

Chairman; Ms Sue Walker; Mr Jim McGinty; Mr Rob Johnson; Mr Tony McRae; Mr Peter Watson; Mr John Hyde; Mr Ben Wyatt

Division 27: Attorney General, \$270 140 000 -

Mrs J. Hughes, Chairman.

Mr J.A. McGinty, Attorney General.

Mr R. Warnes, Acting Director General.

Mr A. Andersson, Registrar of Births, Deaths and Marriages.

Mr D. Cloghan, Chief of Staff, Office of the Attorney General.

Mr G.A. Doyle, Acting Executive Director, Corporate Services.

Mr P.J. Mitchell, Sheriff.

Mr P. Robinson, Acting Director, Financial Management.

Ms M.S. Scott, Public Advocate.

Mr J. Skinner, Public Trustee.

Ms J. Stampalia, Executive Director, Court and Tribunal Services.

The CHAIRMAN: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be published by 9.00 am tomorrow.

The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. This is the prime focus of the committee. Although there is scope for members to examine many matters, questions need to be clearly related to a page number, item, program, or amount within the volumes. For example, members are free to pursue performance indicators that are included in the budget statements while there remains a clear link between the questions and the estimates. It is the intention of the Chairman to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide, and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee clerk by 8 June 2007 so that members may read it before the report and third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available. Details in relation to supplementary information have been provided to both members and advisers and, accordingly, I ask the minister to cooperate with those requirements.

I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information that the minister agrees to provide will be sought by 8 June 2007.

It will also greatly assist Hansard if when referring to the program statements, volumes or the consolidated account estimates, members give the page number, item, program and amount in preface to their question.

Ms S.E. WALKER: I would like to streamline the divisions, if the Attorney General would not mind putting some divisions before others. For instance, the most important divisions to us are division 27, Attorney General; division 29, Corruption and Crime Commission; and division 32, Office of the Director of Public Prosecutions. The lower priority divisions, not in terms of their importance but in tackling them, are division 28, Commissioner for Equal Opportunity; division 33, Office of the Information Commissioner; division 30, Parliamentary Inspector of the Corruption and Crime Commission; and division 31, Law Reform Commission of Western Australia.

Mr J.A. McGINTY: How would the member like them dealt with?

Ms S.E. WALKER: Division 27 first, division 29 second and division 32 third.

Mr J.A. McGINTY: Sure; if that is agreeable to the Chair.

The CHAIRMAN: That is fine, so long as the committee is in agreement with that.

Mr R.F. JOHNSON: We are very happy.

The CHAIRMAN: Members, we will deal with divisions 27, 29 and 32 first.

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Ms S.E. WALKER: I refer to the fourth dot point on page 497, the Prisoners Review Board. Are the Prisoners Review Board and the Mentally Impaired Accused Review Board chaired by the same person - Judge Valerie French?

Mr J.A. McGINTY: My understanding is that that is the case.

Ms S.E. WALKER: I am sorry; I just looked at the last reports, and they are. Can I ask a supplementary question?

The CHAIRMAN: Yes, a further question.

Ms S.E. WALKER: Did Judge Valerie French sit on the board when it made the decision to deport Martin Marks back to New Zealand, and did she also sit on the recent parole review of Catherine Birnie? She certainly sat on the review for Catherine Birnie, even though Mrs Birnie did not ask for it, because the decision is in her name on the website. As the chair of the Mentally Impaired Accused Review Board, she would have sat on that board.

Mr J.A. McGINTY: In the normal course of events, I am not sure whether she sat on the board when it met on each of those occasions. There is the power for a deputy to sit. The Prisoners Review Board sits on many occasions, and I presume some of those are not while the chair of the Prisoners Review Board is presiding; I would presume so, but I cannot say for sure. I am not given advice as to the quorum of the board on each occasion.

Ms S.E. WALKER: Can I ask a supplementary question?

The CHAIRMAN: A further question?

Ms S.E. WALKER: In relation to the Prisoners Review Board decision on Catherine Birnie that was posted on the website, did Mrs Birnie seek release on parole on 11 January, and also in March, because parole was reviewed on those dates this year? If so, were decisions in relation to those matters posted on the review board website? Were victims' families notified of the impending parole review on the three occasions that parole was reviewed this year? Were the victims' families notified that the decision was going to be put on the board's website?

Mr A.D. McRAE: I have a point of order, Madam Chair.

The CHAIRMAN: Point of order.

Mr A.D. McRAE: I do not have any difficulty with the use of questions for a full examination of portfolio plans, performances and so on. I have some difficulty in understanding how budget estimates can be used to examine legal procedure and processes for particular cases.

The CHAIRMAN: It is not a point of order, but I will ask the member for Nedlands to make sure that her questions tie in directly with the budget.

Mr J.A. McGINTY: I am sorry; what was the question?

Ms S.E. WALKER: Did Catherine Birnie seek release on parole?

Mr A.D. McRAE: What page number are we dealing with?

Ms S.E. WALKER: I have already given it, member; go back and listen.

Mr J.A. McGINTY: My understanding is that it was a statutory review. I gleaned that from what appeared on the website that published the reasons for the decision on Catherine Birnie. It was not, as I understand it, something that was specifically sought by Catherine Birnie. In other words, my understanding is that she did not make an application to be released on bail. However, the law requires that all prisoners be reviewed periodically, and I believe the case of Catherine Birnie, once she had served her 20 years, was required to be reviewed every three years. That is my understanding. It is not something that I have been specifically briefed on. However, there was no request. The Prisoners Review Board was required to determine what should happen in any event and it determined, because of the horrendous nature of her offending, that it would review her case again in three years.

[9.10 am]

Several members interjected.

Ms S.E. WALKER: We are talking about the Prisoners Review Board. Why does not the member for Riverton leave the chamber? He should go and bully the union members.

The CHAIRMAN: Order, members! Order, member for Riverton!

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Ms S.E. WALKER: Catherine Birnie has been reviewed, according to the decision posted on the website, three times this year. I want to know whether the other decisions were posted. The government seems to be softening its view about Catherine Birnie's release. The website states that the board will review Catherine Birnie's case in February 2010 in accordance with the statutory requirements of the Sentence Administration Act. That is one year after the election. One year after the previous election, or not long after, the Attorney General released Robert Excell, even though he had said that he would never release him. I am wondering whether a similar theme is emerging.

Mr J.A. McGINTY: The law requires a review every three years. Three years from now is 2010. That is my understanding of what is involved. I have made it clear that as long as I am Attorney General, Catherine Birnie will not be released. That might help to dispel the conspiracy theories.

Ms S.E. WALKER: It also states that she has been assessed as posing a low risk of reoffending in the absence of her co-offender. I do not know what that means.

Mr J.A. McGINTY: I think it means what it says.

Ms S.E. WALKER: I seek some supplementary information. Will the Attorney General provide information about whether the victims' families were notified of the impending parole reviews this year and, in particular, whether they were notified that the board intended to post its decision because of the publicity surrounding the case?

Mr J.A. McGINTY: I am aware that with respect to Martin Marks, advice was given to the murdered woman's mother that the case was being reviewed. The law has changed; it now enables the Prisoners Review Board to place on the Internet whatever decisions it likes. Certainly I expect that cases that attract public interest would be placed on the Internet as a matter of course. Questions about whether particular procedures were followed in relation to what the member said about earlier reviews of Catherine Birnie should be put on notice. I have answered the question to the best of my capabilities.

Ms S.E. WALKER: Madam Chair, I ask that I be given information about whether the victims' families were notified about the board's decision to post its decision on the website.

The CHAIRMAN: It is up to the Attorney General to provide that information. If the answer is no, the member can put the question on notice.

Mr R.F. JOHNSON: In relation to what we have been discussing with the Prisoners Review Board, when I looked at its website to discover the reasons that the board made its decision, I found that although it publishes the reasons that it refuses parole, it does not publish the reasons for granting parole. I refer, in particular, to the two thugs who sexually assaulted and beat up an 85-year-old grandmother. I would love to know the rationale behind the board's decision to allow those two thugs out on parole. Is it just a public relations job? The board will publish the reasons for not granting parole, which everybody is happy about. However, it has not published the reasons for granting parole to a vast number of people.

Mr J.A. McGINTY: A great of number cases that come before the Prisoners Review Board are essentially of an administrative nature.

Mr R.F. JOHNSON: What about the ones I have described?

Mr J.A. McGINTY: I will come to those. I want to make a point about the many thousand of cases that are dealt with each year. There is absolutely no public interest in the vast bulk of cases, in the same way that there is no public interest in the vast bulk of cases that go before the courts every year. I expect that the Prisoners Review Board will publish the reasons that it rejects parole and that it will publish the reasons for those that involve an offence which is of a sufficiently serious nature and for which there is sufficient public interest to warrant publishing on the Internet. I assure the member that I expect the Prisoners Review Board - this is why amendments were made to the legislation - will publish the reasons for granting parole as well as the reasons for those it rejects. It is early days. The website went up only two weeks ago. When I looked at it, it has listed only three decisions. It has taken some time to get the website up and running and the administrative arrangements in place. I expect that we will see a great number of decisions coming forward.

Mr R.F. JOHNSON: The public has concerns about the people to whom the board grants parole, particularly dangerous vicious criminals. The public is not worried about the people who do not pose a danger or who have not committed a violent crime. I ask the Attorney General to instruct the board to publish the reasons for granting prisoners parole.

Mr J.A. McGINTY: Certainly. I expect that that will be done in every case if there is any element of danger. The board will exercise its discretion to not clutter up its website if the cases concerned involve absolutely no controversy and if the prisoner has been assessed as pending no risk or a low risk because the prior offending

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was minimal and the nature of the offending was routine. The board will not put those cases on the net. I expect the board will post a decision on the Internet about every case to which the member has referred, unless there are victims' issues.

Mr R.F. JOHNSON: I will hold the Attorney General to that.

I refer to the fourth dot point on page 492, which deals with the Fines Enforcement Registry. I am sure the Attorney General wishes that he had not assumed responsibility for this area. Will the Attorney General clarify the discrepancy between the Auditor General's 2001 second public sector report, which states that in 2000-01 almost 51 000 fines valued at \$20.5 million were registered with the Fines Enforcement Registry, and the Attorney General's response to a question without notice in which he said that for the sake of the record, in May 2000 the figure was \$91 million? Who has been misleading?

Mr J.A. McGINTY: I have certainly responded with the information with which I have been provided. I will ask the Sheriff, Mr Mitchell, to respond to that question.

Mr P.J. Mitchell: The figure of \$91 million is the correct figure on the Fines Enforcement Registry database. That figure which was reported in the paper - I do not know it came from. It was not sourced from this office. When that question was asked of me, I said that it would take approximately 24 hours to run a program to provide the correct figure. Obviously, the fellow who reported it did not wait that time. I do not know where he got that figure from. The figure is \$91 million as at May 2000. It has increased incrementally to \$165 million as at March 2007.

Mr R.F. JOHNSON: I suggest that the Attorney General and the Sheriff have a word with the Auditor General, because his 2001 report states quite clearly the figure of \$20.5 million. Does the Attorney General recognise that the Fines Enforcement Register is not working effectively? What will the Attorney General do to review the system, because an increase to \$165 million, whether it be from \$90 million or \$20 million, is completely unacceptable? What is the Attorney General going to do about it?

Mr J.A. McGINTY: Again, I will ask Mr Mitchell to comment on the reason that the amount of money being referred to the Fines Enforcement Registry has increased. It is my understanding that the increase represents the fact that the value of fines has increased over that period, police enforcement has become more rigorous, and the courts are imposing somewhat heavier penalties. We are not seeing an increase in the proportion of fines that are being referred to the Fines Enforcement Registry; rather, the value is being escalated as a result of the passage of time relating to the factors to which I have just referred. To give a more specific answer to the question about why the amount has grown, I will ask Mr Mitchell to comment.

[9.20 am]

Mr P.J. Mitchell: As has been stated, the growth in population in the state and the techniques the police employ in being more successful in bringing about charges has seen a quite considerable increase in the overall number of court fines imposed in the state. As a percentage, the Fines Enforcement Registry receives approximately 80 per cent of court fines that are registered at the registry after the 28 days that is given to pay. Also, there has been a considerable increase over the years in the number of infringements that are issued. Approximately 1.2 million infringements are issued across the state each year, of which a ballpark figure of 200 000 or 20 per cent end up at the Fines Enforcement Registry for enforcement. As members can see, the growth of business that is being forwarded to the Fines Enforcement Registry has increased quite considerably over the years. In fact, the success rate of the Fines Enforcement Registry has increased. The percentage outstanding back in 2001-02 was 40 per cent. Last year, it was down to 27 per cent of all those matters registered that are listed as outstanding. We are improving the rate, albeit that the amount has gone up. It needs to be considered that approximately \$600 million worth of fines have been registered over the period since the Fines Enforcement Registry has been running. The fact of the matter is that we cannot be successful in respect of every fine. The percentages would indicate that the value and number of fines outstanding must increase.

Mr J.A. McGINTY: Does that answer the member's question?

Mr R.F. JOHNSON: I am not satisfied but I will follow it up later.

Mr P.B. WATSON: I refer to the capital works program at page 505 of the *Budget Statements* and the new courthouse in Kalgoorlie. It is a very popular project; however -

Ms S.E. WALKER interjected.

The CHAIRMAN: Please continue, member for Albany.

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Mr P.B. WATSON: I keep getting interrupted. Speaking to the real minister, I refer to the new courthouse in Kalgoorlie. It is a very popular local project; however, there have been two projects for the redevelopment of the original Warden's Court. Which version will be built?

Ms S.E. WALKER interjected.

The CHAIRMAN: Members, we have a long way to go this morning.

Mr P.B. WATSON: I woke up happy this morning!

Mr J.A. McGINTY: The most imposing building in Hannan Street in Kalgoorlie is the old Warden's Court. It is currently used for a variety of purposes, none of which is court related. We needed to replace the Kalgoorlie courthouse because it was a 1960s or 1970s building, and to say that it was non-functional would be an understatement. The initial proposal was to take the imposing Warden's Court building in Kalgoorlie and the tower and that part of the building to the west and have it converted to the new courthouse as a heritage restoration project as well as providing court facilities for the next several decades in Kalgoorlie. After those plans were announced - I think in last year's budget, from memory - the eastern half of the building fronting Hannan Street then became available as well if we wanted to utilise it. That gave us the opportunity to do two very significant things in Kalgoorlie. One was a complete heritage restoration of the most significant building in Hannan Street and convert it back to its original purpose, which was for the administration of justice. More importantly, the practical local view was that there was some concern about shifting the courthouse from Brookman Street to Hannan Street, which could well mean that the clients of the court, particularly the criminal jurisdiction, would be congregating outside the court on Hannan Street. The ability to get both sides of the building gave us the opportunity to work into the design a holding area or a waiting area outdoors but inside the building. Effectively, it would be a waiting courtyard where the clients of the court would not be waiting on Hannan Street but in a courtyard area for their cases to be called in the courts.

The building also backs onto the police station. It is intended to have a security tunnel running from the police lockup into the court. That would provide the ability to get the clients of the court off the main street of Kalgoorlie and into the rear part of the building while they are waiting for their cases to be called. It is a win-win situation all round. It is a combination of two things. Building escalation and the expanded scope of the works has meant that some \$10 million has been added to the cost of the project, which will now be starting fairly soon. We had previously earmarked \$21 million for the project, but it has gone up by approximately \$10 million to enable us to complete the project.

The other very important thing that this expanded facility will enable us to do in Kalgoorlie is house the Aboriginal community court. We are blessed with a magistrate who is very committed to Indigenous justice issues. We have several magistrates the length and breadth of the state who are very good at this, but the exemplar is Magistrate Kate Auty in Kalgoorlie, who is taking Aboriginal justice to the lands and establishing the Kalgoorlie and Norseman community courts, which will involve Aboriginal elders and other community leaders in justice. We will have a dedicated court for Aboriginal justice purposes. All up, it will be a magnificent project from every point of view. It is one I expect will be very warmly received by the people of Kalgoorlie.

Mr R.F. JOHNSON: I have a follow-up question to the ministerial statement we have just heard from the Attorney General!

Mr J.A. McGINTY: It will be a very good court.

Mr R.F. JOHNSON: I am sure it will be. The Attorney General has just talked about magistrates and the very good jobs they do. What is the Attorney General going to do about the useless magistrates- the ones who do not impose the law or interpret the law, like the one who could not see that a person was breaking the law when he fired a gun in a nightclub and took weapons into a nightclub? What is the Attorney General going to do about magistrates like that who, quite frankly, should be sacked? Is he going to deal with them or just praise the good ones?

The CHAIRMAN: I think the member for Hillarys has extended that question beyond the original question. However, if the Attorney General would like to answer it, I will leave it to him.

Mr R.F. JOHNSON: I am sure he would; he is very capable.

Mr J.A. McGINTY: The case that the member for Hillarys referred to - if my memory is correct - was not dealt with by a magistrate.

Mr R.F. JOHNSON: I believe it was.

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Mr J.A. McGINTY: I doubt it very much. I think the member will find that it was dealt with by the District Court, which is where that sort of event would normally be dealt with. I stand subject to correction on that. We have been very fortunate -

Mr R.F. JOHNSON: It was a magistrate. The gun was in the bumbag; the gun was fired in the nightclub; and life was endangered. The Attorney General knows the case I am talking about.

Mr J.A. McGINTY: I do not think it was a magistrate who dealt with it.

Mr R.F. JOHNSON: Okay. If it was not, I stand corrected. What is the Attorney General going to do about the judge who allowed that to happen?

Mr J.A. McGINTY: I will continue with magistrates. Historically, a lot of magistrates were not necessarily legally qualified. Many of them were former clerks of courts. We no longer make appointments on that basis. There is a requirement in the new Magistrates Court Act, which this Parliament passed only a few years ago, that people be appropriately qualified to do that job. I must say that I am particularly pleased at the quality of the magistracy and the very able people whom we are recruiting these days to take on the very difficult task of being a magistrate in Western Australia. We have significantly lifted the standard of the magistracy. I must say that the other point made about the magistracy is in relation to the volume of work they do. We are seeing pressures on the courts the length and breadth of the state. Listing intervals are blowing out and we must make sure that we respond adequately by providing additional magistrates. For instance, there is currently pressure for a second magistrate to be appointed in the Kimberley. We have one magistrate covering the entirety of the Kimberley at the moment. That is an area of great pressure. There is also pressure in Kalgoorlie, where there are two magistrates. We increased the number to two only three or four years ago. The population growth in the south west of the state means that enormous pressures are emerging in Bunbury. That is being reflected in the listings and the time between a first appearance and a trial.

[9.30 am]

Mr R.F. JOHNSON: Yes, but the question is: what will be done about the useless ones who do not administer the law? The minister may have received a note from one of his advisers to say that he is incorrect in saying that it was not a magistrate.

The CHAIRMAN: Member for Hillarys.

Mr J.A. McGINTY: The note says that Channel 7 wants to talk about smoking bans.

Mr R.F. JOHNSON: I thought it might be correcting something.

The CHAIRMAN: The member has now asked a question about notes crossing the floor. The member for Perth.

Mr J.N. HYDE: I refer to the fifth dot point on page 497 of the *Budget Statements*. I am interested to find out a bit more about the Aboriginal sentencing court. I think it was introduced late last year. Has it made a big difference in Kalgoorlie? Indigenous people are a huge clientele of our court system, and this seemed like a way that would make a real difference.

Mr J.A. McGINTY: This point was made by the Chief Justice, Wayne Martin, at the opening of Law Week at the beginning of May. He drew attention to the fact that Aboriginal people comprise 3.5 per cent of the general population but 43 per cent of the prison population, and that the situation was getting worse. In juvenile detention centres, 80 per cent of the inmates on an average day are Aboriginal. The Chief Justice made the point that whatever we were currently doing was not working, and we needed a new approach. He commended the Law Reform Commission report on Aboriginal customary law, which recommended, as a way forward, a host of changes to the way in which Aboriginal people interact with the law in Western Australia. One of the recommendations of the Law Reform Commission was the involvement of Aboriginal elders in the community courts. I am very keen to see them expand, particularly in regional Western Australia. The leading exponent of these courts is a magistrate whom we have been very fortunate to secure from Victoria; that is, Dr Kate Auty. Magistrate Auty was responsible for establishing the Koori Court in Shepparton in Victoria, and has been instrumental in driving the establishment of the Norseman Community Court as well as the Kalgoorlie Community Court. She is very keen to take justice out to the lands, by involving the elders sitting with the magistrates in sentencing and matters of that nature.

I will go back to the comment I made a few minutes ago to the effect that I think we are very fortunate with the quality of magistrates in country areas. They are a group of magistrates very dedicated to Aboriginal justice issues and trying to stop the offending cycle. That will make the entire community safer. If we can reduce the very high rate of offending by involving Aboriginal customary law and Aboriginal elders in the process, that is the way of the future from everyone's point of view, not just Aboriginal people. A salutary point that needs to

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be made is that for every Aboriginal crime, there is generally an Aboriginal victim of crime. I am very pleased with the way in which the magistrates in the Kimberley, the Pilbara and the goldfields in particular, but in country areas in general, are embracing the newer and more enlightened approach to Aboriginal justice issues.

The CHAIRMAN: I have been asked whether we can have some further questions on this topic, but I warn members not to take advantage of the goodwill of the Chair. Please keep the questions related to the original question as asked. The member for Nedlands.

Ms S.E. WALKER: When I was in Melbourne about six months ago, I visited the Koori Court. There was some adverse publicity about the outcomes of that court, and I wonder if the Attorney General can comment on that. I spent a while in the court listening to some sentencing and I must say that it was very comprehensive. I then went next door to a normal court and saw a young non-Aboriginal person being dealt with by the system. Does the Attorney General think that non-Aboriginal people could benefit from the type of intense supervision that Aboriginal people receive in these courts to ensure that they do not reoffend? It is a bit like the way in which the Drug Court deals with all people. Could it be extended? On the same question, the Attorney General has been in that position for quite some time. In the latest Parole Board annual report, there is a very damning indictment of the government for its failure to implement programs for Aboriginal people at the other end - when they go into prison. The Attorney General is helping them to stay out of prison, but they are not able to get out or participate in programs while in prison. Judge Valerie French also raises mental health issues. I wonder whether the Attorney General has had a discussion about mental health issues with himself, in his capacity as Minister for Health.

The CHAIRMAN: Member, that is three questions in the one further question.

Ms S.E. WALKER: I know, but they all the same.

Mr J.A. McGINTY: In relation to the last question, I do regularly speak to myself!

Ms S.E. WALKER: I thought so.

Mr R.F. JOHNSON: It is the only sensible conversation the Attorney General ever has!

Mr J.A. McGINTY: Particularly about mental health issues. Services in prisons come within the corrections portfolio and that question should be directed to the Minister for Corrective Services. We are all acutely aware of the seemingly intractable problem of Aboriginal justice in this state. That is why I have been an advocate for following the recommendation of the Law Reform Commission for a different approach to Aboriginal offenders. Nobody wins out of the current situation, in which it is almost a rite of passage for a young Aboriginal person to spend time in prison.

Mr R.F. JOHNSON: At least it is respite for the victims.

Mr J.A. McGINTY: Tonight, for instance, one in 14 Aboriginal men will be in prison. That is an appalling statistic.

Ms S.E. WALKER: The government is providing nothing in the north where such people can stay, instead of coming down here. It has not built any infrastructure for them.

Mr J.A. McGINTY: An enormous amount of work has been done through the court service to engage with Aboriginal people to reduce their level of offending. It is up to others to discuss what happens in corrective services. However, when I had responsibility for prisons, the establishment of work camps in the Kimberley was something that I strongly supported as a means of trying to break the offending cycle in those areas. I indicate my ongoing support for any initiatives that can reduce the rate of Aboriginal offending. That must be the key to all these initiatives.

In answer to the member's question about whether non-Aboriginal people, particularly youth, can benefit from the intensive regime of the Aboriginal courts, it is my understanding, from what Magistrate Kate Auty told me when she established the Norseman Community Court, that it would not be confined to Aboriginal people, but other offenders would also be involved, and nor would only Aboriginal elders sit on the community court.

Ms S.E. WALKER: So non-Aboriginal people can attend these sentencing courts?

Mr J.A. McGINTY: I spoke to Magistrate Auty in Kalgoorlie not long after the Norseman Community Court was established. For instance, the local school principal sits on the court. Although the majority of offenders dealt with by the court are Aboriginal, they are not exclusively so. I have not received an update in the past six months, but that is how it was originally designed to start - by involving the entire community, including non-Aboriginal people.

Ms S.E. WALKER: It seemed to me when I was in Melbourne that all this focus and enormous resources were devoted to Aboriginal offenders. I understand that it is a complex problem, but to see a young man in the court

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next door with similar problems simply incarcerated without the benefit of those resources seemed a little unjust to me.

Mr J.A. McGINTY: These issues are often related to resourcing. I think the member for Hillarys, sitting next to the member for Nedlands, would cry out in protest if a disproportionate amount of government resources were devoted to supporting criminals to keep them on the straight and narrow. I just make the point that it is always about resourcing. The previous government established the Drug Court, which required very intensive resourcing.

Ms S.E. WALKER: The present government never formalised it.

Mr J.A. McGINTY: Yes, we did.

The CHAIRMAN: Members, this is not an opportunity for debate across the chamber.

Mr J.A. McGINTY: For instance, the very resource-intensive Drug Court was established, and I support that as well, because it deals with what we identified as a specific problem that needs attention, in the same way that Aboriginal offending needs attention. We are in the process now of establishing other specialist courts. The family and domestic violence court will soon be extended from its original location in Joondalup; next month we will see it rolled out in Rockingham. We have already appointed magistrates who will assume that function on a more general basis, in order to deal with that scourge that we know as domestic violence. General prisoners will be dealt with under general law, but those areas that we identify as needing specific attention, such as drug offending, Aboriginal offending and domestic violence, and perhaps even mental health in the future, are the areas to which the government will devote more resources.

[9.40 am]

The CHAIRMAN: Has the member for Leschenault's question been answered?

Mr D.F. BARRON-SULLIVAN: Not really. It is a very simple question. I am delighted to hear that the Attorney General thinks that the key aim of this is to stop the offending cycle and that he would support initiatives that do that, although the Attorney General and I would probably differ on what those initiatives might be. Is it still the case that a lot of Aboriginal kids are remanded in Perth? Correct me if I am wrong, but I think that the Rangeview Remand Centre has a swimming pool. My question is very simple. Does the Attorney General think that if he provided some disincentives for kids, not just Aboriginal kids, to be remanded, it might actually send a bit of a message through to them? Frankly, the remand centre that I saw was a holiday camp.

Mr J.A. McGINTY: When it comes to regional Western Australia, there is a very strong argument to be made for not consuming all the resources of police time, airfares to fly young offenders on remand to Perth -

Mr D.F. BARRON-SULLIVAN: However, that still happens a fair bit, does it not?

Mr J.A. McGINTY: Yes, it does. Part of the problem is that the population in most regional areas of the state is not sufficient to sustain a full-time juvenile detention facility, whether it be a remand or sentence facility, because the number of offenders who would be taken to Perth is not sufficiently great. It is partly the product of insufficient population. I am thinking of the Kimberley as the most remote area, or even the goldfields. It is something that we have turned our mind to. How can we best do this in connection with the new prison that will be built in Derby to address offending particularly, but not exclusively, among Aboriginal people in the Kimberley? The suggestion that has been put is that we ought have on the same site, separate from it but using the same staff, a juvenile facility so that young Aboriginal offenders on remand do not have to be flown from the Kimberley with all the time, expense and dislocation from routine policing services, for instance, that are associated with that.

Mr D.F. BARRON-SULLIVAN: Has the Attorney General been around Rangeview?

Mr J.A. McGINTY: Yes.

Mr D.F. BARRON-SULLIVAN: Does he really think that those conditions provide any disincentive for kids to find themselves in that sort of establishment?

Mr J.A. McGINTY: Rangeview is not flash.

Mr D.F. BARRON-SULLIVAN: Does it still have a swimming pool?

Mr J.A. McGINTY: It has been a couple of years since I have been there. Frankly, I do not remember.

Mr D.F. BARRON-SULLIVAN: Could the Attorney General ask one of his advisers whether it still has a swimming pool?

Mr J.A. McGINTY: I am not responsible for corrective services.

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Mr D.F. BARRON-SULLIVAN: However, for the overriding policy -

The CHAIRMAN: Does the member for Leschenault have a question?

Mr J.A. McGINTY: It is a question that the member would need to put to the Minister for Corrective Services about the operation of her facilities. However, I will just finish my answer. We should detain young offenders in their own areas to the maximum extent possible. I think that would serve a better long-term justice outcome of trying to, as we must continuously do, divert young offenders away from the path that they are all too often set on; that is, a life of crime.

Ms S.E. WALKER: Again I refer to page 497 and to the Prisoners' Review Board. I would also like to ask a question about the fourth dot point on that page, and the Mentally Impaired Accused Review Board. The Liberal Party's policy leading up to the 2005 election recommended the abolition of the Parole Board and the creation of an open tribunal so that victims could express their views on matters that were coming up. Instead, the Attorney General changed the name of the Parole Board and appointed a victims' representative, Ms Georgia Prideaux. In the Prisoners' Review Board report that has just been released, Judge Valerie French said that, first of all, the board's role could be viewed as a thankless task. Does Ms Prideaux get paid to sit on the board as a victims' representative?

Mr J.A. McGINTY: Yes.

Ms S.E. WALKER: How much does she get paid a year for that position?

Mr J.A. McGINTY: I will find that out for the member. She gets paid a rate per session that she sits. Most of the members of the Prisoners' Review Board are part time and they get paid a sessional rate.

Ms S.E. WALKER: They get paid a sessional rate?

Mr J.A. McGINTY: Yes.

The CHAIRMAN: Will the Attorney General be providing supplementary information on that?

Mr J.A. McGINTY: I am just wondering what the question is.

Ms S.E. WALKER: I want to ask a question about Mr Martin Marks and Mrs Hunter, the mother of the person he killed. Yesterday, I got my office to ring Mrs Hunter and ask whether the victim -

The CHAIRMAN: Member, is this question related to the budget?

Ms S.E. WALKER: It is related to the Prisoners' Review Board and that dot point.

The CHAIRMAN: Okay, but I ask members to ensure that their questions relate to the budget. It is not an opportunity for members to go into every case before the Prisoners' Review Board.

Ms S.E. WALKER: I am not; I am asking about the process and I think that is reasonable. Did the Prisoners' Review Board notify her that Mr Marks was coming up for review? Mrs Hunter said that she felt that she had just been saying the same thing over and over. Nobody contacted her. Ms Prideaux did not contact her and ask whether she wanted to say anything. How does Ms Prideaux do her job? Does she proactively contact people? These are very serious cases. Does she contact these people? She certainly did not contact Mrs Hunter. I would like the Attorney General to look at that process, because only a handful of very serious cases a year go through the system that people get really concerned about. Mrs Birnie is one example, and Mr Marks is another. Mrs Hunter said that she had never heard from anyone on the board, including Ms Prideaux. Can the Attorney General tell me what the process is in relation to what Ms Prideaux does?

Mr J.A. McGINTY: A number of points have been raised by the member for Nedlands. First, the approach that we took in abolishing the former Parole Board and replacing it with the Prisoners' Review Board essentially was a recommendation of the Mahoney inquiry into the operations of the justice system. In particular, there were recommendations for greater transparency and for the ability of the chair of the Prisoners' Review Board to speak publicly and engage in public debate to explain the rationale for decisions. Previously, it was cloaked in secrecy and there was a statutory prohibition on members of the former Parole Board revealing anything they knew as a result of their membership of that board. We thought that was inappropriate in the twenty-first century and so we have done two things essentially. First, we have put the reasons for decisions on the Internet, so that every member of the public can understand the reasons; and, secondly, we have given the chair the power to speak to the media, which never used to happen. What used to happen, unfortunately, was that I, as Attorney General, would have to try to second-guess the Parole Board so that I could engage in the public debate about why it made a particular decision. That was obviously unsatisfactory. Now, should a case arise in which there is controversy, the chair of the board is perfectly free to say that this is the reason the board made this decision. That has been a very positive step forward. There are a lot more members of the Prisoners' Review Board.

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They sit on a sessional basis and deal with a lot more matters than they previously did. They go to prisons to interview prisoners. They receive more submissions from victims of crime. The role of the victims' representative is to give balance to the board. It is not the role of the victims' representative on the Prisoners' Review Board to make contact with every victim of crime and be their advocate on that board. We expect the Prisoners' Review Board to take into account every perspective of the crime and the criminal in weighing up how they should be dealt with. I know Mrs Hunter and I have met her on a number of occasions. She was reported in the media earlier this year saying that she had been advised that the criminal who murdered her daughter - perhaps I should reword that - the person who was responsible for her daughter's death, who was actually found not guilty on the ground of unsoundness of mind -

Ms S.E. WALKER: He was found guilty of killing her.

Mr J.A. McGINTY: It was an insanity plea and therefore he was not convicted of that offence because of his insanity. Mrs Hunter was advised that he was being reviewed by the Mentally Impaired Accused Review Board and she was told that he would be considered for deportation. I think that everyone was aware of that, because that was what Mrs Hunter had engaged in the media about some months ago. I rang Mrs Hunter to advise her of the decision I made based on the recommendation of the Mentally Impaired Accused Review Board; that is, I had received advice from his treating psychiatrist that for the previous three years, Mr Marks had displayed no symptoms of his mental illness and was compliant with his medication.

[9.50 am]

Notwithstanding the horrendous nature of what he did, the recommendation came to me that he should be released solely for the purpose of deportation to New Zealand. I rang Mrs Hunter and told her that I had accepted that recommendation from the review board, and he has now been deported to New Zealand. He was met in New Zealand by the appropriate mental health authorities and taken to a secure mental health facility for purposes of assessment. That is the nature of the process. That is what took place in respect of Martin Marks. The advice that I received was that there was no basis upon which he could be held in a secure psychiatric facility as he showed no symptoms of his mental illness, and had not for three years.

The CHAIRMAN: The member for Leschenault.

Ms S.E. WALKER: I have a supplementary question.

The CHAIRMAN: I believe the Attorney General has answered the member's question.

Ms S.E. WALKER: I differ from the Chairman. I do not believe he has answered my question about what the victim's representative actually does, and I would like to ask a further question.

The CHAIRMAN: I can place the member for Nedlands back on the list for a further question.

Mr D.F. BARRON-SULLIVAN: Page 494 contains the outcomes and key effectiveness indicators. The third last one states, "Family Court of Western Australia - Time to trial". In 2005-06, the waiting time was 54 weeks. That went right out to 75 weeks in 2006-07, and in 2007-08 it is estimated to go out to 90 weeks. That is a two-thirds increase in the time. It has "Increased workload" as the explanation next to it. Can the Attorney General give us a detailed insight into why we are looking at a two-thirds increase in waiting time to go to the Family Court?

Mr J.A. McGINTY: Yes. It is a sad story that I have to relate to the committee today, and that is that Philip Ruddock refused to agree to the appointment of a replacement judge for the Chief Judge when he retired. Michael Holden retired at the beginning of this year. I have been in constant dialogue with Philip Ruddock, including providing him with the names of nominees who could replace the judge. Philip Ruddock's correspondence to me has said that he favoured not replacing the judge but simply appointing a magistrate.

Mr D.F. BARRON-SULLIVAN: Sorry, when did the judge go?

Mr J.A. McGINTY: At the beginning of this year.

Mr D.F. BARRON-SULLIVAN: At the beginning of 2007?

Mr J.A. McGINTY: Yes.

Mr D.F. BARRON-SULLIVAN: But these figures show a blow-out well before that.

Mr J.A. McGINTY: Sorry, where do they show that?

Mr D.F. BARRON-SULLIVAN: I just said that from 2005-06 to 2006-07, there was a blow-out from 54 to 75 weeks, and there is a further blow-out on top of that. The biggest blow-out is actually from 2005-06 to 2006-07.

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Mr J.A. McGINTY: Yes. Halfway through 2006-07, the judge was not replaced, so we have been without a judge for the first half of this year, and at this stage there is no indication that Philip Ruddock will approve the appointment of any judge to replace Michael Holden, who retired. In March this year, I gave a major speech to the Family Law Practitioners Association in which I went through a raft of matters whereby Philip Ruddock was placing inordinate pressure and unreasonable pressure on the Family Court here in Western Australia. Back in 1975 when the Family Court of Australia was established, each state was offered the ability to have its own state Family Court. Only Western Australia, with its tradition of standing up for state rights, accepted that invitation. I think it has worked well until now, because there has been an understanding between the commonwealth and the state - in fact, there is an intergovernmental agreement - that the commonwealth will fund family law matters in Western Australia, and that while it is a state court exercising both commonwealth and state jurisdiction, the replacement of or increases to the judicial component of the court will be approved by the commonwealth Attorney-General. He has starved the court of resources. Here in Western Australia, we have marginally less than 10 per cent of the population and about 33 per cent of the landmass, but only 7.5 per cent of the funding for family law matters in Australia comes to Western Australia. The member will know from his own electorate of Leschenault that the needs of the people in the south west, particularly in the form of the appointment of a family law magistrate, as well as other services, to Bunbury, have been rejected by Philip Ruddock. We do not have the funding to provide routine family law services to the area, but Philip Ruddock has rejected our submission, which we put in to him last year, to deal with that. I will just run through the list of matters that I referred to in that speech.

Mr D.F. BARRON-SULLIVAN: Could the Attorney General just -

Mr J.A. McGINTY: I would like to be able to finish this answer, if I could.

The CHAIRMAN: The minister is answering the question.

Mr D.F. BARRON-SULLIVAN: I do not think he is.

Mr J.A. McGINTY: We arranged last November for the Chief Justice, Wayne Martin, to meet -

Ms S.E. WALKER: I have a point of order. We have only limited time to ask questions. If the Attorney General is going to filibuster on every question, what hope have we got?

The CHAIRMAN: I think we will allow this question from the member for Leschenault to be answered.

Ms S.E. WALKER: It is just a bagging of the commonwealth.

The CHAIRMAN: It is not a point of order.

Mr J.A. McGINTY: The Chief Justice, Wayne Martin, and I met with Philip Ruddock last November when he was in town. The Chief Justice had a very simple solution to complications with the Family Court here and for who would hear appeals. It would have cost nothing. Philip Ruddock rejected that out of hand. He has rejected the extra magistrate for Bunbury. He has not approved the replacement of the fifth judge in the Family Court. There have been five judges in the Family Court since 1975, so there has been no increase. Philip Ruddock has rejected that. I must say that he seems at the moment to be effectively declaring war on family law in Western Australia, and the only people who will miss out as a result of that are couples who are at a very difficult time in their lives when they are separating and divorcing, and who need the assistance of the court, and he is failing to provide it.

Mr D.F. BARRON-SULLIVAN: I must say that the Attorney General should get an award for the number of times he managed to say Philip Ruddock in his answer. The budget papers themselves use the two words "Increased workload". They do not say "Not enough judges"; they say "Increased workload". Can the Attorney General give us some figures? What is the increased workload?

Mr J.A. McGINTY: The problem is very straightforward. We have had five judges for 30 years, and Philip Ruddock is refusing to allow the replacement of one of those five judges to maintain the judicial contingent at five. Therefore, we now have four judges who are required to do the work of five. That is what the workload issue is.

Mr D.F. BARRON-SULLIVAN: So the Attorney General is saying that it is not an increased workload; it is an increased workload per judge.

Mr J.A. McGINTY: Which is an increased workload, yes.

Mr D.F. BARRON-SULLIVAN: No, it is not.

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Mr R.F. JOHNSON: I refer to the first line of the key efficiency indicators on page 503. Can the Attorney General please account for the variation between the 2006-07 budgeted total of \$12 million for the Department of Corrective Services and the actual estimated expenditure for 2006-07 of \$31 million?

Mr J.A. McGINTY: I am told that it relates to the recommendations of the Mahoney inquiry to split the former Department of Justice into two departments: one focused on corrections and one focused on the Attorney General's responsibility. However, to explain the financial basis for that, I will ask Graeme Doyle to answer that question.

Mr G.A. Doyle: Yes. The bulk around the \$16 million of that variation relates to a netting that was done in the 2006-07 -

Mr R.F. JOHNSON: I am sorry; we cannot hear Mr Doyle very well.

The CHAIRMAN: Would you speak up, please, Mr Doyle.

Mr G.A. Doyle: The bulk of that variance relates to the netting in last year's budget of court security costs between the Department of Corrective Services and the Department of the Attorney General. There is a joint contract for court security and custodial services, which is managed out of the Department of Corrective Services. We netted that amount between the two departments in last year's budget, and this year we have corrected that netting - \$16 million - for that amount, and that explains the bulk of that change between the \$12 million and the \$31 million.

Mr R.F. JOHNSON: I have a supplementary question. Is the minister's adviser saying that the Department of the Attorney General will now be paying a lot more money into that area that has just been described, as opposed to what was being paid by the Department of Corrective Services? Is that what the adviser is saying?

[10.00 am]

Mr J.A. McGINTY: I will ask Mr Doyle.

Mr G.A. Doyle: It is not paying more money; the 2006-07 budget column did not gross up the total expenses provided for the Department of Corrective Services. We provide corporate services - finance, human resources, information technology and asset management - to the Department of Corrective Services. Coming back the other way, the Department of Corrective Services manages the court security and custodial services contract, which was \$16 million in 2006-07. In the budget papers last year, we inadvertently netted those two amounts off, which is why it shows only \$12 million. However, this year we have shown it correctly and separated those amounts so that the full value of services provided to corrective services is \$31 million.

Mr R.F. JOHNSON: Is the minister now saying that the expected expenditure for 2006-07 of \$31 million is basically for technical advice, IT expertise and that sort of thing? What is that \$31 million spent on exactly?

[Mr G. Woodhams took the chair.]

Mr G.A. Doyle: I have quite an extensive list.

Mr R.F. JOHNSON: Would Mr Doyle like to provide that by way of supplementary information?

Mr G.A. Doyle: We can provide it by supplementary information.

Mr J.A. McGINTY: No, he cannot. We will answer the question -

Mr J.N. HYDE: Through the chair.

Mr R.F. JOHNSON: The member for Perth should be quiet. He is not running this committee. He should just go away and stop being a nuisance.

The CHAIRMAN: Member for Hillarys and member for Perth, this does not advance the progress of the estimates committee at all.

Mr R.F. JOHNSON: It certainly does not. The member never does.

The CHAIRMAN: Is the minister asking Mr Doyle to provide the answer to the question?

Mr R.F. JOHNSON: Does the minister want to do that now, rather than later? As long as it is on record somewhere.

Mr J.A. McGINTY: Yes.

Mr G.A. Doyle: The list for 2006-07 is as follows: ministerial liaison, \$153 000; public affairs, \$816 000; internal audit, \$380 000; Aboriginal alternative dispute resolution, \$930 000; Aboriginal visitors scheme, \$970 000; corporate services - finance overheads - \$3 208 000; organisational performance, \$595 000; asset

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management, \$1 144 000; accounting services, \$600 000; budgeting and planning, \$246 000; financial policy and reporting, \$64 000; financial systems, \$128 000; contracts and services support, \$185 000; human resources, \$828 000; labour relations, \$415 000; workforce management, \$744 000; human resource client services, \$1 222 000; human resource information management and analysis, \$66 000; Aboriginal workforce development, \$705 000; workforce strategy and performance, \$215 000; employee welfare, \$393 000; Aboriginal entry-level programs, \$328 000; information services directorate, \$905 000; infrastructure and contract services, in relation to IT, \$5 218 000; directorate support for information technology, \$181 000; corporate client support for information technology, \$360 000; offender management records, \$644 000; information management - that is, records management services - \$1 034 000; library services - legal - \$745 000; library services - nonlegal - \$25 000; information technology planning and information architecture, \$259 000; asset management, \$2 068 000 -

Mr R.F. JOHNSON: I wish I had not asked.

Mr J.A. McGINTY: Does that give the member the flavour of it?

Mr G.A. Doyle: There is one more: information services in regards to information technology assets, \$2 911 000.

Mr J.N. HYDE: Good question.

Mr R.F. JOHNSON: I have a further question, which is why I would have preferred to receive the last answer as supplementary information. I think it took too much time. I would like some more detailed information. I am sure that the Attorney General will not be able to give it to me today, but I want it as supplementary information. I want a breakdown of those headings. I want to know what ministerial liaison consists of. We are spending hundreds of thousands of dollars under that heading; what on earth does that mean? Can the Attorney General tell me what is meant by corporate overheads? Can I please have a more detailed breakdown by way of supplementary information?

Mr J.A. McGINTY: These were all services that were provided by the former Department of Justice. There is no change in the nature of the services provided; this is simply the division as a result of splitting the departments. Some of those services are still provided by the now Department of the Attorney General to the Department of Corrective Services. Therefore, from a budget perspective, it is just a question of how they are split between the two agencies.

Mr R.F. JOHNSON: I appreciate that. All I would like is a breakdown of those headings that have just been read out, because I do not have a clue about what is meant by ministerial liaison, on which about \$150 000 was spent. I want to know what are corporate overheads and the various other headings that were just read out. It is not unreasonable to ask, by way of supplementary information, for more detail about those headings.

Mr J.A. McGINTY: As I said, these are the services that have been traditionally provided.

Mr R.F. JOHNSON: I appreciate that.

Mr J.A. McGINTY: I focus on one of them; that is, the ministerial liaison. That is the employment of full-time staff within the department to provide responses to ministerial inquiries; for instance, answering the member's questions in Parliament and ministerial correspondence. That is the nature of the work that the ministerial liaison people do. I am happy to go through each of those areas for which the member requires additional information. However, there is no change; it is just a question of how the accounting is handled for the split of the arrangements between the Department of Corrective Services and the Department of the Attorney General.

Mr R.F. JOHNSON: Therefore, it would not be a problem to have supplementary information of a breakdown of those headings?

Mr J.A. McGINTY: I do not know what the member is asking for. I just explained what the ministerial liaison is.

Mr R.F. JOHNSON: That is one of the headings.

Mr J.A. McGINTY: I am happy to go through each of the others -

Mr R.F. JOHNSON: There are about 20. I am sure the Attorney General would like to go through all of them, but that would just waste this committee's time.

Mr J.A. McGINTY: I am not sure that the member wants to go through all of them, but I am happy to do so.

Mr R.F. JOHNSON: I am sure the Attorney General would go through all the headings because it would delay any other questions. If he does not want to give it by supplementary information, that is fine.

Mr P.B. WATSON: Minister, I am sure that my question will not be long.

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Ms S.E. WALKER: The answer might be though.

Mr P.B. WATSON: I hope so. I refer to the second dot point from the bottom of page 497 of the *Budget Statements*. It states that the Drug Court was reviewed to determine its efficiency and effectiveness. It is noted that -

Drug Court graduates showed a 'non-return to corrections' rate of 46 per cent. This rate is 16 per cent and 10 per cent better respectively than comparable prison and community corrections managed offenders.

Is there any chance of the Drug Court going into regional areas? There are a large number of young people in my community - both Nyoongah and wetjalas - who are repeat drug offenders. We do not have a Koori court either. The member for Nedlands was saying earlier that if -

Ms S.E. WALKER: I had some complaints about the argument conferences.

Mr P.B. WATSON: I am more concerned about whether there is an opportunity for a drug court for Nyoongah and wetjalas in Albany, where there are issues with drugs.

Mr J.A. McGINTY: I think we all appreciate that the illicit use of drugs today is the major contributor to criminal behaviour. A proportion of the prison population is there as a result of drug-related behaviour for either crimes committed under the influence of drugs or criminal behaviour in trying to obtain cash to support a drug habit. That is a major driver of criminal behaviour in this state. We analyse the response to these issues by looking at the relative costs of the way in which we deal with offenders. For instance, it costs \$93 075 a year to keep one person in prison. It costs \$16 210 to process an offender through the Drug Court. A community-based corrections order costs \$7 310 for each offender. As a pure efficiency measure, it is therefore far more efficient to treat drug-related offending through the Drug Court with its intensive management regime than it is to put someone in prison.

[10.10 am]

Mr P.B. WATSON: I have a further question. Could the Attorney General explain what the Drug Court actually does?

Mr J.A. McGINTY: Dedicated magistrates apply the principles of therapeutic jurisprudence to offenders who come before them. They intensively case-manage them, requiring them to report, often weekly, to the court, and they engage with offenders about the whole of their behaviours, including regular drug testing, and constantly bring them back before the court. Therefore, a judge actually steps in to deal with an offender in a way that would normally be managed in the community -

Ms S.E. WALKER: Point of order, Mr Chairman.

The CHAIRMAN: No point of order. Continue, please, Attorney General.

Ms S.E. WALKER: We have heard this so many times; it is just waffle.

Mr J.A. McGINTY: The offender therefore would be supervised by a judge rather than a community corrections officer. Judicial supervision is unusual, as it is a very expensive way of expending resources in managing offenders. The problem with Albany is that there would most probably not be sufficient drug offenders to warrant a full-time court in the town, given the intensive nature of the judicial supervision that is required. I have said some good words about country magistrates. They are required to deal with a range of difficult issues, and I want to see them move more into therapeutic jurisprudence, such as having their own version of an Aboriginal court or a drug court as part of the way in which they handle the variety of offenders that come before them in regional areas. It is very complicated and we do not have the capacity for a dedicated drug court in cities such as Albany.

Ms S.E. WALKER: It is 10.10 am and I have asked about three really main questions. I just comment on the system. I refer to page 494, "Outcomes and Key Effectiveness Indicators", line item "District Court - Criminal - Time to trial". It takes 49 weeks before a person in the District Court can get to trial. In the State Administrative Tribunal it takes only 19 weeks. In the Coroner's Court the actual delay for 2005-06 was 126 weeks but the target for 2007-08 is 128 weeks. Concentrating on the Coroner's Court and the District Court, I note that the Director of Public Prosecutions said in his 2001 annual report that the State Coroner had not been provided with the extent of assistance he sought. Does a person have to wait 128 weeks for a trial in the Coroner's Court because the Attorney General is not properly resourcing that office? Secondly, why has the Attorney General not appointed the two judges to the District Court that have been asked for by Chief Judge Antoinette Kennedy? She said that even if she got another two judges in addition to the last judge the Attorney General appointed recently, she would not meet her target delay of 20 weeks in that short period. With the cashed-up economy that

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we have, why is the Attorney General moaning about keeping people in the prison system because they cannot get a trial; and why has he not provided those two judges?

Mr J.A. McGINTY: The issue with the District Court is complicated by the involvement of the police and the DPP, and by the court itself in the way in which it does its work. In cooperation with the Chief Judge of the District Court, we have been focusing on reducing the median trial delay, which is currently standing at 47 weeks. It has somewhat improved over the delay in the recent past. However, the real key to the District Court is to improve efficiency in the way in which it operates.

Ms S.E. WALKER: No, it is not.

Mr J.A. McGINTY: A very large number of initiatives have been discussed in relation to the criminal listings project in the District Court. It particularly relates to the way in which the DPP presents indictments. There are a number of initiatives that I would like to briefly mention that touch on this. The first is to revamp the way in which non-trial criminal hearings are listed, in particular the outcome that no more than two judges will be listed in non-trial criminal hearings at any one time. The second is to delegate to registrars some limited criminal jurisdiction by using registrars to perform a clearing-house function, particularly for matters in which there are delays in filing the indictment. The third initiative that has been considered is to list a consistent number of judges hearing criminal trials each and every sitting week, including the use of acting judges.

Ms S.E. WALKER: No, that is not going to help.

Mr J.A. McGINTY: This will allow the court to more optimally manage the high rate of late guilty pleas, adjournments and discontinuances through overlistings. The fourth initiative is to increase the level of registry support in criminal matters to support a higher rate of throughput of criminal cases and to obviate the situation that arises now in which judges are out of court while their associates catch up with the paperwork; to revamp the forms and paperwork for non-trial criminal hearings, again to support faster throughput; and to impose a time limit for the filing of an indictment, aligning it to when the prosecution disclosure must be given after the committal hearing. They are all initiatives that are designed to reduce the trial delay from its current 47 weeks to our aim of 20 weeks. That would be a remarkable achievement if we were successful in achieving that. It is obviously a mix of processes, not only within the court but also more particularly within the Office of the DPP.

Ms S.E. WALKER: I thank the Attorney General for that list, which the Chief Judge addressed at length in her recent report. That still will not solve the problem. The Attorney General is just not funding the main court in this state. He is giving us the reputation of having the worst criminal trial delay in the nation. The District Court is a bit like emergency rooms at hospitals. We have heard from the Department of Corrective Services that people are banked up on remand at the highest level ever because they cannot get a trial date, and the Attorney General is not giving us the judges that we require. The Attorney General is saying basically that the court itself is not running efficiently and that his list of things will make it more efficient and clear the backlog. That is incorrect. The Attorney General needs to read the reports; the Chief Judge and those judges should know what they need. The Attorney General is not listening to them and he is not listening to the criminal trial reduction delay committee, I think it is called. The Attorney General did not answer my question about why the delay at the Coroner's Court is 128 weeks.

Mr J.A. McGINTY: The current forecast time to trial in the Coroner's Court is high at an estimated 128 weeks in 2006-07 and 2007-08. The Coroner's Court time to trial represents a time from the death of a person to when an inquest is held. A range of factors influence this. The first is obtaining the cause of death. The amount of time to obtain a cause of death can vary significantly, especially if body organs are sent away for further analysis. For example, if the services of a neuropathologist are required, the average wait time is currently six months. This is because there is currently only one neuropathologist in Western Australia at PathWest. Secondly, the investigation time for police and other agencies, such as WorkSafe WA and the Air Transport Safety Bureau. Those agencies often have to undertake complex and lengthy investigations of matters prior to the Coroner's Court being able to commence an inquest. Thirdly, in related court matters, the coroner is unable to conduct an inquest if matters are pending in another court. For example, if an inquest to be held is related to a homicide matter being heard in another court jurisdiction, the coroner cannot commence an inquest until the matter is finalised in the other court jurisdiction. This can often lead to lengthy delays in some matters. Fourthly, families often dictate how long it takes before a matter comes to inquest, as they sometimes seek their own medical or legal opinions before they are ready to proceed with an inquest. Therefore, overall, the time to trial is largely driven by factors external to the control of the Coroner's Court and, as such, is not purely a measure of court performance.

Ms S.E. WALKER: The Attorney General may -

The CHAIRMAN: A further question.

Chairman; Ms Sue Walker; Mr Jim McGinty; Mr Rob Johnson; Mr Tony McRae; Mr Peter Watson; Mr John Hyde; Mr Ben Wyatt

Ms S.E. WALKER: Thank you, Mr Chairman. The Attorney General raised the issue of PathWest and the fact that there was only one person there who was able to provide certain information.

Mr J.A. McGINTY: Yes, a neuropathologist.

Ms S.E. WALKER: Why has the Attorney General not put someone else on?

Mr J.A. McGINTY: We find often with medical specialities that it is a workforce shortage issue that drives those considerations.

Ms S.E. WALKER: I have a further question.

The CHAIRMAN: A further question.

Ms S.E. WALKER: Thank you, Mr Chairman. At a meeting in December of the reduction in criminal trial delay committee, the PathWest chief executive officer provided the board with reasons for delays in the District Court. I suspect that some of the delays he talked about also relate to the Coroner's Court. Can the Attorney General tell me if that is right? He said there was difficulty recruiting experienced forensic scientists, who need two years' training to be capable of writing court reports. That would have been known to the Attorney General when he became Attorney General in 2001. He said that no common numbering system existed between investigating agencies and PathWest to match items to particular prosecutions or cases. Has that been addressed? He also said that PathWest had not been advised by investigating agencies whether cases were finalised, which meant that analysis awaiting examination would no longer need to be examined. Has that been addressed? Finally, he also referred to the inability of agency and court computer systems, if they exist at all, to talk to each other. Has that been addressed?

[10.20 am]

Mr J.A. McGINTY: The principal issue in relation to PathWest's involvement in criminal matters is mainly in the District Court, but also in the Supreme Court and a related matter in the Coroner's Court, is that, historically, the police, the Director of Public Prosecutions and PathWest have not integrated their services or responses to pathology reports on matters that are due to go before the courts. We are engaged in debate with the Director of Public Prosecutions, the Chief Justice and the Chief Judge about ensuring that, in priority cases, the police, the DPP and PathWest identify those matters in which samples are required to be tested and to provide those as a matter of priority. Tens of thousands of samples taken by the police at crime scenes need to be processed through PathWest. However, there has not historically been any identification of those important matters that need to be given priority to expedite the criminal justice process. PathWest, the judiciary and my office have been involved in discussion about this matter to achieve greater identification by those bodies of their priorities for what has to be dealt with by PathWest.

Ms S.E. WALKER: I refer to the second last dot point under "Major Initiatives For 2007-08" on page 498 of the *Budget Statements*, which states that work will continue on the construction and transition to the new District Court building as well as refurbishment of the existing Central Law Courts. It states that these initiatives will significantly improve the quality of the court facilities in the Perth District Court and the Perth Magistrates Court and will result in the vacation of currently leased premises adjacent to the Central Law Courts - that is, the May Holman Centre. I also refer to the last dot point for major initiatives, which states that a detailed planning and feasibility study to develop long-term accommodation solutions for the Supreme Court will be undertaken. I am disappointed that again this year there is no plan in the budget for our superior court, the Supreme Court, especially given that the member for Fremantle has been the Attorney General for six years. Has the lease on the May Holman Centre expired?

Mr J.A. McGINTY: It expires, I believe, at the end of this year.

Ms S.E. WALKER: It has not expired yet?

Mr J.A. McGINTY: No.

Ms S.E. WALKER: When is the new District Court building due to be completed?

Mr J.A. McGINTY: According to the schedule I have, construction commenced in June 2005. Practical completion is scheduled for February 2008. Practical completion of the custody centre is scheduled for July 2008. The contract date for service commencement is 5 May 2008; however, the target date is 24 March 2008.

Ms S.E. WALKER: That leaves a gap of between six and nine months. Will the government temporarily house the courts in hotels? Has that been a suggested solution? For instance, I refer to the Mercure Hotel in Perth.

Mr J.A. McGINTY: No. It leaves a gap of a couple of months, certainly not nine months.

Chairman; Ms Sue Walker; Mr Jim McGinty; Mr Rob Johnson; Mr Tony McRae; Mr Peter Watson; Mr John Hyde; Mr Ben Wyatt

Ms S.E. WALKER: Is the department considering housing courts and infrastructure in hotels in Perth because poor management and incompetence has failed to get the project finished on time?

Mr J.A. McGINTY: No.

Ms S.E. WALKER: That is not being contemplated at all?

Mr J.A. McGINTY: Until the District Court is up and fully running in May next year, we expect that arrangements will be made with the Supreme Court, with regional courts, such as Fremantle, and with the Federal Court. Judges will be on circuit to ensure that the courts continue to operate during those few months of the transition from the old building to the new building.

Ms S.E. WALKER: The May Holman Centre will be gone in December 2007; that is when it will have to be vacated.

Mr J.A. McGINTY: Yes.

Ms S.E. WALKER: We have received an anonymous telephone call. I thought the member for Perth would like that given that he was a journalist. The caller could have been the member for Perth for all I know! The caller stated that the government would temporarily house courts and infrastructure in hotels, the Mercure Hotel being one of them. I have asked the Attorney General whether that ridiculous situation has been contemplated. The Attorney General said no.

Mr J.A. McGINTY: That is right.

Ms S.E. WALKER: The Attorney General has not given a satisfactory answer about where the staff will go.

Mr J.A. McGINTY: The member asked me about the courts. The courts will continue to function with cooperative arrangements that are being overseen by the Chief Justice, among others, in the Supreme Court, the Federal Court building and the regional courts that have jury trial facilities, such as Fremantle. In addition, District Court judges will do circuits during that transitional period. Some staff, but not the courts, will be located in other buildings.

Ms S.E. WALKER: What buildings?

Mr J.A. McGINTY: For a few months in that general area. I am not talking about the courts. I am talking about court staff. Registrars, for instance, might be located in other buildings in that area.

Ms S.E. WALKER: How many courts are there in the May Holman Centre? How many District Court courtrooms are in the May Holman Centre?

Mr J.A. McGINTY: Four.

Ms S.E. WALKER: Four District Courts?

Mr J.A. McGINTY: Four courts.

Ms S.E. WALKER: How many registrars' chambers?

Mr J.A. McGINTY: I am not sure.

Mr R.F. JOHNSON: I refer to the fourth dot point on page 492 of the *Budget Statements*, which deals with the Fines Enforcement Registry. In response to a question without notice, the Attorney General said that Repcol's Australian Securities Exchange trading halt -

... deals with a refinancing sale of assets matter, rather than an operational matter, so it will not in any way have an impact.

However, Repcol's report to the Australian Securities Exchange on 18 May states that a significant decline in share price triggered a right of review by the National Australia Bank as the senior debt facility. The drop in the share price that triggered the right of review was due to higher than expected losses that were, in part, due to lower than expected collections. Does the Attorney General stand by his comments that Repcol's situation has had no impact on the Fines Enforcement Registry, or would he like to revise his statement?

Mr J.A. McGINTY: When I was asked that question in the Legislative Assembly, I tabled a copy of the letter from Repcol to the ASX, which indicated the reason that its share trading had been suspended. That was tabled in the house as an explanation to the best of my knowledge at that time. I do not know whether the situation has changed. I will ask the Sheriff to provide any additional information, because he is responsible for the Fines Enforcement Registry, which has a close working relationship with Repcol.

Chairman; Ms Sue Walker; Mr Jim McGinty; Mr Rob Johnson; Mr Tony McRae; Mr Peter Watson; Mr John Hyde; Mr Ben Wyatt

Mr R.F. JOHNSON: I am interested in the difference between what the Attorney General said in the Legislative Assembly and the actual report.

Mr J.A. McGINTY: That remains the information that I have received to date. If someone can throw further light on it, Mr Mitchell would be that person.

[10.30 am]

Mr R.F. JOHNSON: If the Attorney General accepts that his comments in the house differ from the actual report that states that they did have lower than expected collections, he will obviously apologise to the house at some stage.

Mr J.A. McGINTY: I do not accept that at this stage. I will wait until I hear the response from Mr Mitchell.

Mr P.J. Mitchell: Operationally, the contract is working okay. The number of warrants finalised by the contractor in 2005-06 was 11 500. So far, until the end of April, the number of warrants satisfied has been 7 272. We are expecting a minimum of 2 000 warrants to be satisfied in May and June, which would bring it up to a comparable performance with last year by virtue of warrants finalised. They are meeting each of the key performance indicators. From an operational perspective, there is no doubt about the performance of the contractor in delivering services to the Sheriff.

Mr B.S. WYATT: I refer to the “Major Initiatives For 2007-08” at page 498. There is reference to the cross-border justice initiative. I note that the aim is to improve the delivery of justice services to remote communities. I know that will continue in the next financial year. To date, has any improvement been seen?

Mr J.A. McGINTY: The legislation to implement the cross-border justice arrangements with the Northern Territory and South Australia for the Ngaanyatjarra-Yankunytjara-Pitjandjatara lands has been drafted by parliamentary counsel in Western Australia. It has been referred to the other jurisdictions for their input. We have taken the responsibility of drafting the template legislation to give effect to that. In essence, it recognises that for the NYP peoples the state and territory borders between South Australia, Western Australia and the Northern Territory do not mean anything, and therefore overcome the jurisdictional impediments to the police and the courts - in particular - by treating the area as one area, which is the traditional lands of those people for the purposes of law enforcement. It is quite an innovative approach and one that I wholeheartedly support. I expect that the legislation will be introduced when Parliament resumes after the winter break to give full effect to the national agreement that has been reached for justice in the NPY lands area.

The appropriation was recommended.

Meeting suspended from 10.32 to 10.50 am