiency Indicators

Average cost of registration services

What does this indicator measure? This indicator measures the unit cost of creating, amending and issuing information and storing records indefinitely.

How is this indicator calculated? 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.

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 (Hyperion).

What does this indicator show? The lower average cost of registration services is due to lower than expected operating costs slightly offset by a reduction in Registry services.

| | |
|----------------|--------|
| 2016/17 Actual | \$1.76 |
| 2016/17 Target | \$1.97 |
| 2015/16 Actual | \$1.76 |
| 2014/15 Actual | \$1.92 |
| 2013/14 Actual | \$1.87 |

Outcome 4: Government receives quality, timely legal and legislative drafting services

The Department delivers services to Government to support justice outcomes and activities of other Government agencies.

This supports the Government's strategic goal of a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The following effectiveness indicators show the extent to which the Department, through the activities of the State Solicitor's Office and the Parliamentary Counsel's Office, has achieved this outcome.

The indicators measure the satisfaction of recipients of legal services and the timeliness of drafting legislation.

Key Effectiveness Indicators

Extent to which government departments are satisfied with the legal services

What does this indicator measure? 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.

How is this indicator calculated? The top 20 plus four (4) randomly selected client agencies were surveyed.

The number of agencies surveyed represents approximately 89% of the chargeable work of the State Solicitor's Office.

The criterion used to assess satisfaction with service was the overall extent to which Government departments are satisfied with legal services.

What does this indicator show? The variation from the budget target is a result of the delivery of better than expected levels of client service in 2016/17, as rated by the State Solicitor's Office's clients.

| | |
|----------------|------|
| 2016/17 Actual | 100% |
| 2016/17 Target | 90% |
| 2015/16 Actual | 100% |
| 2014/15 Actual | 100% |
| 2013/14 Actual | 100% |

Extent to which legislation was drafted in a timely manner to effect the Government's legislative program

What does this indicator measure? This indicator measures whether the legislative program 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 set by Cabinet.

How is this indicator calculated? 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 program relates. The information is recorded in databases located within the Parliamentary Counsel's Office.

This calculation excludes matters which were not completed on time due to circumstances beyond the control of the Parliamentary Counsel's Office, such as:

- lack of action on the part of the instructing agency to progress a Bill; or
- deferral of a Bill by the instructing agency.

What does this indicator show? The better than target result is due to the Parliamentary Counsel's Office being able to fully satisfy its commitments to meet the Government's timeframes.

| | |
|----------------|------|
| 2016/17 Actual | 100% |
| 2016/17 Target | 90% |
| 2015/16 Actual | 98% |
| 2014/15 Actual | 100% |
| 2013/14 Actual | 100% |

Service 5: Services to Government

This service is delivered by the State Solicitor's Office and the Parliamentary Counsel's Office.

The State Solicitor's Office provides a broad-based legal service to Government and its agencies and the Parliamentary Counsel's Office provides comprehensive

legislative drafting services and access to up to date Western Australia legislation.

The following efficiency indicator measures the cost of delivering the service.

Key Efficiency Indicators

Average cost per legal matter

What does this indicator measure? 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. The indicator is calculated by dividing the State Solicitor's Office total cost of service by the number of recorded matters.

How is this indicator calculated? 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.

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 (Hyperion).

What does this indicator show? No significant variation.

| | |
|----------------|---------|
| 2016/17 Actual | \$4,441 |
| 2016/17 Target | \$4,100 |
| 2015/16 Actual | \$4,313 |
| 2014/15 Actual | \$3,962 |
| 2013/14 Actual | \$3,635 |

Average cost per page of output

What does this indicator measure? This indicator is 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.

How is this indicator calculated? 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 (Hyperion).

What does this indicator show? The higher average cost per page of output is due to the lower number of legislation pages produced as a result of the break in Parliament during the caretaker period of the State Election.

| | |
|----------------|-------|
| 2016/17 Actual | \$257 |
| 2016/17 Target | \$220 |
| 2015/16 Actual | \$190 |
| 2014/15 Actual | \$214 |
| 2013/14 Actual | \$203 |

Other Financial Disclosures

Ministerial Directives

No ministerial directives.

Pricing Policy of Services

The pricing policy adopted across the Department conforms with Treasury guidelines.

Court and Tribunal Services

Fees are collected for a variety of services. This includes court hearing time, transcripts and the enforcement of orders including infringements lodged at the Fines Enforcement Registry for enforcement by various Prosecuting Authorities.

The cost recovery is largely confined to the civil jurisdictions.

A review of fees is conducted annually to ensure a balance between the criteria of access to justice, incentives to settle and user pays contributions.

Court fees were increased in 2016/17 by an average of 11 per cent.

This was published in the Government Gazette on 14 June 2016 and came into effect on 4 July 2016.

Registry of Births, Deaths and Marriages

The fees charged by the Registry of Births, Deaths and Marriages are reviewed annually.

The pricing aims to achieve full cost recovery and takes into account the Consumer Price Index, the cost of providing and maintaining services and the level of fees charged by other Australian registries for similar services.

Six fees charged by the Registry of Births, Deaths and Marriages were increased on 1 July 2016 by an average of 2.5 per cent and one new fee was introduced.

Public Trustee

The Public Trustee collects fees for a variety of services.

The fees are based on a user pays system adopting a work effort methodology, whilst recognising the Public Trustee's operating subsidy obligations regarding a client's ability to pay.

The Public Trustee's hourly rate was increased by 2.6 per cent in 2016/17.

State Solicitor's 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.

The fees were increased by 1.1 per cent in 2016/17.

Major Capital Works

Capital project in progress

Kununurra, Broome and Karratha Courthouses

With a value of \$5.7 million, the relocation of the Kununurra Temporary Courthouse to Karratha (with the exception of the custody facility) was undertaken through 2016/17.

Capital projects completed

The relocation of the Kununurra Temporary Courthouse to Karratha (with the exception of the custody facility which was relocated to Broome) was awarded in July 2016.

The premises were operational by June 2017.

Employee and Industrial Relations

Summary of Employee Numbers

The Department has 1,595 full time employees (excluding judicial officers and including trainees).

Summary of Employee Numbers by Occupational Group and Gender

| Row Labels | 2015/16 | | | | | 2016/17 | | | | |
|---------------------------------------|--------------|------------|--------------|--------------|--------------|--------------|------------|----------|--------------|--------------|
| | Number | | | % | | Number | | | % | |
| | F | M | Total | F | M | F | M | Total | F | M |
| Catering Employees and Tea Attendants | 2 | 0 | 2 | 100.00 | 0.00 | 2 | 0 | 2 | 100.00 | 0.00 |
| Child Care Workers | 2 | 0 | 1 | 100.00 | 0.00 | 1 | 0 | 1 | 100.00 | 0.00 |
| Cleaners and Caretakers | 10 | 0 | 10 | 100.00 | 0.00 | 10 | 0 | 10 | 100.00 | 0.00 |
| Govt Officers (GOSAC/GOSGA Award) | 82 | 54 | 136 | 60.29 | 39.71 | 92 | 49 | 141 | 65.25 | 34.75 |
| Public Service Employees | 1,059 | 495 | 1,554 | 68.15 | 31.85 | 1,067 | 487 | 1,554 | 68.66 | 31.34 |
| State Review Board * | 1 | 0 | 1 | 100.00 | 0.00 | 1 | 0 | 1 | 100.00 | 0.00 |
| Salaries and Allowances Tribunals | 8 | 8 | 16 | 50.00 | 50.00 | 6 | 11 | 17 | 35.29 | 64.71 |
| State Administrative Tribunal | 10 | 8 | 18 | 55.56 | 44.44 | 12 | 7 | 19 | 63.16 | 36.84 |
| Total | 1,173 | 565 | 1,738 | 67.49 | 32.51 | 1,191 | 554 | 1 | 68.25 | 31.75 |

The headcount figures in the Summary of Employee Numbers table are for those employees paid on the last pay date of the financial year.

* State Review Board includes Prisoners Review Board, Supervised Release Review Board and the Mentally Impaired Accused Review Board.

Breach of Human Resource Management Standards

There were five breach claims lodged with the Department during the 2016/17 reporting year.

In addition to two grievance claims, there were three claims lodged against the employment standard.

There were no claims reported against performance, redeployment, termination or discipline management standard.

Act of Grace and Ex Gratia Payments

The Department from time to time processes act of grace and ex gratia payments on behalf of the Government.

Six ex gratia payments were made in 2016/17 that totalled \$6.065 million.

In addition, the Department paid 10 mesothelioma claims on behalf of Government that totalled \$1.406 million in 2016/17.

Governance Disclosures

Unauthorised Use of Credit Cards

Purchase cards provide an efficient mechanism for the purchase of goods and services.

Officers of the Department hold a Departmental purchase card where their functions warrant it.

Despite having an obligation to utilise the card facility in accordance with policy, only for business purposes, during 2016/17 eight employees utilised the purchase cards for private purposes.

The matters were referred to the Chief Finance Officer and the accountable authority in line with Departmental policies.

A summary of the aggregated amounts of personal use expenditure is as follows:

| Amount | 2016/17 \$ |
|--|---------------|
| Settled within 5 working days | 298 |
| Settled after 5 working days | 684 |
| Outstanding | - |
| Aggregate amount of personal use expenditure | 982 |

Governance Disclosures

Compliance with Sector Standards and Ethical Codes

The Department complied with the Public Sector Standards in Human Resource Management, the Code of Ethics and the Department's 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 all staff.

The code specifies standards of behaviour and helps inform employees how to exercise judgement and accept personal responsibility in their professional roles.

Completion of a training program on ethics and accountability became mandatory for all employees in 2010/11.

By 2016/17, 86 per cent of staff enrolled in training on ethical conduct and public sector standards, an online assessment course, completed the training.

This training informs and serves to remind staff of the importance placed upon ethical behaviour.

Additionally, regular items on the Department's intranet news page provide examples, topical stories and links to other key sources of information in the field of corruption prevention.

Corruption Prevention

The Department emphasises effective corruption prevention.

Training of the workforce about the potential for corruption is given priority and a range of practical measures support the vigilance.

The 2011/16 Fraud and Corruption Control Plan identifies key strategies, actions and responsibilities for managing fraud and corruption risks within the Department.

The Plan is reinforced by policies on corruption prevention, gifts and conflict of interest in employment.

The Department reports quarterly on the offer and acceptance of gifts, benefits and other rewards.

During 2016/17 offers of 196 gifts, including hospitality, were registered, 159 gifts were accepted and most were under \$50 in value.

A record is also maintained of staff registering conflicts of interest and secondary employment. In 2016/17 a total of 340 registrations were received, with 337 approved.

The Department also maintains a Register for Volunteer Conflict of Interest Declarations for people seeking approval to undertake a volunteering role within the Department of the Attorney General.

There was one Volunteer Conflict of Interest Declaration received during 2016/17.

Social Media Policy

The Department implemented the Social Media Policy which established a clear set of requirements for the use of social media. The Department recognises that staff may choose to use social media in their personal life. Social media may also be used for official interests and professional interests. The policy does not intend to discourage nor unduly limit the personal interests of staff or their undertaking of online activities.

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 and Allied Expenditure

In compliance with section 175ZE of the *Electoral Act 1907*, the Department reports on expenditure incurred for advertising, market research, polling, direct mail and media during 2016/17.

| | |
|---|------------------|
| Advertising Agencies | \$261,840 |
| Adcorp | \$261,840 |
| Market Research Organisations | Nil |
| Polling Organisations | Nil |
| Direct Mail Organisations | Nil |
| Media Advertising | \$32,668 |
| Commonwealth Association Legislative Counsel | \$2,183 |
| DPS Publishing | \$3,662 |
| Optima Press | \$8,217 |
| The Western Australian Newspaper Limited | \$4,647 |
| State Law Publisher | \$13,959 |
| Total | \$294,508 |

Disability Access and Inclusion Planning

The Department's Disability Access and Inclusion Plan (DAIP) complies with the *Disability Services Act 1993* (WA) and ensures that professional and appropriate services are provided to customers with a disability, their carers and families.

Under the *Disability Services Act 1993*, the Department of Justice will be required to lodge a DAIP with the Disability Services Commission (the Commission) within 12 months after the establishment of the new department.

During the 2016/17, the Department (DotAG) achieved the following.

Outcome 1: People with a disability have the same opportunities as other people to access the services of, and any events organised by, the Department of the Attorney General.

The Department's Language Services Policy was reviewed in February 2017, highlighting the importance of using Auslan in Courts and other Departmental services. The interpreter brochure was also revised to display the Auslan logo.

The Office of the Public Advocate participated in several accessible events:

- Information sessions for private administrators, held jointly with the Public Trustee.
- Information sessions regarding EPAs, EPGs and AHDs tailored specifically for Justices of the Peace.

- A number of information sessions for community members to learn about planning for their future.
- A number of tailored information sessions for service providers regarding the guardianship and administration system.
- Information sessions for carers regarding planning for their own future and the person they care for.
- Exhibitions targeting key stakeholder groups such as seniors and carers.

In addition, the Public Trustee hosted the following accessible events in 2016/17:

- WA Will Week.
- Stakeholder groups (eg carers).
- Law Week.
- Private administrator training (4-5 times/year).
- Seniors Week
- South West Senior's Expo.

Human Resources (HR) continues to ensure all training and information sessions are conducted in an accessible manner, capturing individual needs via the registration process. Terminology pertaining to access requirements have been standardised on all HR forms to ensure consistency. Staff from HR attended an Interagency Knowledge Sharing Group forum, hosted by the Disability Services Commission, where industry experts shared ideas, strategies and experiences to ensure agencies keep abreast of latest developments in the disability space.

RBDM attended several regional and remote Open Days, organised by Policy and Aboriginal Services where

accessibility to events was prioritised.

Other internal events included fundraisers for the Guide-dog Association and the Cora Barclay Centre program which aims to help hearing-impaired children achieve social and economic independence.

The accessible events checklist on Justnet continues to assist event organisers in planning activities and events with a focus on accessibility.

Outcome 2: People with a disability have the same opportunities as other people to access the buildings and facilities of the Department of the Attorney General.

Further to the 2016 opening of the David Malcolm Justice Centre, several adjustments were made to enhance access measurements, including lower wall telephones in lobby areas, sensor-controlled automatic doors, lightweight access doors in the basement car park and a universal toilet/shower located between the male and female change rooms. Some limitations exist due to fire break requirements.

When planning amendments to existing buildings or designing new buildings, such as the proposed Mount Magnet courthouse, the Asset Management team works with the Department of Building Management and Works to engage a Code Consultant to ensure compliance with relevant building codes and is necessary for 'Fit for occupation certification'. People and staff with disabilities are consulted prior to modifications to buildings of the workplace to enable access and the Courts Standard Design Brief is regularly reviewed to incorporate disability design updates.

The Kununurra Temporary Courthouse was relocated to Karratha and Broome Courthouses at the end of May 2017. Majority of the transportable buildings were relocated to Karratha with several new enhancements including:

- a new main entrance ramp to assist public access, including tactile ground surface indicators;
- secured ramp, including tactile ground surface indicators to assist access to the remote witness/ Victim Support Services and the Magistrates Courtroom;
- Persons in Custody (PIC) access ramp from existing Police Station lockup to the relocated Courthouse building;
- ensuring access to universal access toilets (UAT) (1x public and 1x staff);
- accessible car bays for the public.

The remaining parts of the courthouse will be fitted to Broome Courthouse with the following enhancements:

- fitting a new universal accessible toilet (UAT) in staff area;
- installing new secured screen ramps to the Victim Support Services/remote witness area and custody areas, including tactile ground surface indicators;
- ramp access for the public (escorted only) to the higher courtroom.

A post-occupancy evaluation was carried out in 2016 for both Kununurra and Carnarvon Courthouses. This included an assessment of accessibility in these recently completed facilities.

Outcome 3: People with a disability receive information from the Department of the Attorney General in a format that will enable them to access the information as readily as other people are able to access it.

The Office of the Public Advocate continued to produce an 'easy read' (visibility) version of its annual report to assist people with literacy and print reading issues to access their Annual Report. The report is published in Microsoft Word in addition to PDF. This assists clients with visual impairments who use screen readers incompatible with PDF documents. Public Affairs assists business areas as required to review online content and develop accessible printed and online content.

HR continues to review and update online content to comply with guidelines including plain English.

The Public Trustee continues to review and amend correspondence templates to ensure accessibility for people with intellectual, cognitive or sensory disability.

Outcome 4: People with a disability receive the same level and quality of service from the Department of the Attorney General's staff as other people receive.

The Office of the Public Advocate (OPA) continued to conduct case consultation for volunteers who are guardians for people transitioning from Disability Services Commission accommodation to private providers. This included the provision of assistance and support in making applications to the State Administrative Tribunal to obtain appropriate guardianship orders and authorities.

OPA continued to ensure that proposed Community Guardianship Program (CGP) volunteers receive comprehensive induction and ongoing support to promote and protect individual rights and access needs of people with a decision-making disability.

HR continued to facilitate regular Corporate Induction sessions that reference the DAIP, Disability Services Policy and other EEO requirements. In their respective business areas, more localised and specific training is provided as required.

Public Trustee continued to offer the Wills on Wheels service to people in their home or hospital as well as National Relay Training for staff to assist clients with verbal or hearing difficulties.

Various Insider articles and events highlighted the Department's efforts to raise awareness of disability issues, including:

- August and December: 'Conversations for Life' half-day suicide prevention workshop.
- September: 'R U OK?' Day Insider article raising awareness on depression and anxiety.
- October: 'Blue Shirt Wednesday' fundraiser for men's mental illness; 'Loud Shirt Day' fundraiser for Cora Barclay Centre supporting education of deaf children in WA.
- November: International Day for People with a Disability (IDPWD) fundraiser for Guide Dogs WA.
- December: IDPWD 'Celebrate Life' Insider article about a DotAG employee with a disability.
- March: Review of Language Services Policy and updated Interpreter brochure which now includes the Auslan logo.

Outcome 5: People with a disability have the same opportunities as other people to make complaints to the Department of the Attorney General.

The Office of the Public Advocate continued to provide a feedback banner advertisement on their home webpage to direct users to service standards for feedback.

The Public Trustee conducted an annual client satisfaction survey in various accessible formats which resulted in some complaints. The Public Trustee continued to have an early resolution process to triage and respond to complaints within 48 hours.

The Department's home webpage continued to highlight the link to customer feedback in a prominent position with a distinguishable icon alongside other popular topics. The link connects users to a page that expands on the policy and process for lodging feedback in various formats.

The Department's Customer Feedback Management Policy is designed to maintain compliance with the Australian Standard on Customer Satisfaction – Guidelines for complaints handling in organisation (AS ISO 10002-2006). The policy enables complaints to be made in various accessible formats including in person, by telephone, online or by mail. The most common method is the online portal which also captures data regarding the disability status of the complainant and whether the complaint pertains to a disability issue.

Outcome 6: People with a disability have the same opportunities as other people to participate in any public consultation by the Department of the Attorney General.

Business areas continued to consult relevant stakeholders, agencies and organisations to ensure people with disability are engaged and their views represented.

Policy and Aboriginal Services continued to ensure people with disability are able to participate in regional Open Days and other public events. Likewise, the many events conducted by the Public Trustee, Registry of Births, Deaths and Marriages and the Office of the Public Advocate continue to be held in accessible venues and in an accessible manner to suit specific client needs.

Outcome 7: People with a disability have the same opportunities as other people to access employment to the Department of the Attorney General.

After several recurring fixed term contracts, a trainee (2014 disability traineeship program graduate) gained permanent Level 1 employment (RBDM). A trainee of the 2016 disability traineeship program was awarded a Level 2 fixed term contract with a view to permanency in the future (CTS).

The following Disability Employment Strategy initiatives are ongoing:

- Continue to ensure confidentiality around disclosure of personal information.
- Continue to publish diversity data biannually on

the Department's intranet and encourage staff to disclose disability.

- HR commencement form updated to include disability identification and workplace modification requirements.
- New Cognos disability report detailing staff who identify with disability and/or require workplace modifications. This can be used by OSH HR staff to target services/resources for employees.
- OSH representatives to remind employees about updating their EEO data including disability status regularly post-commencement.
- Diversity employment statistics are reported to the Corporate Executive Committee each quarter.

The Department continued to be represented at the Interagency Knowledge Sharing Group forum where other agencies and industry experts share ideas, strategies and experiences regarding diversity employment.

The Department is represented at Chief HR Officer forums hosted by the Public Sector Commission to engage with updates and latest trends from the Director of Equal Opportunity in Public Employment (DEOPE). The Department is also represented at meetings relating to Substantive Equality held by the Equal Opportunity Commission (EOC).

The Department's Learning Management System (LMS) allows staff with disability to be better able to complete online courses due to its compliance to website accessibility requirements.

An investigation into the emergency response requirements of staff with disability was conducted to

ensure any issues for staff exiting a high rise building in a wheelchair or other physical disability are accounted for.

Support is provided to staff with a disability, particularly at commencement if declared. The Department continued to call upon EDGE Employment to support staff members with a disability and assist with any workplace challenges.

Compliance with Public Sector Standards and Ethical Codes

The Department complied with the Public Sector Standards in Human Resource Management, the Code of Ethics and the Department's 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 all staff.

The code specifies standards of behaviour and helps inform employees how to exercise judgement and accept personal responsibility in their professional roles.

In 2016/17, 111 staff attended Corporate Induction Program which provides information on ethical conduct and raises participant's awareness on this topic.

Recordkeeping Plan (*State Records Act 2000* and State Records Commission Standard 2, Principle 6)

The Department is addressing various consolidated records projects to conform to all requirements as is required under the *State Records Act 2000*. The State Records Commission's minimum compliance requirements are:

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

As prescribed in the Department's Recordkeeping Plan (RKP), Key Performance Indicators have been implemented to define and measure recordkeeping practices and focus on continued improvement of the Department's recordkeeping system.

2. The organisation conducts a recordkeeping training program.

To date, 96 per cent of employees have completed or are progressing through the Department's mandatory online course for Records Awareness Training (RAT), which addresses various aspects of records management. Regular reporting of staff who have undertaken the training is provided to line managers and the corporate executive. In addition to this online course, the Department conducts scheduled and customised face-to-face training sessions.

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

The Department undertakes regular reviews of the efficiency and effectiveness of the recordkeeping training program. As

a result of this year's review, all training materials are being updated to reflect the current recordkeeping requirements of the Department. The updated information will be provided to staff during face-to-face training sessions and will also be accessible via the Department's intranet.

4. The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.

The Department's induction program includes an overview of recordkeeping roles and responsibilities. The course highlights the importance of capturing and managing corporate records. It also directs participants to structured training sessions that are available via the corporate training calendar.

Reconciliation Action Plan

The Department has reported progress on its final stand-alone Reconciliation Action Plan, which concluded on 30 June 2017.

A new RAP will be developed as part of the Department of Justice.

Achievements during the past year include:

- Acknowledgement of Aboriginal trainees in the Department and their achievements.
- Consolidating the Aboriginal research, consultation and engagement guideline document for the Department.
- Open Days were held on country, meeting the access and equity needs of regional and remote Aboriginal communities.
- Aboriginal Driver Training funding through Royalties for Regions continued to support Aboriginal people in the justice system, regain and maintain motor drivers licences.
- Barndimalgu Court in Geraldton continued to provide a culturally sensitive and appropriate service for people involved with family violence.
- The Justices of the Peace branch commenced its recruitment of more Aboriginal Justices of the Peace with a view to providing a broader reach of culturally appropriate services.
- The Department, in consultation with WA Police and Building Management and Works, actively engaged with Aboriginal companies with the build associated with the Armadale Courthouse and Police Complex project. The Department's Aboriginal staff have been included in the preliminary planning of the project.

Substantive Equality

Substantive equality recognises that individuals have different needs, and may require different treatment to achieve equal outcomes. The Department's Substantive Equality Policy commits to the provision of policy, planning, service delivery, employment and training that address the needs and circumstances of the individual, providing them with equitable outcomes regardless of their backgrounds or personal circumstances.

The State Government's Policy Framework for Substantive Equality previously only aimed at identifying and eliminating racial discrimination. The Policy Framework was updated in February 2015 to include all forms of systemic discrimination where it may exist in the policies and practices of public sector services.

The Department has completed level one and commenced implementation of level two from the five levels of the framework. The five levels are:

1. Commitment to implementing the Policy Framework for Substantive Equality.
2. Identifying clients and their needs.
3. Setting objectives/targets and developing strategies to address needs.
4. Monitoring strategies.
5. Review and evaluation.

During the year the Department continued its commitment to building a diverse workforce by considering equity and diversity principles when recruiting staff. The Department also provided information to all new employees on the importance of equity and diversity in all workplace practices and provided access for all employees to cultural awareness training.

The Department conducts traineeship programs to increase diversity including Aboriginal people, African people, people with a disability and school-based trainees.

To continue the Department's commitment and progression in implementing the other levels of the Policy Framework, work started on assessing the Needs and Impact Assessments for the Carnarvon, Kalgoorlie and Kununurra Courthouses.

The current focus is on identifying a means of capturing and reporting on data for culturally and linguistically diverse people and Aboriginal and Torres Strait Islander people.

This involves working with other agencies to obtain relevant demographic data to ensure future substantive equality work achieves a tangible outcome and assist service delivery throughout justice complexes in Western Australia.

OSH and Injury Management

The Department of the Attorney General is committed to providing and maintaining a safe and healthy workplace for employees, volunteers, contractors and visitors. Through the effective implementation of occupational safety and health (OSH) policies, procedures and safety and health systems, the Department aims to provide a workplace free from work-related harm, disease and injury.

This year marked an improvement in accurate reporting and recording of hazards and incidents, and followed the continuous improvement process to achieve a high rate of closed-out corrective actions.

The Department provides a number of formal mechanisms for workplace OSH consultation. These include the OSH session at Corporate Induction, a face-to-face session,

which highlights the Department's commitment to, and practical application of, OSH in the workplace.

The bi-monthly Joint Consultative Committee and the quarterly Corporate Executive Committee include a standing OSH item reporting on hazards, incidents, closed out corrective action, workers compensation, injury management and the employee assistance program usage.

The Department provides ongoing commitment and support to six departmental OSH committees and continues to support the growing network of OSH representatives.

The Department is committed to providing high quality workers compensation and injury management services to all employees, in accordance with the *Workers' Compensation and Injury Management Act 1981*.

The Department is committed to assisting workers return to work as soon as medically appropriate in the event of a work-related injury. The Department supports the injury management process, working in consultation with the treating practitioner, the injured worker and the business area to develop appropriate return to work plans and monitor progress towards the return to work goal.

In April 2013 an external compliance audit was undertaken using a variety of OSH compliance assessment tools; the most significant outcome being the requirement to standardise OSH controls within the Department's Riskbase register. In 2016 the Department developed an OSH Management Plan based on the requirements of the Worksafe Plan, work is continuing to progress this plan.

A report of performance against the following targets:

| Measure | Actual Results | | | Target | Comments |
|--|--|--|---|-------------|-----------------|
| | 2014/15 | 2015/16 | 2016/17 | | |
| Number of fatalities | 0 | 0 | 0 | 0 | |
| Lost time injury and/or disease incidence rate | 0.655 | 0.935 | 0.377 | % reduction | 0.28 decrease |
| Lost time injury and/or disease severity rate | 33.33 | 35.71 | 16.66 | % reduction | 16.67 decrease |
| Percentage of injured workers returned to work: (i) within 13 weeks (ii) within 26 weeks | 66% within 13 weeks 20% within 26 weeks | 60% within 13 weeks 20% within 26 weeks | 83.33% within 13 weeks 16.6% within 26 weeks | 80% + or - | Target achieved |
| Percentage of managers trained in occupational safety, health and injury management responsibilities | 75% | 92% | 86% | 80% + or - | Target achieved |

Freedom of Information

The Department received 56 Freedom of Information (FOI) applications in 2016/17. Three applications from the previous period were also processed in this period.

During this time, 21 applications were completed and 13 transferred to other agencies.

There were 23 applications withdrawn and two remain outstanding. In this period, there were five requests for external review by the Information Commissioner, with three reviews being completed, two of which where the original decision was upheld and one was withdrawn.

At the end of this period, two reviews remain outstanding with the Information Commissioner.

Seven decisions were reviewed internally on request by the applicants with the decision varying on one occasion and upheld on six occasions.

Summary of FOI applications for 2016/17

| Applications Processed | |
|-----------------------------------|-----------|
| Personal information requests | 13 |
| Non-personal information requests | 8 |
| Amendment of personal information | 0 |
| Applications transferred in full | 13 |
| Total | 34 |
| Outcomes | |
| Applications completed | 21 |
| Applications withdrawn | 23 |
| Internal reviews completed | 2 |
| External reviews completed | 3 |
| Applications being processed | 2 |

The Office of the Public Advocate, the Public Trustee and the State Administrative Tribunal are not listed as part of the Department in the Freedom of Information Regulations 1993 and compile separate FOI statistics.

Customer Feedback Management System

The Department's Customer Feedback Management System (CFMS) records and tracks complaints, compliments and suggestions from customers. Feedback can be provided in various formats including:

- online
- We Welcome Your Feedback brochure
- letter
- phone
- fax
- in person
- email.

During 2016/17 the Department received 342 complaints, 97 compliments and 64 suggestions. 76 per cent of feedback was answered within ten working days. Court and Tribunal Services received the most feedback, accounting for 56 per cent of all feedback.

Various business improvements have been implemented as a result of the feedback received. Resultant improvements include enhanced business processes and procedures, updated website information and publications and further staff training in relevant areas.

The Customer Service Charter and CFMS brochure has been updated to better meet accessibility guidelines and to ensure the information provided reflects modern, corporate practice. Scheduled upgrades to the online feedback system are postponed as a consequence of Machinery of Government changes.

Acts Administered through the Department of the Attorney General

Acts Amendment (Equality of Status) Act 2003

Acts Amendment and Repeal (Courts and Legal Practice) Act 2003

Administration Act 1903

Age of Majority Act 1972

Anglican Church of Australia (Diocesan Trustees) Act 1888

Anglican Church of Australia (Diocese of North West Australia) Act 1961

Anglican Church of Australia (Swanleigh land and endowments) Act 1979

Anglican Church of Australia Act 1976

Anglican Church of Australia Constitution Act 1960

Anglican Church of Australia Lands Act 1914

Artificial Conception Act 1985

Australia Acts (Request) Act 1985

Bail Act 1982

Bail Amendment Act 2008

Baptist Union of Western Australia Lands Act 1941

Bills of Exchange (day for payment) (1836) (Imp)

Bills of exchange (non-payment) (1832) (Imp)

Births, Deaths and Marriages Registration Act 1998

Charitable Trusts Act 1962

Child Support (Adoption of Laws) Act 1990

Children's Court of Western Australia Act 1988

Choice of Law (Limitation Periods) Act 1994

Civil Judgments Enforcement Act 2004

Civil Liability Act 2002

Civil Procedure Act 1833 (Imp)

Classification (Publications, Films and Computer Games) Enforcement Act 1996

Commercial Arbitration Act 2012

Commissioner for Children and Young People Act 2006

Commonwealth Places (Administration of Laws) Act 1970

Commonwealth Powers (De Facto Relationships) Act 2006

Companies (Administration) Act 1982

Constitutional Powers (Coastal Waters) Act 1979

Co-operative Schemes (Administrative Actions) Act 2001

Coroners Act 1996

Corporations (Administrative Actions) Act 2001

Corporations (Ancillary Provisions) Act 2001

Corporations (Commonwealth Powers) Act 2001

Corporations (Consequential Amendments) Act (No. 3) 2003

Corporations (Taxing) Act 1990


Corporations (Western Australia) Act 1990

Courts and Tribunals (Electronic Processes Facilitation) Act 2013

Crimes at Sea Act 2000

Criminal Appeals Act 2004

Criminal Code Act Compilation Act 1913



Criminal Injuries Compensation Act 2003
Criminal Investigation (Extra-territorial Offences) Act 1987
Criminal Law (Mentally Impaired Accused) Act 1996
Criminal Organisations Control Act 2012
Criminal Procedure Act 2004
Criminal Property Confiscation (Consequential Provisions) Act 2000
Criminal Property Confiscation Act 2000
Cross-border Justice Act 2008
Crown Suits Act 1947
Dangerous Sexual Offenders Act 2006 (except s. 18, 19A-19C, 21 & 32 & Pt. 2 Div. 3 & 5 & Pt. 5, which are administered by the Department of Corrective Services)
Debts Recovery Act 1830 (Imp)
Debts Recovery Act 1839 (Imp)
Defamation Act 2005
District Court of Western Australia Act 1969
Domicile Act 1981
Electronic Transactions Act 2011
Escheat (Procedure) Act 1940
Escheat and forfeiture of real and personal property (1834) (Imp)
Evidence Act 1906
Executors Act 1830 (Imp)
Factors (1823) (Imp)
Factors (1825) (Imp)
Factors (1842) (Imp)
Factors Acts Amendment Act 1878
Family Court (Orders of Registrars) Act 1997
Family Court Act 1997
Family Legislation Amendment Act 2006
Family Provision Act 1972
Fatal Accidents Act 1959
Federal Courts (State Jurisdiction) Act 1999
Financial Transaction Reports Act 1995
Fines, Penalties and Infringement Notices Enforcement Act 1994
Freemasons' Property Act 1956
Gender Reassignment Act 2000
Guardianship and Administration Act 1990
Highways (Liability for Straying Animals) Act 1983
Imperial Act Adopting Ordinance 1847
Imperial Acts Adopting Act 1836
Imperial Acts Adopting Act 1844
Imperial Acts Adopting Ordinance 1849
Imperial Acts Adopting Ordinance 1867
Infants' Property Act 1830 (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
Mercantile Law Amendment Act 1856 (Imp)
Native Title (State Provisions) Act 1999
Oaths, Affidavits and Statutory Declarations Act 2005
Occupiers' Liability Act 1985
Offenders (Legal Action) Act 2000
Official Prosecutions (Accused's Costs) Act 1973
Off-shore (Application of Laws) Act 1982
Parole Orders (Transfer) Act 1984
Partnership Act 1895
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
Prohibited Behaviour Orders Act 2010
Property Law Act 1969
Prostitution Act 2000 (s. 62 & Part 5 only; remainder of Act administered by the Health Department)

Prostitution Amendment Act 2008
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; remainder of Act administered by the Department of Corrective Services)
Sentencing (Consequential Provisions) Act 1995
Sentencing Act 1995 (except Pt. 3 Div. 3 & 5, Pt. 3A, 9, 10, 11 & 12 & Pt. 18 Div. 2, 3 & 4 which are principally administered by the Department of Corrective Services)
Sentencing Legislation Amendment and Repeal Act 2003
Solicitor-General Act 1969
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
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