

Annual Report 2008–09

Department of Justice and Attorney-General



Communication objective

The Department of Justice and Attorney-General's annual report summarises our financial and corporate performance for 2008–09. Our aim is to provide an annual report that meets the needs of our stakeholders and our accountability requirements under the *Financial Administration and Audit Act 1977*.

The full financial statements of the Department of Justice and Attorney-General for 2008–09 are contained on the CD attached to the inside back cover of the report. Our report is also available at www.justice.qld.gov.au/corporate-publications.htm.

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WARNING: Aboriginal and Torres Strait Islander peoples are warned that this document may contain images of deceased persons. Due care has been taken to ensure that all images have been used with the appropriate consent.

Translation

The Queensland Government is committed to ensuring services are accessible to Queenslanders from all culturally and linguistically diverse backgrounds.

ENGLISH

If you would like an explanation of this report in your language please contact our Corporate Governance Branch on +617 3006 9083 to arrange an interpreter.

CHINESE

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ITALIAN

In caso necessitate una spiegazione di questo rapporto nella vostra lingua siete pregati di contattare la nostra Unita' di Governo Societario al +617 3006 9083 per predisporre un interprete.

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ARABIC

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SPANISH

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FRENCH

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Letter of compliance

20 October 2009

The Honourable Cameron Dick MP
Attorney-General and Minister for Industrial Relations
State Law Building
Brisbane Qld 4000

Dear Attorney

I am pleased to present the Annual Report 2008–09 for the Department of Justice and Attorney-General.

I certify that this Annual Report complies with:

- the prescribed requirements of the *Financial Administration and Audit Act 1977* and the *Financial Management Standard 1997*, and
- the detailed requirements set out in the *Annual Reporting Guidelines for Queensland Government Agencies*.

Following machinery of government changes implemented in March 2009, the industrial relations functions were transferred to this department and now form part of the Office of Fair and Safe Work Queensland (OFSWQ). A report on the operation of OFSWQ from 27 March 2009 to 30 June 2009 has been included in this report.

A checklist outlining the annual reporting requirements can be accessed at www.justice.qld.gov.au/corporate-publications.htm.

Yours sincerely

Rachel Hunter
Director-General

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Vision

A fair, safe and just Queensland

Purpose

To contribute to a fair and just society and safe, healthy, productive workplaces and communities

Director-General's message

I am pleased to present the department's 2008–09 annual report. The past 12 months has been a time of significant change and achievement for the Department of Justice and Attorney-General. This report details those achievements and shows the progress we have made in 2008–09 towards our vision of a fair, safe and just Queensland and towards the Queensland Government's Toward Q2: Tomorrow's Queensland Ambitions of Strong – Creating a diverse economy powered by bright ideas, Healthy – Making Queenslanders Australia's healthiest people, and Fair – Supporting safe and caring communities.

Machinery of government changes saw responsibility for those parts of the former Department of Employment and Industrial Relations, looking after industrial relations, electrical safety and workplace health and safety, transfer to the department and become part of the new Office of Fair and Safe Work Queensland (OFSWQ).

As a result of these changes, the department delivers an expanded range of services underpinning the administration of justice. The OFSWQ plays a role in setting awards, wages and conditions, administering industrial relations legislation, promoting and educating people about the rights and obligations of employers and employees on these matters and improving Queenslanders' health and safety at work and in our homes.

These changes provide significant opportunity for the Department of Justice and Attorney-General to strengthen and streamline the services we provide to ensure a fair, safe and just Queensland.

During the past year, the department has made substantial progress towards major reforms that will be implemented in 2009–10.

Planning for the new Queensland Civil and Administrative Tribunal (QCAT) progressed steadily during the year. QCAT represents the most significant structural reform to Queensland's justice system in 50 years. It amalgamates the jurisdiction of 23 separate civil, human rights and administrative bodies to establish more accessible, convenient and effective tribunal services for the community and business. QCAT will commence operations on 1 December 2009.

The new Victim Assist Queensland service was developed over the past year. This initiative will improve access to services and financial assistance for victims of crime. It will give victims of crime a more needs-based service. This new service will also commence on 1 December 2009 and replaces the current criminal injury compensation scheme.

In 2008–09 the Honourable Martin Moynihan AO QC was appointed to undertake a review of civil and criminal justice in Queensland, with the aim of streamlining the operations of the court system and making more effective use of public resources. Implementation of review recommendations will begin in 2009–10.

During 2008–09 we have improved Queenslanders' access to justice through the expansion of the Homeless Persons Court Diversion Program into the Special Circumstances Court. This program now delivers court monitored interventions for vulnerable people which link defendants with treatment, health, housing and vocational services as part of their bail conditions and/or sentence. This initiative further augments our other specialised court programs including the Drug Court, Murri Court, Queensland Indigenous Alcohol Diversion Program, the Queensland Magistrates Early Referral into Treatment program and the Illicit Drug Diversion program.



The Work Life Balance strategy was launched during the year to increase attraction and retention of employees by improving the uptake of work life balance policies across the Queensland public sector and in private sector organisations.

Important workplace health and safety initiatives during the year included:

- the conduct of the Zero Harm at Work leadership forum on 15 May 2009 to further maintain a commitment by industry leaders to promote safe and healthy work practices
- continuing promotion of the Homecomings campaign to educate Queenslanders about the importance of safety at work
- the establishment of a taskforce, with Queensland Health, to develop better health strategies for outdoor workers.

We are also designing and implementing a variety of enforcement, education and awareness strategies targeted at high risk industries and injury types. Queensland currently ranks as a leader in Australia in the number of field inspectors, the ratio of field inspectors per 10 000 employees and the number of workplace interventions. The incidence of work-related fatalities in actual workplaces declined by 20 per cent since implementing these strategies.

Throughout the year we continued to actively protect the rights of working Queenslanders by engaging in a range of consultative processes around the development of Fair Work Australia, the new national industrial relations framework that replaces the WorkChoices regime. Our department's involvement in this process aims to ensure that the interests of the Queensland Government, employers, employees and unions will continue to be protected.

The review and reform of our laws saw legislative changes during the year to increase community safety, protect rights and modernise the administration of justice, including:

- creating a specific offence applying to rock throwing and other conduct which endangers or is likely to endanger the safe use of vehicles
- strengthening provisions to protect the interests of mortgagors whose properties are sold by mortgagee
- implementing judge alone criminal trials and introducing majority verdicts for criminal trials.

During the year we also completed the construction of the new Pine Rivers and Mareeba Courthouses and began work on the new \$600m Supreme Court and District Court Complex in Brisbane. The anticipated completion of this complex in December 2011, alongside the current Brisbane Magistrates Court, will result in an exciting new centre for the Brisbane legal precinct. The new Ipswich Courthouse will also be completed in 2009–10—the most substantial public building project undertaken in Ipswich in the past decade.

The outstanding achievements of our department over the past year could not have been achieved without the hard work and dedication of our people. I would like to extend my sincere thanks to all staff, our volunteers and partners for their contributions to the department's many achievements in 2008–09 and for their continued support towards a fair, safe and just Queensland into the future.

Rachel Hunter

Director-General

Justice Services

- prepared for the commencement of the new Queensland Civil and Administrative Tribunal (QCAT) on 1 December 2009
 - achieved impressive clearance rates in the courts criminal jurisdiction with Supreme, District and Magistrates Courts—resolving 100.5 per cent of matters lodged
 - appointed a new full-time southern coroner in August 2008, responsible for investigating deaths reported in the Logan, Beenleigh and Gold Coast region
 - prepared legislation which was passed by the Parliament to provide for majority verdicts for criminal trials and judge alone criminal trials
 - trained three Wik Mungkan language interpreters to assist in the Aurukun Circuit Court
 - engaged an additional seven prosecutors, seven legal officers and three legal support officers at the Office of the Director of Public Prosecutions across the state to meet increased workload and improve operations in Far North Queensland
 - supported the Government's Towards Q2: Tomorrow's Queensland Ambition of Healthy by implementing strategies for healthier communities through the Magistrate Court's Queensland Indigenous Alcohol program and Illicit Drug Court Diversion Program
 - supported the Government's Towards Q2: Tomorrow's Queensland Ambition of Fair by establishing an additional 12 "JPs in the Community" sites bringing the total number of sites to 127 and involving more than 2200 JP volunteers who assist Queenslanders
 - established the Mornington Island Restorative Justice Project to establish a community-based alternative dispute resolution or peacemaking service
 - collected \$143.8m in lodgement fees and unpaid fines in 2008-09—an increase of \$12.4m from 2007
 - continued to protect the rights and interests of an increasing number of adults with impaired decision-making capacity through the guardianship regime
 - conducted six public guardianship and administration forums, attended by 1000 people, in Logan, Toowoomba, Caboolture, Townsville, Ipswich and North Brisbane
 - appointed three new Indigenous sessional members to the Children Services Tribunal and an Indigenous community visitor.
-
- implement the Queensland Civil and Administrative Tribunal on 1 December 2009
 - implement the Victim Assist Queensland program on 1 December 2009
 - continue to improve access to justice systems for all Queenslanders through the expansion of the Special Circumstances Court Diversion Program
 - continue the pilot of judicial registrars in Southport and Townsville to improve courts' efficiency, allowing magistrates to concentrate on more complex matters
 - restructure the Office of the Adult Guardian into multi-disciplinary, regionally based teams
 - integrate the functions of the Public Advocate into the office of the Adult Guardian, in line with recommendations of the Report of the Independent Review of Government Boards, Committees and Statutory Authorities
 - contribute to the Government's Towards Q2: Tomorrow's Queensland Ambition of Fair by establishing volunteer JP community sites at Manly Village, Arana Hills Kmart Plaza, Aspley Hyper Market, Warwick Rose City and Mareeba Plaza
 - evaluate the Mornington Island Restorative Justice pilot to explore the feasibility of expanding the program to other Indigenous communities
 - digitise birth, death and marriage registrations which currently exist in paper or index format to ensure that all life events for Queenslanders are retained for access and historical purposes
 - implement SMS technology to remind debtors when an enforcement or compliance action is to take effect and expand the suspension of drivers licences.

Office of Fair and Safe Work Queensland

- supported the Government's Towards Q2: Tomorrow's Queensland Ambition of Strong by launching the Work Life Balance strategy to increase attraction and retention of employees by improving the uptake of work life balance policies across the public sector and in private sector organisations
- supported the Government's Towards Q2: Tomorrow's Queensland Ambition of Healthy by implementing strategies for healthier workplaces through the initiatives of Workplace Health and Safety Queensland
- continued to provide information about wages and conditions and delivered compliance programs to private sector workplaces
- negotiated public sector enterprise bargaining agreements
- actively engaged in a range of consultative processes to ensure the interests of the Queensland Government, employers, employees and unions will be protected if Queensland participates in Fair Work Australia—the national system replacing the WorkChoices regime
- focused on broad-based education and awareness initiatives as a strategy to further reduce the rate of work-related injury and disease. The successful Homecomings advertising campaign reinforced the importance to Queenslanders of coming home safely from work
- participated in the development of national model occupational health and safety laws
- appointed 11 additional electrical safety inspectors
- launched the inaugural Zero Harm at Work Leadership Forum on the 15 May 2009 to further maintain a commitment by industry leaders to promote safe and healthy work practices.

- contribute to the Council of Australian Governments (COAG) reform agenda relating to:
 - workplace health and safety national harmonisation
 - national electrical trades licensing for the private sector
 - national industrial relations system
- negotiate outcomes for the core agreement in accordance with the terms of the memorandum of understanding with the unions for public sector employees
- negotiate Queensland's possible participation in the national industrial relations system for the private sector
- contribute to the Government's Towards Q2: Tomorrow's Queensland Ambition of Healthy by ensuring workplace health and safety and electrical safety continue to be key government and department priorities
- implement the strategies in the Electrical Safety Plan for Queensland 2009–2014
- contribute to the Government's Towards Q2: Tomorrow's Queensland Ambition of Strong by extending the implementation of the Public Sector Work Life Balance strategy to include customised support for human resources managers, line managers and employees
- continue participation in the development and implementation of national model occupational health and safety legislation by the end of 2011 and compliance and enforcement initiatives
- continue the expansion of the Zero Harm at Work leadership program.

Strategic Policy, Legal and Executive Services

- developed legislation to:
 - implement the recommendations in the Queensland Law Reform Commission report, *Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System*
 - protect the interests of mortgagors whose properties are sold by mortgagees
 - assist de facto couples by clarifying what laws are relevant to their situations in respect of property disputes following a relationship breakdown
 - ensure witnesses at Crime and Misconduct Commission misconduct investigation hearings are not entitled to remain silent or to refuse to answer a question on a ground of privilege against self incrimination
 - provide for sharing criminal justice information between this department, the Queensland Police Service, the Department of Community Safety and the Department of Communities to improve collaboration between agencies and increase community safety
 - validate the use of general ‘umbrella’ referrals for major crime investigations, and to create a specific offence applying to rock throwing and other specified conduct which endangers, or is likely to endanger, the safe use of vehicles
 - complement and strengthen existing provisions to remove the financial gain and increase the financial loss associated with illegal activity
- released a report detailing a review of the preventative detention regime in Queensland and proposing new policy and legislative options for improving current public protection arrangements, and reducing the risk posed by dangerous offenders
- completed a review of the excuse of accident and the defence of provocation, and the Uniform Succession Laws Project.

- implement surrogacy laws in line with best practice
- complete stage 1 of the Criminal Justice Sector Blueprint by December 2009
- continue to work closely with the Departments of Police, Community Safety and Communities in conjunction with the Minister for Community Services and Housing and Minister for Women, the Minister for Child Safety and Minister for Sport and the Minister for Police, Corrective Services and Emergency Services to:
 - establish and lead the Criminal Justice CEO Committee to advise on the implementation of the Criminal Justice Sector Blueprint
 - finalise the Criminal Organisation Bill (in partnership with the Queensland Police Service)
 - finalise the dangerous prisoner reforms (in partnership with the Department of Community Safety and the Department of the Premier and Cabinet)
- continue to work with other child safety directors across government to improve the child protection system
- introduce reforms in response to the review of the civil and criminal justice system in Queensland (*The Moynihan Review Report*)
- lead the production and release of the Government’s response to coronial recommendations detailing the whole of government response to coronial recommendations and comments directed to the Queensland Government
- progress legislative amendments to facilitate a range of initiatives to strengthen the compliance and enforcement capabilities of the State Penalties Enforcement Registry.

Corporate Services

- commenced construction of the new Brisbane Supreme Court and District Court complex which will be one of the premier court buildings in Australia
 - completed major capital works projects, including
 - the new Pine Rivers courthouse
 - the Mareeba Courthouse
 - refurbishment of the Maryborough courthouse
 - installation of prisoner lifts at the Toowoomba courthouse
 - strengthened the departmental workplace health and safety framework
 - developed and implemented a new, streamlined risk management framework
 - implemented improved business continuity and pandemic planning processes
 - supported the Government's Towards Q2: Tomorrow's Queensland Ambition of Healthy by developing programs, such as the 10,000 Steps program, to encourage staff to participate in 30 minutes of exercise daily
 - offered departmental staff places in 140 learning programs covering 35 subject areas
 - encouraged flexible work arrangements for department staff including part-time work, telecommuting and flexible work hours arrangements to improve work life balance
-
- continue public service reforms to ensure continuity of frontline services and improved value for money
 - meet the \$5m savings target allocated to the department through efficiencies in corporate overheads and operational structures
 - contribute to the decentralisation of departmental operations away from the Brisbane CBD to reduce government costs and alleviate transport congestion by transferring a number of departmental units to South Brisbane
 - complete the Ipswich courthouse in late 2009
 - continue the refurbishment of the Toowoomba courthouse
 - continue the construction of the Brisbane Supreme Court and District Court complex
 - review and implement a new departmental code of conduct
 - develop a new recruitment and selection framework in line with best practice
 - develop and implement a work life balance strategy to improve the uptake of work life balance policies across department staff.
 - develop a new website/integrated online presence to reflect the machinery of government changes and improve access to departmental services

Our department

The portfolio of the Attorney-General and Minister for Industrial Relations

The Attorney-General is the state's first law officer and a member of Cabinet. The portfolio of the Attorney-General and Minister for Industrial Relations comprises the Department of Justice and Attorney-General and several government and statutory bodies and officers with important roles in Queensland's system of government.

The Attorney-General's functions and powers are set out in the *Attorney-General Act 1999*. As the state's first law officer, the Attorney-General may start and conduct litigation for the state, the Governor, a minister or a person suing or being sued on behalf of the state. The Attorney-General also acts as the guardian of the public interest, balancing conflicting private and collective interests.

The Attorney-General provides legal advice to Cabinet and the Executive Council and advises the Executive Council on judicial appointments. The Attorney-General can also initiate or terminate criminal proceedings, advise on the exercise of the prerogative of mercy, grant immunities from prosecution and appear before a court in appropriate cases.

The role of the Attorney-General and Minister for Industrial Relations, like that of other ministers, also involves:

- being collectively responsible as a member of Cabinet, for the policy decisions of the Government
- being individually responsible to parliament for their own actions and that of their respective government departments
- being a spokesperson for the Government
- initiating legislation with the assistance of a ministerial policy committee and introducing legislation in parliament
- playing a dominant role in parliamentary debates
- serving on Cabinet committees
- reporting to their parliamentary party
- representing the people of their electorate.

The minister is able to make subordinate legislation to support the primary legislation for which he is responsible, and can issue ministerial directives as necessary. He is responsible for administering legislation that provides for various bodies and statutory appointments¹.

Portfolio statutory bodies and appointments

- Adult Guardian²
- Anti-Discrimination Commission of Queensland²
- Anti-Discrimination Tribunal of Queensland
- Appeal Costs Board
- Cardiac Assessment Tribunal

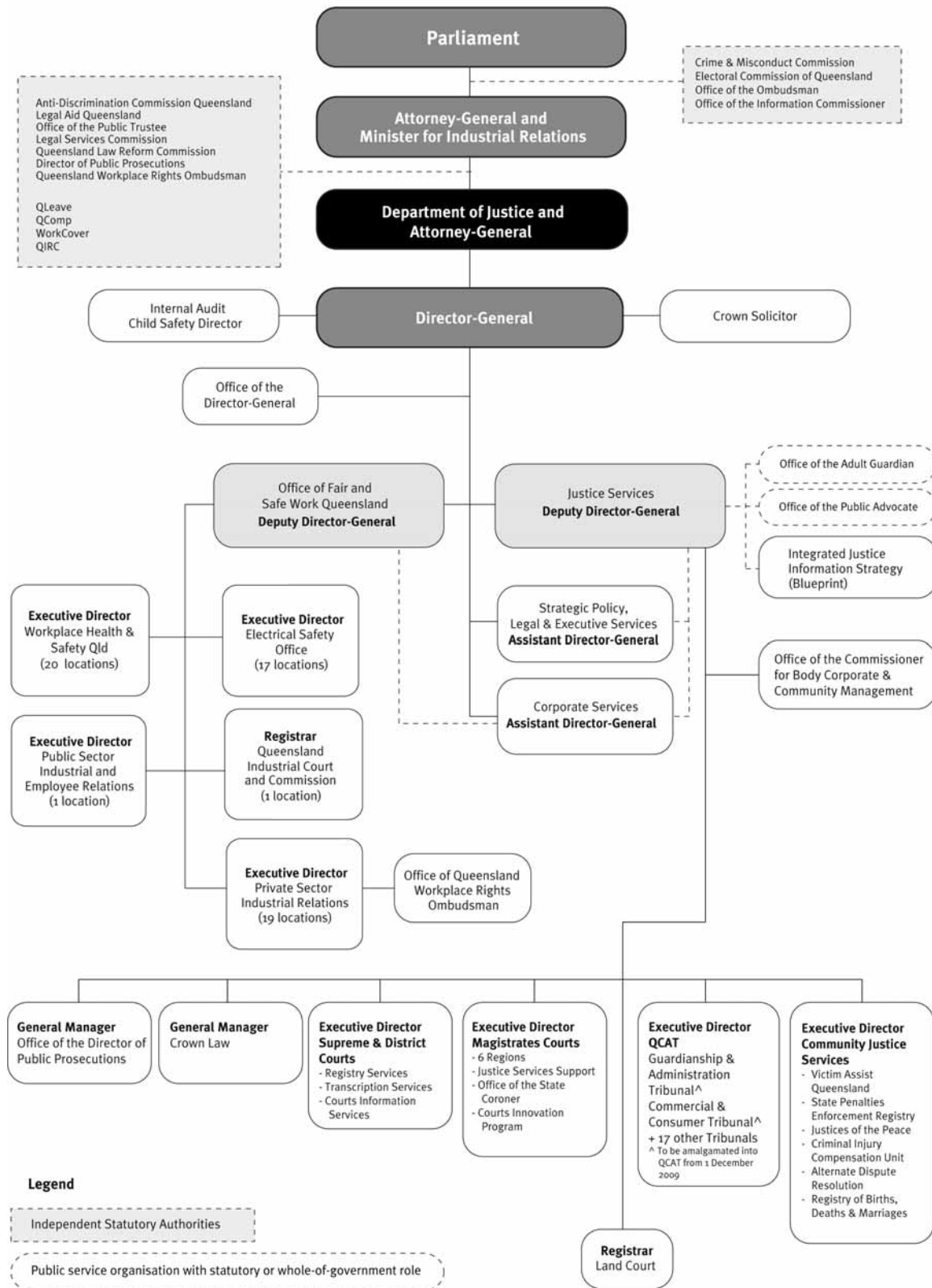
¹ Legislation establishing the portfolio's statutory bodies and authorities is listed in Appendix 5.

² These statutory bodies/statutory appointments prepare their own annual reports.

- Children Services Tribunal²
- Commercial and Consumer Tribunal²
- Contract Cleaning Industry Authority Board
- Council of the Queensland Law Society Incorporated²
- Crime and Misconduct Commission²
- Dermatology Assessment Tribunal
- Director of Public Prosecutions²
- Disfigurement Assessment Tribunal
- Dispute Resolution Centres Council
- Ear, Nose and Throat Assessment Tribunal
- Electoral Commission of Queensland²
- Electrical Licensing Committee
- Electrical Safety Board
- Employee Agents Advisory Committee
- General Medical Assessment Tribunal
- Guardianship and Administration Tribunal²
- Information Commissioner²
- Land Court
- Land Tribunal (Aboriginal)
- Land Tribunal (Torres Strait Islander)
- Legal Aid Board
- Legal Aid Queensland²
- Legal Practice Committee
- Legal Practice Tribunal
- Legal Practitioners Admissions Board²
- Legal Services Commission²
- Licensing Review Committee – Workplace Health and Safety
- Neurology/Neurological Assessment Tribunal
- Ophthalmology Assessment Tribunal
- Orthopaedic Assessment Tribunal
- Panel of Misconduct Tribunal Members²
- Professional Standards Council²
- Public Advocate²
- Public Interest Monitor²
- Public Trustee of Queensland²
- Public Trust Office Investment Board
- Queensland Industrial Relations Commission²
- Queensland Law Reform Commission²
- Queensland Ombudsman²
- Queensland Workplace Rights Ombudsman²
- Retail Shop Leases Tribunal
- Registrar-General (and Deputy) of Births, Deaths and Marriages
- Solicitor-General
- Supreme Court Library Committee²
- WorkCover Queensland²
- Workers' Compensation Regulatory Board Authority (Q-COMP) Board
- Workplace Health and Safety Board

These bodies and individuals have varying degrees of independence from the minister. However, the minister is ultimately responsible to parliament for the legislation under which each of them is established.

Organisational chart



Department of Justice and Attorney-General

The Department of Justice and Attorney-General delivers a wide range of services that underpin a fair, safe and just Queensland. The department is the government agency responsible for administering justice in Queensland through:

- the administration of justice, focusing on the court and tribunal system
- the Attorney-General's role as the state's first law officer and the community's legal representative.

Courthouses are most people's primary contact point with the justice system. There are 114 located in communities throughout Queensland and many of them provide access to other departmental services.

These other services are diverse and include:

- protecting the rights of people with impaired decision-making capacity through the guardianship and administration framework
- collecting unpaid infringement notices and court ordered fines
- providing civil marriage ceremony services
- providing support to victims of crime and their families and carers
- using alternative dispute resolution where applicable
- improving access to Justices of the Peace (JP) services through community programs
- establishment of the Office of Fair and Safe Work Queensland to further improve productivity and fairness at work, electrical safety in the community, and workplace health and safety.

Machinery of government changes

Machinery of government changes in March 2009 transferred responsibility for the Office of Fair Trading and policy functions of Body Corporate and Community Management to the Department of Employment, Economic Development and Innovation. Responsibility for those parts of the former Department of Employment and Industrial Relations looking after industrial relations, electrical safety and workplace health and safety were transferred to the Department of Justice and Attorney-General.

Where we work

While many of our services are delivered in and from Brisbane, the department has a strong presence in regional, rural and remote areas.

Court sittings are held in regional centres across the state with:

- 145 places appointed for holding magistrates courts, from Badu Island in the Torres Strait to Hungerford in the south and Camooweal in the west
- 32 places appointed for holding district courts, from Cairns in the north to Stanthorpe in the south and Mount Isa in the west
- 11 places appointed for holding supreme courts, from Cairns in the north to Southport in the south and Mount Isa in the west.

Drug Courts operate at Ipswich, Beenleigh, Southport, Cairns and Townsville.

The department is the lead agency for 15 of the 70 Queensland Government Agency Program (QGAP) offices operating across the state to provide government services to remote and rural communities.

The Justices of the Peace (JP) Branch initiated regional training courses for people interested in becoming a JP (Qualified) and also ran several training seminars aimed at up skilling existing JPs and Commissioners for Declarations (C.decs).

Magistrates courts constituted by local Indigenous JPs are held in the communities of Kowanyama, Aurukun, Cherbourg, Yarrabah, Woorabinda, Pormpuraaw, Lockhart River and Mornington Island.

The Office of the Director of Public Prosecutions (ODPP) has 15 prosecutions chambers. There are seven chambers in Brisbane, including the Mental Health Chamber, and eight regional chambers in Cairns, Townsville (with an annex in Mackay), Rockhampton, Beenleigh, Ipswich, Maroochy, Southport and Toowoomba. ODPP conducts criminal prosecutions in these major centres and also circuits to 27 other regional centres throughout the state to conduct prosecutions on behalf of the community.

The Guardianship and Administration Tribunal held hearings in venues throughout Queensland ranging from courthouses, hospitals and community facilities. In 2008–09, the tribunal conducted hearings in 24 locations throughout the state including Atherton, Ayr, Beenleigh, Bundaberg, Bundamba, Caboolture, Cairns, Caloundra, Dalby, Gatton, Gladstone, Gold Coast, Gympie, Hervey Bay, Ingham, Innisfail, Ipswich, Kingaroy, Mackay, Maroochydore, Maryborough, Rockhampton, Toowoomba and Townsville.

The Children Services Tribunal conducted hearings throughout Queensland, including in Cairns, Charleville, Emerald, Maroochydore, Mount Isa, Nanango, Rockhampton, Toowoomba and Townsville.

The Dispute Resolution Branch provides civil mediation services and conflict management training in south Queensland and through its five regional centres in Cairns, Townsville, Mackay, Rockhampton and Hervey Bay. Criminal mediation services, using a restorative justice process, are offered in Brisbane, Southport, Townsville and Cairns. More than half of all mediations conducted by the branch are held in regional Queensland.

The Office of Fair and Safe Work Queensland provides selected private sector industrial relations services, public sector industrial relations services, workplace health and safety services and electrical safety services from 20 regional offices: Bundaberg, Cairns, Emerald, Gladstone, Innisfail, Ipswich, Logan, Lutwyche, Mackay, Maryborough, Mount Gravatt, Mount Isa, Nambour, Rockhampton, Roma, Southport, Thursday Island, Toowoomba, Townsville and Warwick.

Performance framework

This annual report details our performance under nine outputs:

- Court and Tribunal Services
- Human Rights Protection Services
- Policy, Legislation and Legal Services
- Community Justice Services
- Electrical Safety Services
- Private Sector Industrial Relations Services

- Public Sector Industrial and Employee Relations Services
- Administration of the Industrial Court and Commission System
- Workplace Health and Safety Services (including Workers' Compensation Policy).

Our services are focused on the following strategic goals³:

- Equity – ensuring our institutions, laws and services ensure equity and fairness in the justice system and contribute to a safer community.
- Reform – maintaining contemporary, relevant and innovative laws and services that reflect the community's needs and expectations.
- Performance – managing our performance to deliver better services to Queenslanders.
- A fair and equitable industrial relations framework.
- Safe and healthy work environments.
- Electrically safe homes, workplaces and other environments.
- Fair and equitable public sector wages policy.

Services are aligned to three of the Government's Toward Q2: Tomorrow's Queensland Ambitions:

- Strong – Creating a diverse community powered by bright ideas: the department supports this ambition through the Work Life Balance strategy developed to help employee attraction and retention in both the public and private sectors.
- Fair – Supporting safe and caring communities: the department makes a significant contribution to the 2020 Target: Increase by 50 per cent the proportion of Queenslanders involved in their communities as volunteers. Approximately 85,000 Justices of the Peace (JPs) provide assistance to Queenslanders accessing justice services, including those operating at 127 JPs in the Community sites across the state.
- Healthy – Making Queenslanders Australia's healthiest people: the department is committed to implementing strategies for healthier workplaces through the initiatives of Workplace Health and Safety Services, and healthier communities through the Magistrates Court's Queensland Indigenous Alcohol Diversion program and Illicit Drug Court Diversion program.

³ Based on the strategic plans of the Department of Justice and Attorney-General and the former Department of Employment and Industrial Relations prior to machinery of government changes in March 2009.

employee relations services	Queensland Government.	Government as an employer to ensure cooperative and productive workplaces.
Administration of the industrial court and commission system	The administration of the Industrial Court and Commission System is efficient to allow tribunals to provide the community with an effective means of preventing or resolving industrial matters.	Independent conciliation, arbitration and agreement approval services in industrial matters of the <i>Industrial Relations Act 1999</i> .
Workplace health and safety services (including Workers' Compensation Policy)	Queensland's workers are protected by compliance with workplace health and safety laws and balanced workers' compensation laws.	Policy and regulatory frameworks and workplace health and safety compliance and information services to employers and employees.

Toward Q2: Tomorrow's Queensland Ambitions

Strong Queensland

Creating a diverse economy powered by bright ideas

Healthy Queensland

Making Queenslanders Australia's healthiest people

Fair Queensland

Supporting safe and caring communities

Outputs	Output objectives	Principal activities
Court and tribunal services	Support safe and secure communities through the resolution of civil and criminal matters and improve services to vulnerable people.	Court, tribunal and prosecution services; coronial services; and justice models for early intervention and diversionary strategies.
Human rights protection services	Safeguard vulnerable people through the protection of the rights and interests of adults with impaired decision making capacity, children and victims of crime.	Guardianship and systems advocacy; review of decisions made about children and young people in care; and compensation to victims of crime.
Policy, legislation and legal services	Provide justice policy advice, legislative development and law reform services and protect the community through the regulation of legal practitioners.	Leadership role in law reform; independent legal services for public sector agencies and the state; justice policy advice and legislative development; and model litigant for the state.
Community justice services	Promote community safety, security, fairness and equity by protecting people's identity, property and rights and providing community justice services.	Registration and certification services for life events; justices of the peace programs; a penalties enforcement framework; and non-adversarial conflict resolution methods and local justice solutions.
Electrical safety services	Queensland homes, workplaces and other environments comply with electrical safety laws and standards.	Policy, regulatory, compliance, enforcement, registration and approval frameworks and electrical safety services to employers, employees and the public to enhance community safety.
Private sector industrial relations services	Queensland's workplaces comply with minimum industrial standards and conditions established under the Queensland industrial relations system that allow for balanced labour market outcomes.	Policy and regulatory frameworks, compliance and information services for private sector workplaces and liaison with the federal government for a cooperative, fair and productive national system.
Public sector industrial and employee relations services	Fair, equitable and productive wages and employment policy outcomes for the Queensland Government.	Industrial and employee relations policy and services for the Queensland Government as an employer to ensure cooperative and productive workplaces.
Administration of the industrial court and commission system	The administration of the Industrial Court and Commission System is efficient to allow tribunals to provide the community with an effective means of preventing or resolving industrial matters.	Independent conciliation, arbitration and agreement approval services in industrial matters of the <i>Industrial Relations Act 1999</i> .
Workplace health and safety services (including Workers' Compensation Policy)	Queensland's workers are protected by compliance with workplace health and safety laws and balanced workers' compensation laws.	Policy and regulatory frameworks and workplace health and safety compliance and information services to employers and employees.

Court and Tribunal Services Output Performance

Introduction

Queensland's courts, tribunals and the Office of the Director of Public Prosecutions deliver services to Queenslanders across the state. These services and the institutions that provide them are essential elements of an open and accessible justice system.

An open and accessible justice system provides a mechanism for offenders to be fairly dealt with and other disputes to be fairly resolved. It ensures that those who are disadvantaged or vulnerable are protected and supported, and strengthens confidence in the justice system.

During 2008–09, the department continued to strengthen our justice system to ensure that it is equitable and accessible, that appropriate reforms to the system are implemented and that it continues to demonstrate strong performance.

Queensland courts performance

The Department of Justice and Attorney-General is committed to ensuring timely and accessible justice for all Queenslanders.

Clearance rate is a key measure of court performance. It is a national measure of productivity and indicates if a court is keeping up with its workload. A clearance rate of more than 100 per cent indicates the court is reducing its pending caseload.

Queensland courts continue to achieve impressive clearance rates in the criminal jurisdiction. In 2008–09, the results achieved by the combined jurisdictions were:

- Supreme Court and District Court—100.5 per cent
- Magistrates Court—100.5 per cent.

In the civil jurisdiction all courts were impacted by increased lodgements. There is no doubt that this has impacted clearance rates. In 2008–09 the combined results were:

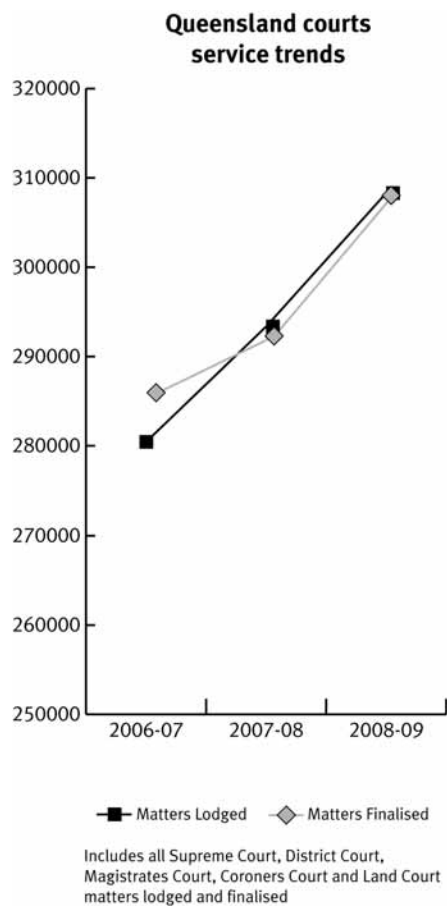
- Supreme Court and District Court—94.7 per cent
- Magistrates Court—99.7 per cent.

By continuing to target clearance rates at higher than 100 per cent, Queensland courts will continue to deliver high quality, effective and timely justice to all Queenslanders.

The tables on pages 28–31 provide a complete snapshot of courts performance against targets in 2008–09.

Comparison to other Australian courts

Queensland courts continue to achieve high levels of performance. The Commonwealth Report on Government Services 2009⁴ highlights that Queensland courts compare favourably to those in other Australian states and territories by continuing to be effective and cost efficient.



⁴ The Report on Government Services 2009 contains data for the 2007–08 year.

In the Supreme Court and District Court, Queensland was assessed as the most cost effective state in both the criminal and civil jurisdictions:

- the average cost of finalising a criminal matter in the Supreme Court was \$5846—significantly less than the national average of \$14 823 per matter
- in the civil jurisdiction of the Supreme Court the average cost of finalising a matter was \$2158—well below the national average of \$4669
- in the criminal jurisdiction of the District Court, the average cost of finalising a matter was \$3929 compared to the national average of \$6916 per matter
- the average cost of finalising a civil matter in the District Court was \$1260—significantly lower than the national average of \$2393 per matter.

Queensland's Magistrates Court criminal jurisdiction cost \$310 per finalised matter (behind Tasmania at \$129) and well below the national average of \$387 per finalisation.

Queensland's Magistrates Court civil jurisdiction was cost effective at \$200 per finalised matter although just above the the national average of \$173 per finalisation.

Land Court

The Land Court is a specialist judicial tribunal which has conferred jurisdiction from 43 different state Acts. Predominantly, it hears:

- appeals against land valuations
- applications for compensation arising from compulsory acquisitions
- mining applications
- appeals from various executive and ministerial decisions regarding land and resources.

During 2008–09—the first full year since the Land and Resources Tribunal and the Land Court were amalgamated—the Land Court received more lodgements than expected. Work flow is largely responsive to the activities of other government departments and particularly to the release of new land valuations. In February 2009, the release of land valuations for four local government areas was cancelled. As a result, the Land Court anticipates a less busy period for 2009–10 and a large workload in the following year.

Over the past year, the Land Court registry has focused on amalgamating the jurisdictions and procedural systems associated with its predecessor bodies. Reviewing rules, practice directions, policies and procedures will continue into the next year. An amalgamated case management system project is scheduled for completion by December 2009.

Office of the State Coroner

The Office of the State Coroner plays an important role in the delivery of justice services by supporting the state coroner to administer and oversee a coordinated coronial system in Queensland. In recent years there has been a steady increase in the number of deaths reported under the *Coroners Act 2003*. Over the period 2004–05 to 2006–07, the coronial system experienced an annual increase of around 3 per cent. However, the period 2006–07 to 2007–08 saw an increase of 9.2 per cent with the number of reportable deaths increasing from 3219 to 3514. In 2008–09, the number of reportable deaths increased by a further 6.6 per cent to 3745.



In 2008–09, 3657 coronial matters were finalised which exceeded the 2008–09 target of 3440 by 6.3 per cent. The clearance rate was 97.7 per cent. This is primarily due to the increase in deaths reported, over which coroners have no control.

In 2008, three additional full time coroners were appointed in response to the increasing demand for coronial services. The appointment of the Brisbane coroner, northern coroner, and southern coroner has ensured that high quality coronial services continue to be provided in response to the increasing number of reportable deaths.

Reforms for modern streamlined courts

With Queensland's population growing each year, the demand on our court system is becoming greater. The department is focused on reform initiatives to increase the efficiency and capacity of our courts and justice system and to improve our services for the future.

Alternative Dispute Resolution—Planning and Environment Court

The Planning and Environment Court Alternative Dispute Resolution registrar has been mediating disputes since May 2007.

The mediation process is completely free to the parties involved and is an important part of modernising and streamlining systems and processes in our courts. It demonstrates that court-based mediation is a successful method of managing what would otherwise be a significant trial caseload.

During 2008–09, the registrar conducted 177 mediations in 226 sessions. As well as an estimated saving of 245 judge hearing days, the mediations have potential monetary savings of \$4m for the parties involved.

Approximately 40 per cent of these mediations were fully resolved and many others will result in significant reductions of trial time by narrowing the issues involved.

The work of the registrar has had a positive impact on the Planning and Environment Court by reducing the number of matters proceeding to trial, and the number of days judges spend hearing planning and environment trials.

eTrials pilot

The eTrials pilot aimed to establish a more efficient way to manage documentary evidence to reduce trial time and costs. During 2008–09 one criminal eTrial and seven civil eTrials were conducted.

The courts will benefit from eTrials as matters will be heard more quickly and judgment writing time will be reduced. Importantly, the greatest benefit will be to Queensland businesses and the community through reduced trial preparation costs and through spending fewer days in court.

An independent assessment from the Queensland University of Technology Law School estimated that the eTrials solution could produce efficiencies of up to 20 per cent.

This initiative has been lauded by court officials within Australia and overseas for its simplicity and effectiveness.

The pilot concluded on 30 June 2009 and eTrials are being considered for wider implementation.

Judge only trials and majority verdicts

In a major overhaul to the criminal justice system, legislation was passed in August 2008 enabling judge only trials and allowing majority verdicts.

The introduction of judge only trials ensures Queensland's criminal justice system remains responsive to community expectations. It also provides a greater balance between the rights of the accused, the needs of victims of crime and the courts' capacity to ensure that trials proceed in a timely and appropriate manner.

A judge can only consider a majority verdict if a jury cannot reach a unanimous decision after deliberating for more than eight hours, or a further period that the judge considers necessary depending on the complexity of the trial. If after that time, the judge considers the deliberations of the jury to be genuinely locked, a majority verdict can be accepted by the court provided no more than one juror is in dissent.

Since the majority verdict legislation was introduced and up until the end of June 2009, there have been eight trials relating to various offences across the *Criminal Code Act 1899* where a majority verdict was reached.



Videoconferencing

The department is delivering a single, coordinated network of videoconferencing facilities to allow the option for in-person appearances in Queensland courts to be replaced by remote participation. The use of videoconferencing facilities reduces the need for prisoner transfer to court and the associated costs. The facilities improve public safety by reducing the risk of attempted and actual escapes and assaults. They also enable child witnesses and victims of sexual assault to give evidence without confronting a defendant in the courtroom.

During 2008–09, videoconferencing systems were installed in the Brisbane Women's Correctional Centre, Townsville Women's Correctional Centre, Townsville Men's Correctional Centre and the Lotus Glen Correctional Centre. Facilities were also installed at the new Pine Rivers courthouse.

Judicial registrars pilot

In response to increasing demand on the state's courts, in January 2008 the Queensland Magistrates Court commenced a two-year pilot, introducing judicial registrars to improve the court's capacity and reduce court waiting times. A review in January 2009 found that judicial registrars are an efficient way of disposing of less complex matters where there is no need for the full consideration of a magistrate.

The pilot has improved the administration of justice by enabling minor debt claims, Small Claims Tribunal matters, civil chamber applications, domestic violence adjournments, temporary orders and orders by consent, some bail applications and committal matters, Corporations Act examinations, and criminal mentions, to be dealt with by a judicial registrar.

In 2008–09, the judicial registrars heard 6068 criminal events and 8464 civil events, a total of 14 532 events.

Accessible justice services

In 2008–09 the department maintained its focus on increasing equity and fairness by improving services to vulnerable people and through reforming initiatives to improve and maintain confidence in the justice system.

Supreme Court and District Court—accessCourts

The accessCourts initiative commenced in December 2007. It incorporates the Self-representation Civil Law Service, Court Network for Humanity volunteers, and the Self-represented Litigants Service into one program that provides support for self-represented litigants in the Supreme Court and District Court in Brisbane.

During October 2008, the Court Network for Humanity volunteers launched the Blue Jacket program in the Supreme Court and District Court in Brisbane. The program has been extremely successful, assisting court participants with directional inquiries, referrals to other agencies and a Justices of the Peace service. The volunteers also provide emotional support to court participants and assist with arranging interpreters and disability access.

The Court Network for Humanity is also piloting a further initiative, known as the Restart Program, which commenced in the Supreme Court, District Court and Magistrates Court in Brisbane during May 2009. The program provides information, support and referral services to prisoners who are released by the court directly from remand. The program has the capacity to offer travel funds, food vouchers, personal packs for those requiring crisis accommodation and phone cards.

QGAP expansion

The Queensland Government Agent Program (QGAP) provides rural communities with easier access to government information and services through 70 integrated customer service centres in communities across the state, including 15 Department of Justice and Attorney-General QGAP courthouses. QGAP offices are central locations in rural and remote areas of the state, delivering the information and services of most Queensland Government departments. QGAP offices can offer additional services such as Medicare, insurance and Centrelink services.

Planning continues for the establishment of a further eight department led QGAP offices in 2009–10 in Childers, Gayndah, Mossman, Nanango, Pittsworth, Taroom, Toogoolawah and Tully.

Special Circumstances Court Diversion Program

This program formally commenced on 1 April 2009 and builds on the Homeless Persons Court Diversion pilot program which commenced in May 2006 as part of the Government's *Responding to Homelessness* strategy.

The program is a response to increasing concern among criminal justice agencies about the overrepresentation in our justice system of people with complex issues, including:

- mental illness
- intellectual disability
- cognitive impairment
- homelessness or those at risk of being homeless.

The Special Circumstances Court aims to provide court supervised referral and treatment programs that address the accommodation, health and allied needs of these vulnerable people to reduce offending behaviour and improve community safety.

The program operates in the Brisbane Magistrates Court for defendants charged with minor offences, such as public nuisance and fare evasion. It establishes appropriate contact with service delivery agencies, as well as requiring that offenders practise good behaviour and not continue to offend.

From May 2006 to 30 June 2009, the Homeless Persons and Special Circumstances Court Diversion programs had received 845 defendant referrals. Of these, 485 defendants were deemed eligible for support through this program.

Murri Court

The Murri Court program provides practical, equitable and culturally appropriate access to justice for Aboriginal and Torres Strait Islander offenders. It provides responsive justice outcomes that focus on the rehabilitation and reintegration of Indigenous offenders into their respective communities.

As at 30 June 2009, Queensland has 14 operational Murri Courts, the highest number of Indigenous specific courts in any Australian state.

From 1 January 2007, the operations of five Murri Courts located in Brisbane, Caboolture, Rockhampton, Townsville, and Mount Isa were fully funded for a three-year evaluation period. Since that time, nine non-evaluation Murri Courts have been established in Cairns, Caloundra, Cherbourg, Cleveland, Coen, Ipswich, Mackay, Richlands and St George.

Early in 2009–10, the Australian Institute of Criminology will provide an evaluation report on the operations of the five funded Murri Courts over the two-year period between January 2007 and December 2008.

From 1 January 2007 to 30 June 2009, 2389 referrals were made to the five evaluation Murri Courts. This includes both the adult and youth court jurisdictions.



Queensland Indigenous Alcohol Diversion Program

The Queensland Indigenous Alcohol Diversion Program is an initiative that supports Indigenous people involved in the criminal justice or child protection systems to reduce alcohol-related harm to individuals and the community. From 1 July 2007 to 30 June 2009, 74 participants have successfully graduated from the criminal justice stream of the program and 55 participants were actively engaging in the program in the six pilot sites of Cairns, Yarrabah, Townsville, Palm Island, Rockhampton and Woorabinda.

Other court diversion, treatment, and sentencing initiatives

- **Queensland Magistrates' Early Referral into Treatment program.** From 1 August 2006 to 30 June 2009, 874 offenders have been referred to the program, 432 deemed eligible to participate and 151 offenders have successfully completed the program, which is offered on a pilot basis on the Sunshine Coast and at Redcliffe.
- **Drug Courts in North and South East Queensland.** From the commencement of the program on 13 June 2000 to 30 June 2009, 1198 participants have been admitted and 318 participants have graduated from this program conducted at the Cairns, Townsville, Beenleigh, Ipswich and Southport Courts.
- **Queensland Illicit Drug Diversion Initiative.** As at 30 June 2009, from the beginning of this statewide program in March 2003, over 20 000 offenders have been assessed for court diversion and over 91 per cent have complied with attendance at a court sanctioned drug counselling session.

Community justice groups

Community justice groups were first established in 1993 to deal more effectively with social and justice issues in Aboriginal and Torres Strait Islander communities. There are 51 funded community justice groups which support victims and offenders at all stages of the legal process, including encouraging diversionary and early intervention strategies. In addition to the 51 funded community justice groups, new groups have recently been established in Hervey Bay, Goondiwindi, and Charleville.

During 2008–09, community justice groups assisted more than 58 000 clients.

The community justice groups program engages with and builds the capacity of Indigenous people to resolve justice-related issues at a community level. It forges strong links between government agencies and Aboriginal and Torres Strait Islander communities based on mutual ownership of the causes of, and solutions to, overrepresentation of Indigenous persons in all aspects of the criminal justice system.

Statewide Community Justice Reference Group

The Statewide Community Justice Reference Group is constituted by two community justice group representatives from each of the eight regions in Queensland, together with representatives from the judiciary, Aboriginal and Torres Strait Islander Legal Service, Legal Aid Queensland, the Department of Justice and Attorney-General and other Queensland Government departments. The group was established to promote Indigenous input into the ongoing implementation and monitoring of the Justice Agreement, which has the long term aim of reducing the rate of Aboriginal and Torres Strait Islander people coming into contact with the Queensland criminal justice system, and provide a mechanism for providing advice to government on Indigenous community justice issues.

This year, the group met twice in Brisbane in November 2008 and May 2009.

These meetings allowed the group to be briefed and provide valuable feedback on the Government's alcohol and welfare reforms, the Mornington Island restorative justice project and to discuss community policing issues.

Remote Justices of the Peace Magistrates Court Program

Commencing in 1993, the Remote Justices of the Peace Magistrates Court Program offers Aboriginal and Torres Strait Islander people opportunities to play a role in the justice system and their communities. In participating Indigenous communities, two JPs constitute court in the absence of a magistrate. Currently, nine communities conduct JP courts, at Aurukun, Cherbourg, Kowanyama, Lockhart River, Mornington Island, Pormpuraaw, Bamaga, Woorabinda and Yarrabah.

Aurukun circuit court—Wik Mungkan language interpreters

A pilot program that provides Wik Mungkan language interpreters in the Aurukun Magistrates Court began in November 2008. The interpreters have successfully supported the Aurukun Circuit Court on a monthly basis since the program began. They are engaged to provide interpreting support during the three consecutive court sitting days each month, including Children's Court. This support to the Magistrates Court circuit and less frequent District Court circuit assists greatly with improving communication between members of the Aurukun community (for many of whom

English is a second or third language) and magistrates and judges, as well as other service providers and agencies.

Queensland Tribunals Performance

Queensland Civil and Administrative Tribunal

The Queensland Civil and Administrative Tribunal (QCAT) will commence on 1 December 2009 and represents the most significant structural reform to Queensland's justice system in 50 years.

QCAT will transform the delivery of civil and administrative justice in Queensland by combining the jurisdictions of 23 different bodies into a single organisation. Eighteen of these 23 bodies will be abolished when QCAT begins.

Legislation to implement QCAT was passed by parliament on 17 June 2009.



Commercial and Consumer Tribunal

The Commercial and Consumer Tribunal operates under the *Commercial and Consumer Tribunal Act 2003* to resolve commercial and consumer disputes in a timely, informal and cost effective way. The tribunal provides dispute resolution services, administrative review and disciplinary proceedings for a range of industry groups, consumers and government departments.

Tribunal mediators continued to achieve a high success rate in assisting parties involved in domestic and minor commercial building disputes, with 71 per cent of these disputes resolved. The majority of cases dealt with by the tribunal relate to domestic and commercial building disputes. The actual number of applications received by the tribunal in 2008–09 was 1243, just short of the annual target of 1300.

The Commercial and Consumer Tribunal transitions to QCAT on 1 December 2009.

Office of the Commissioner for Body Corporate and Community Management

Under the *Body Corporate and Community Management Act 1997*, the Office of the Commissioner for Body Corporate and Community Management delivers dispute resolution and information services for people living, working or investing in community titles schemes. There are more than 37 800 community titles schemes in Queensland, involving more than 351 000 individual lots. The number of people choosing to invest or live in community titles schemes in Queensland continues to grow with approximately 1800 new schemes in the 2008–09 year, representing some 18 800 lot owners.

The office's conciliation service promotes the effective self-management of community titles schemes by providing a valuable non-adversarial process for resolving body corporate disputes.

Eighty two per cent of conciliation applications in 2008–09 did not proceed to adjudication and over 80 per cent of clients advised they would recommend conciliation for future disputes.

In 2008–09, the office has again exceeded its target of resolving 80 per cent of adjudication applications within 60 days, maintaining the high standard set in 2007–08.

The office will continue to meet demand and provide the best possible service for stakeholders by improving procedures and systems for dealing with disputes.

Office of the Director of Public Prosecutions

In 2008–09 the Office of the Director of Public Prosecutions (ODPP) continued to play a vital role in the state's criminal justice system. Responsible for the prosecution of criminal matters in the superior courts throughout Queensland, the ODPP also appears in the High Court, Court of Appeal, Mental Health Court and Mental Health Review Tribunal.

The ODPP also prosecutes committals in the Brisbane Central and Ipswich Magistrates Courts, some matters in the Southport Magistrates Court and the Murri Court.

The ODPP comprises 15 legal chambers—seven in Brisbane (including the Mental Health Chambers) and eight regional chambers in Cairns, Townsville (with an annex in Mackay), Rockhampton, Beenleigh, Ipswich, Maroochydore, Southport and Toowoomba.

Confiscation of proceeds of crime

A dedicated legal team deals with the confiscation of proceeds of crime. In 2008–09 approximately \$24.37m in assets was restrained under the civil confiscation scheme. During the year \$3.22m was forfeited to the state and proceeds assessment orders made in the amount of \$1.72m. This is consistent with the amount forfeited in the previous year. In addition, \$1.3m was forfeited to the state under the conviction based scheme. Since 1 January 2003 the total amount forfeited under the conviction based scheme is \$5.71m.

Performance

During 2008–09 the ODPP received matters involving approximately 12 000 accused and 50 000 offences. On a monthly basis, the average number of accused referred to the ODPP was 1000, reflecting an average total number of charges of 4200.

The greatest proportion of all offences referred to the ODPP for prosecution were property offences which totalled more than 22 000, followed by sexual offences at over 6500 offences.

During the year, the ODPP conducted approximately 1050 committals and disposed of 557 matters by summary trial. In the Supreme Court and District Court, approximately 850 trials were conducted in addition to more than 5100 sentences. More than 1070 breaches and 200 bail hearings were conducted. Four hundred and sixty-six appeals were conducted in the Court of Appeal.

Increased government funding of \$4.3m has enabled the ODPP to increase the number of prosecutors, legal officers and support staff throughout the state, especially in regional centres. The increased funding enabled the ODPP to apply a standardised staffing model to achieve a more consistent and equitable work load across chambers.

Improving and upgrading Queensland courts and facilities to meet future needs

The department's capital program focuses on designing, constructing, upgrading and managing courthouses throughout the state to ensure services provided are effective,

accessible and safe. During 2008–09, the department completed the following significant program of work:

- construction of the Pine Rivers courthouse
- construction of new cells and prisoner transfer facilities at Maryborough courthouse
- construction of the Mareeba courthouse
- installation of two prisoner lifts at the Toowoomba courthouse
- fit out of a shell floor at the Brisbane Magistrates Court, which at the time of construction of the building, had been reserved for future expansion.

The department also began a major refurbishment of the Toowoomba courthouse and continued construction of the Ipswich courthouse and watch house.

Brisbane Supreme Court and District Court complex

In 2008–09 construction of the new Brisbane Supreme Court and District Court complex began. With approximately 60 000 square metres of floor space spread over 19 floors, the \$600m Brisbane Supreme Court and District Court building will be one of the largest court buildings in Australia. Along with the highly successful Brisbane Magistrates Court, it will form a new centre for the Brisbane legal precinct.

The new building, containing up to 45 courtrooms, will provide totally separate paths of travel throughout the building for members of the public, jurors, vulnerable witnesses, judges and prisoners. It will provide vulnerable witnesses a separate wing with rooms for giving evidence, lounges and a separate lift and entrance.

The building and the associated public square will be a significant feature of the Brisbane CBD and provide a link between the Gallery of Modern Art, the new pedestrian river bridge and the Roma Street parklands.

The current schedule will see the building completed by the end of 2011.



Performance against targets

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Supreme Court - Court of Appeal						
Civil law:						
- Number of appeals lodged	1	266	236	250	270	260
- Number of appeals finalised		267	266	260	252	260
- Clearance rate (finalisations/lodgements)	2	100.4%	112.7%	105%	93.3%	100%
Criminal law:						
- Number of appeals lodged	1	338	440	350	369	340
- Number of appeals finalised	3	352	399	350	397	380
- Clearance rate (finalisations/lodgements)	3	104.1%	90.7%	100%	107.6%	112%
Percentage of active cases more than 24 months old from lodgement date to the end of the reporting period:						
- Civil law		0%	0%	0%	0%	0%
- Criminal law		0.9%	0.6%	0%	0%	0%
Supreme Court - Trial Division						
Civil law:						
- Number of matters lodged	1	5 322	5 455	5 300	7 167	7 500
- Number of matters finalised	4	5 167	5 440	5 500	6 270	7 500
- Clearance rate (finalisations/lodgements)	1,5	97.1%	99.7%	104%	87.5%	100%
Criminal law:						
- Number of matters lodged		1 330	1 493	1 500	1 531	1 700
- Number of matters finalised		1 354	1 538	1 550	1 525	1 725
- Clearance rate (finalisations/lodgements)		101.8%	103.0%	104%	99.6%	101%
Percentage of active cases more than 24 months old from lodgement date to the end of the reporting period:						
- Civil law		8.4%	7.3%	5%	5.8%	5%
- Criminal law		4.6%	4.6%	5%	4.4%	5%

Unit/Measure	Notes	2006–07 Actual	2007–08 Actual	2008–09 Target	2008–09 Actual	2009–10 Target
District Courts						
Civil law:						
- Number of matters lodged		4 890	4 849	4 800	4 939	5 200
- Number of matters finalised		6 034	4 715	4 900	5 156	5 300
- Clearance rate (finalisations/lodgements)		123.4%	97.2%	102%	104.4%	102%
Criminal law:						
- Number of matters lodged		6 577	6 606	6 600	6 286	6 600
- Number of matters finalised	6	6 393	6 836	6 900	6 328	6 900
- Clearance rate (finalisations/lodgements)		97.2%	103.5%	104%	100.7%	105%
Percentage of active cases more than 24 months old from lodgement date to the end of the reporting period:						
- Civil law		7.2%	4.9%	5%	4.4%	5%
- Criminal law		6.9%	8.4%	5%	8.8%	5%
District Courts - Appeals						
Civil law:						
- Number of appeals lodged	1,7	98	97	84	110	97
- Number of appeals finalised	7	84	76	88	146	120
- Clearance rate (finalisations/lodgements)	8	85.7%	78.4%	105%	132.7%	124%
Criminal law:						
- Number of appeals lodged	1	392	338	300	475	325
- Number of appeals finalised	9	294	316	300	452	400
- Clearance rate (finalisations/lodgements)		75.0%	93.5%	100%	95.2%	123%
Percentage of active cases more than 24 months old from lodgement date to the end of the reporting period:						
- Civil law		0%	3.6%	0%	1.4%	0%
- Criminal law		1.4%	3.2%	0%	0.3%	0%
Magistrates Courts						
Civil law:						
- Number of matters lodged	10	81 320	79 459	72 500	82 577	76 000
- Number of matters finalised	10	86 930	81 584	78 000	82 340	78 000
- Clearance rate - (finalisations/lodgements)	10	106.9%	102.7%	108%	99.7%	103%

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Criminal law:						
- Number of matters lodged		176 685	190 871	187 000	199 435	195 000
- Number of matters finalised		175 722	187 445	187 000	200 425	198 000
- Clearance rate (finalisations/lodgements)		99.5%	98.2%	100%	100.5	102%
Percentage of active cases more than 12 months old from lodgement date to the end of the reporting period:						
- Civil law		7.0%	6.6%	6%	6.2%	6%
- Criminal law		16.9%	16.1%	14%	14.3%	12%
Community Justice Groups						
Number of clients supported by Community Justice Groups		--	new measure	30 000	58 000	40 000
Coroners Court						
Number of matters lodged		3 219	3 514	3 550	3 745	3 700
Number of matters finalised		3 149	3 656	3 440	3 657	3 600
Clearance rate (finalisations/lodgements)		97.8%	104.0%	98%	97.7%	97%
Percentage of coronial matters more than 24 months old from lodgement date to the end of the reporting period		9.6%	9.6%	5%	10.1%	5%
Land Court and Tribunals						
Number of matters lodged		--	new measure	1 200	1 388	1 200
Number of matters finalised	11	--	new measure	1 000	1 398	1 020
Clearance rate (finalisations/lodgements)	12	--	new measure	90%	100.7%	85%
Percentage of cases finalised within 12 months	13	83%	89%	90%	44%	50%
Body Corporate and Community Management						
Number of applications lodged		1 246	1 121	1 450	1 324	1 450
Number of applications resolved		1 253	1 259	1 400	1 274	1 400
Percentage of orders overturned or altered on appeal		<0.2%	1%	2%	1.18%	2%
Percentage of conciliation applications resolved by agreement	14	--	69%	65%	69%	70%
Percentage of lodgements pending finalisation that are more than 6 months old from lodgement date to the end of the reporting period		--	--	2%	3.3%	2%

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Commercial and Consumer Tribunal						
Number of applications lodged		1 249	1 234	1 300	1 243	1 250
Number of applications resolved		1 151	1 210	1 350	1 410	1 300
Percentage of orders overturned or altered on appeal		<1%	<0.5%	<2%	1.2%	<2%
Percentage of applications resolved within established timeframes	15	75%	77%	80%	73%	80%
Courts Innovation Program						
Proportion of Murri Court participants diverted from prison/detention at sentence		--	84%	80%	78%	80%
Retail Shop Leases Registry						
Percentage of disputes that are resolved through mediation processes	16	--	85%	90%	82%	85%
Prosecution Services						
Percentage of indictments presented within 6 months		--	99%	100%	100%	100%

Notes:

1. The court has no control over lodgements.
2. The focus by the court on urgent criminal matters where the appellant was in custody led to a reduced finalisation and clearance rate.
3. Increased finalisation and clearance rates were driven by a number of factors, including: an increase in withdrawn matters; reduced waiting times for transcripts; reduced waiting times for whether or not legal aid was granted; and the court's focus on criminal matters where an appellant was in custody.
4. An increase in lodgements combined with an increase in discontinued matters, default judgements, consent orders and final orders resulted in increased finalisations.
5. The clearance rate was impacted by an unexpected increase in lodgements.
6. The court's capacity to finalise matters in the criminal jurisdiction was impacted by an increase in case complexity combined with a focus on District Court appeal matters.
7. The reported variance was driven by very small numbers.
8. Increased finalisations resulted in an increase to the clearance rate.
9. Increased lodgements resulted in an increase in finalisations.
10. The estimated target of 108 per cent has not been reached due to the significant increase in the number of lodgements, 10 077 matters, an increase of 13.6 per cent on the estimated target. The Magistrates Court has no control over the number of matters lodged. The number of matters finalised in 2008-09 was 82 340 matters, an increase of 5.56 per cent on the estimated target of 78 000 matters. Despite an increase of more than 13 per cent in lodgements the civil jurisdiction achieved a clearance rate of 99.7 per cent.
11. In 2008-09 the number of Land Court matters finalised increased by 400 matters from the previous year. This significant increase was contributed to by 160 related valuations of subdivided land matters and 241 Western Queensland valuations matters being disposed of. Much of the work relating to the disposition of those cases had occurred in the 2007-08 year with the benefit of that work accruing in 2008-09.
12. At the time the performance target for 2009-10 was set, the expected actual for 2008-09 was 75 per cent. To account for this a clearance rate of 85 per cent was set for the Land Court in 2009-10.
13. The timeliness indicator improved from April 2009 to the end of June 2009, however fell well short of the target due to the complexity of matters impeding faster turnover. Consequently, a finalisation target of 50 per cent was set for 2009-10.
14. Conciliation commenced on 1 July 2007.
15. In 2008-09 significant effort was directed at resolution of older and complex matters, some requiring up to 20 hearing days. The focus on resolution of the older matters meant only 73 per cent of the matters were resolved within the target period of nine months.
16. The impact of the economic downturn on the retail sector has resulted in an increased level of disputation. Economic conditions have limited the options for retail tenants and landlords to achieve a mediated resolution of retail tenancy disputes.

Human Rights Protection Services Output Performance



Introduction

The Human Rights Protection Services output:

- contributes to a safer and fairer Queensland
- helps the Government achieve its priorities for fostering healthy individuals and communities through guardianship, other protective services and systems advocacy
- reviews decisions made about children and young people in care
- provides compensation to people who have suffered injuries as a result of a crime
- provides a framework for privacy and right to information in Queensland.

Guardianship services

These services are provided through the Office of the Adult Guardian, the Guardianship and Administration Tribunal, the Community Visitor Program and the Office of the Public Advocate. The need for guardianship services is expanding as Queensland's population ages.

Office of the Adult Guardian

Operating under the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*, the Adult Guardian is an independent statutory officer whose role is to protect the rights and interests of adults with impaired decision-making capacity. When appointed by the Guardianship and Administration Tribunal, the Adult Guardian acts as substitute decision maker for healthcare, accommodation, service provision, legal, contact and/or other personal decisions. The Adult Guardian also investigates allegations of abuse, neglect and/or exploitation and acts as statutory health attorney of last resort for all Queenslanders.

In 2008–09 the Office of the Adult Guardian experienced a continued growth in its appointment as guardian for an increasing number of adults. This trend is expected to continue as Queensland's population ages, and more people are identified as being subject to restrictive practices.

There are a high number of complex cases which involve contentious issues and conflicted parties. During 2008–09, 30 per cent of all guardianship clients' health and/or life was at high risk, or they were at high risk of physical, psychological and/or sexual abuse, neglect and/or exploitation.

During 2008–09, the Adult Guardian:

- received 399 new guardianship appointments and was reappointed for an additional 173 existing clients
- provided guardianship and allied person services to a total of 1172 clients
- received 3583 general enquiries and commenced 168 new investigations into allegations of abuse, neglect, exploitation, or inappropriate service

arrangements, in 61 per cent of investigations finalised in 2008–09, the allegations were substantiated

- completed 79 per cent of matters referred to it for investigation within six months of commencing the investigation, against a target of 70 per cent
- undertook seven internal reviews of guardianship decisions and upheld the original decisions in all seven cases
- received approximately 1000 enquiries about health matters and consented to medical procedures as statutory health attorney of last resort in 50 per cent of these cases
- conducted 128 community engagement and education activities, attended by 1350 people, including 94 presentations and participation in four expos
- jointly with the Guardianship and Administration Tribunal, conducted a videoconference on guardianship, in which 172 people participated across 21 sites (including a number of rural and remote locations).

Restrictive practices

New restrictive practices legislation took effect from July 2008 as a result of the Carter report into *Challenging Behaviour and Disability*. The review recognised the need to regulate the use of restrictive practices for adults with an intellectual or cognitive disability and whose challenging behaviours put themselves or others at risk.

The Adult Guardian’s role now includes approving the use of restrictive practices for adults with impaired capacity who exhibit challenging behaviour.

During 2008–09, work was completed to develop restrictive practice policies and procedures for the Office of the Adult Guardian. A restrictive practices team was established and extensive training and consultation with external agencies, including the Department of Communities and the Guardianship and Administration Tribunal, was undertaken.

As at 30 June 2009, there were 99 clients for whom the Adult Guardian was appointed for restrictive practices. The Adult Guardian reviewed, approved or endorsed 53 positive behaviour support plans for clients subject to restrictive practices.

In 2009–10, the Adult Guardian will work to promote the use of positive strategies to protect the rights of this group of vulnerable adults.

The Office of the Adult Guardian will continue to implement systems for decision making for these vulnerable adults to protect their right to live as independently as possible and to develop to their full potential.

Guardianship and Administration Tribunal

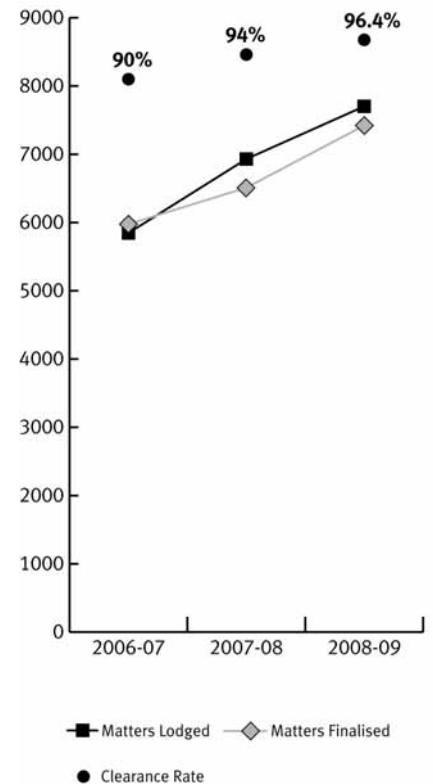
The Guardianship and Administration Tribunal was established by the *Guardianship and Administration Act 2000* to provide an independent, accessible and inexpensive way of meeting the decision-making needs of adults with impaired decision-making capacity.

New jurisdiction and legislative changes

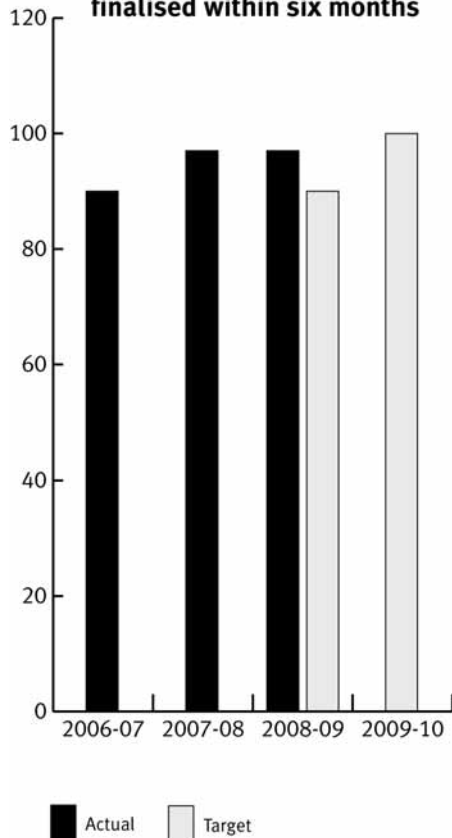
From 1 July 2008, the tribunal commenced monitoring the use of restrictive practices for adults with an intellectual or cognitive disability and whose challenging behaviours put themselves or others at risk.

This new jurisdiction of the tribunal is an integral part of the Government’s commitment to safeguarding the rights of these vulnerable Queenslanders and promoting positive behavioural support for them.

Guardianship and Administration Tribunal service trends



Guardianship and Administration Tribunal – percentage of cases finalised within six months



From 1 January 2009 amendments to the *Guardianship and Administration Act 2000* came into effect to enhance the focus on open justice and procedural fairness for active parties in the tribunal.

The amendments require that serious harm or injustice be demonstrated before the tribunal can make a limitation order that restricts access to a relevant document or information, prevents publication of proceedings or limits who may attend a hearing. At the same time the law continues to protect the privacy of adults with an impaired capacity.

Performance

The tribunal continues to experience strong growth in demand for its services. In the last five years the number of applications lodged has increased by 38 per cent. In 2008–09 the tribunal received 7702 applications, an increase of 12.25 per cent over the previous year.

In 2008–09 the tribunal finalised 7422 applications, giving a clearance rate for the year of 96 per cent. The tribunal finalised 97 per cent of applications within six months, exceeding the tribunal’s target of 90 per cent.

The Guardianship and Administration Tribunal will be amalgamated into the Queensland Civil and Administrative Tribunal (QCAT) when it commences in December 2009.

Community Visitor Program

The Community Visitor Program was established under the *Guardianship and Administration Act 2000* to prevent the abuse, neglect and exploitation of adults with impaired decision-making capacity or a mental or intellectual impairment. Community visitors make inquiries and resolve complaints for residents during regular site visits, and may make referrals of unresolved complaints to appropriate agencies for further investigation or resolution.

During the year community visitors made a total of 6170 visits to 919 sites.

These sites supported some 6314 residents. Compared to 2007–08, there was an increase of:

- 9 per cent in the number of visits during the year
- 7 per cent in the number of residents living in visitable sites
- 13 per cent in the number of open sites as at the end of the financial year.

The number of complaints referred to agencies for investigation or resolution has also increased. In 2008–09, 111 complaints were referred, compared with 88 in 2007–08.

The program also implemented systems to manage and complete requests for reports relating to restrictive practices.

Office of the Public Advocate

The Public Advocate is an independent officer appointed under the *Guardianship and Administration Act 2000* to promote and protect the rights, interests and well-being of adults with impaired decision-making capacity through systems advocacy. This advocacy is directed to influencing change to policies, services, facilities and legislative systems.

In 2008–09, the Office of the Public Advocate has continued to conduct systems advocacy across a broad range of systems and issues, including advocacy in relation to

the disability, mental health, health, housing, criminal justice and corrective services and aged care systems, as well as the guardianship system.

In 2008–09, formal submissions developed by the Public Advocate covered topics including:

- residential and community aged care
- better support for carers
- the review of guardianship laws in Queensland
- the review of the civil and criminal justice system in Queensland
- the National Disability Strategy
- national health and hospitals reform
- fees of trustee company administrators.

In 2009–10 the functions of the Public Advocate will be integrated into the Office of the Adult Guardian in line with the recommendations of the Report of the Independent Review of Government Boards, Committees and Statutory Authorities.

Initiatives aimed at protecting vulnerable children

Children Services Tribunal

The Children Services Tribunal provides an accessible and inexpensive way of reviewing certain administrative decisions of the Department of Communities about children in out of home placements, decisions about people wanting to adopt children and child care licensing. The tribunal also reviews employment screening decisions, commonly known as blue card decisions, made by the Commissioner for Children, Young People and Child Guardian.

The tribunal administers its functions under the *Children Services Tribunal Act 2000* in line with the principle that the welfare and best interests of a child are paramount.

In May 2009 three new Indigenous sessional members were appointed to the tribunal in recognition that tribunal membership should reflect the social and cultural diversity of the community. With these appointments the tribunal will be able to hear applications involving Indigenous children and/or parties more quickly.

In 2008–09, 260 applications were lodged with and finalised by the tribunal—29 fewer than in 2007–08. In 2008–09, 253 applications were finalised by the tribunal—16 fewer than in 2007–08.

The targets for 2008–09 were set by the tribunal anticipating that the 35 per cent increase in applications in 2007–08 would continue. Although this continued growth did not eventuate the number of applications in 2008–09 exceeded the 212 applications received in 2006–07 by 22 per cent.

The number of applications made to the tribunal is influenced by factors including the number of decisions made by the Department of Communities and the Children's Commissioner, the personal circumstances of potential applicants, and whether they accept or agree with the decision made.

The tribunal heard and finalised 77 per cent of applications within six months against a target of 75 per cent. The tribunal also achieved a clearance rate of 97 per cent against a target of 85 per cent.

Australian Guardianship and Administration Council 2009 national forum

Brisbane successfully hosted the Australian Guardianship and Administration Council 2009 national conference on 19–20 March 2009. The event featured hypothetical discussion covering some of the ethical and moral dilemmas faced within guardianship. It was hosted by Queensland council members, the Adult Guardian, the Guardianship and Administration Tribunal, the Public Advocate and the Public Trustee of Queensland.

Guardianship and administration regional forum

Six public guardianship and administration forums were held during 2008–09, in partnership with the Office of the Adult Guardian, the Guardianship and Administration Tribunal, the Public Trustee, the Office of the Public Advocate and the Community Visitor Program. The forums aimed to increase awareness of guardianship and administration issues in the community, and the systems established in Queensland to protect the rights and interest of adults with impaired decision-making capacity. Almost 1000 people attended the forums, held in Logan, Toowoomba, Townsville, Caboolture, Ipswich and North Brisbane.



The tribunal continued to improve public awareness of its role and improved the delivery of its services by undertaking community education sessions, including:

- presenting at child protection conferences
- providing training to child protection agencies
- implementing a new case management system
- distributing educational material to child safety service centres, child protection stakeholders and young people.

The Children Services Tribunal will be amalgamated into the Queensland Civil and Administrative Tribunal (QCAT) when it commences in December 2009.

Child Safety Director

The role of the Child Safety Director includes:

- promoting and supporting the department's role in the whole of government response to child protection
- coordinating the delivery of the department's child protection services
- leading the development of appropriate legislation, programs, policies and practices to meet the needs of children at risk of harm
- increasing awareness of children's rights and needs in the justice system.

Throughout 2008–09 the Child Safety Director led a number of initiatives to improve outcomes for children in the child safety system, including:

- Child Responsive Communities project—a Child Safety Directors' Network project which aims to enhance community resilience and government response to child sexual abuse.
- Child protection policy—aims to enhance staff awareness of child safety and reporting issues. Implementation of the policy began during the year as part of an employment risk management plan.
- Queensland Health court training program project—a training program for QHealth professionals who are required to provide and present evidence in child protection and criminal law proceedings involving children.

Protecting victims of crime

Criminal Injury Compensation Unit

The Criminal Injury Compensation Unit (CICU) processes applications for payments of compensation to persons who have suffered injuries as a result of a crime. These applications are made under the *Criminal Offence Victims Act 1995*.

In 2008–09, 848 new applications were received. CICU finalised 962 matters in the same period, resulting in \$15.1m in compensation being paid to victims.

This existing criminal injury compensation scheme will be replaced by a new scheme, Victim Assist Queensland, in December 2009.

Victim Assist Queensland

As a result of the recommendations made by the Victims of Crime Review, the current criminal injury compensation scheme will be replaced by Victim Assist Queensland in December 2009.

Victim Assist Queensland will move away from a focus on a lump sum compensation figure, to identify the actual assistance required for treatment and support to help victims recover as quickly as possible. It will expand the categories of victims eligible for assistance and establish interim emergency assistance of up to \$6000.

Victim Assist Queensland will include the creation of a Victims Assistance Unit located in the Department of Justice and Attorney-General. The unit will provide a one stop shop for victims of crime to access financial assistance, services, complaint resolution and will be a central point for coordination of services, training and policy development.

The new scheme aims to provide a needs-based response and allow for earlier intervention in the victim's recovery. Victim Assist Queensland will focus on victim recovery by paying for, or reimbursing the costs of goods and services that the victim requires to help them recover from the physical and psychological effects of the crime. Victim Assist Queensland will mark a significant change of focus from criminal compensation to targeted financial assistance and support for victims.



Privacy and right to information

The department receives applications under the *Freedom of Information Act 1992* for access to, and amendment of, information held by the department, including information held by the Office of the Director of Public Prosecutions and Crown Law.

The department balances the rights of the community to access government information against interests such as protecting the privacy of individuals.

The right to government information is fundamental to delivering transparent and responsible government as well as providing a framework for people seeking to access or amend their own personal information.

The department is committed to the Government's Right to Information reforms. The department is actively improving its systems, processes and skills, to maximise community access to government information and the security and protection of personal information.

Throughout 2008-09 the department continued in the lead agency role across the Queensland public sector in relation to both the right to information and privacy. In 2009-10 the department will hand over the role of lead agency to the Department of the Premier and Cabinet to coordinate the implementation of the *Right to Information Act 2009*.

Performance against targets

Unit/Measure	Notes	2006–07 Actual	2007–08 Actual	2008–09 Target	2008–09 Actual	2009–10 Target
Guardianship and Administration Tribunal						
Number of matters lodged		5 846	6 930	6 500	7 702	7 942
Number of matters finalised		5 976	6 510	6 200	7 422	7 942
Clearance rate (finalisations/lodgements)		90%	94%	95%	96.4%	100%
Percentage of cases finalised within 6 months	1	90%	97%	90%	97%	100%
Children Services Tribunal						
Number of matters lodged		212	289	350	260	300
Number of matters finalised		194	269	300	253	300
Clearance rate (finalisations/lodgements)	2	90%	93%	85%	97.3%	100%
Percentage of cases finalised within 6 months		75%	72%	75%	77%	90%
Office of the Adult Guardian						
Percentage of decisions made by guardians affirmed following internal review	3	--	78%	75%	100%	90%
Percentage of investigation matters referred to Adult Guardian completed within 6 months	4	71%	78%	70%	79%	75%

Notes:

- Streamlined processes allowed non-contentious matters to be finalised more quickly and the registry actively monitors matters still open after three months.
- The lower than expected rate of applications enabled the tribunal to finalise more matters (as a proportion of matters lodged) than it had anticipated when the targets were set.
- Seven internal reviews were conducted of guardianship decisions in 2008–09.
- Procedures have been strengthened with respect to the proactive management of investigation matters being referred to the Adult Guardian.

Policy, Legislation and Legal Services Output Performance

Introduction

The department administers more than 142 pieces of legislation underpinning the operation of the state's criminal and civil justice systems policy. Improvements in the operation of the justice system requires a regular and systematic review of legislation to ensure established frameworks continue to support public policy intentions and reflect current community standards and expectations.

Review and reform of the justice legislative and policy frameworks relevant to the portfolio of the Attorney-General and Minister for Industrial Relations was carried out by Strategic Policy and the Queensland Law Reform Commission.

Strategic Policy

Strategic Policy provides policy advice, policy development and research on justice and legal policy issues. It also manages a substantial part of the department's legislative program, including the review and reform of laws.

Reforms for a fair, accessible and contemporary justice system

Strategic Policy conducts extensive and ongoing consultation in the performance of its legislative review and reform activities, including with the following organisations: the judiciary and courts staff, the legal profession including specifically the Queensland Law Society and the Queensland Bar Association, other professional bodies, community organisations including organisations representing victims of crime, Legal Aid Queensland, the Commonwealth and other state and territory jurisdictions, community legal services, peak bodies and industry groups.

During 2008–09, Strategic Policy has been involved in the following reforms.

A modern, responsive criminal justice system

The *Criminal Code and Jury and Another Act Amendment Act 2008* provided for the following reforms:

- judge alone criminal trials
- majority verdicts for criminal trials.

These reforms ensure the courts have the options necessary to respond to a range of situations, allowing Queensland's justice system to remain dynamic and responsive to community expectations.

The new laws strike a better balance between the rights of the accused, the rights of victims of crime and the courts' capacity to ensure trials proceed in a timely and appropriate manner.

The introduction of majority jury verdicts is expected to reduce the incidence of hung juries, which has increased significantly in recent years.

The amending Act also provided for amendments to ensure that a witness at a Crime and Misconduct Commission misconduct investigation hearing is not entitled to remain silent or to refuse to answer a question on a ground of privilege against self incrimination.

The *Guardianship and Administration and Other Acts Amendment Act 2008* also amended the *Jury Act 1995* to give trial judges discretion to allow a jury to separate, or an individual juror to separate from the jury, after the jury has retired to consider its verdict provided this would not prejudice a fair trial. This amendment addresses practical difficulties which can be experienced with the requirement for juries to be kept together and recognises jurors' personal and family responsibilities.

The *Criminal Code and Other Acts Amendment Act 2008* modernised the law relating to criminal offences. Obsolete provisions, for example duelling, were repealed, outmoded concepts such as piracy updated and existing maximum penalties increased.

Protecting mortgagor interests

The objective of the *Property Law (Mortgagor Protection) Amendment Act 2008* was to protect the interests of mortgagors whose properties are sold by mortgagees by strengthening the provisions relating to the duty of the mortgagee to take reasonable care to ensure the property is sold at market value.

In the current global economic and financial circumstances, there are concerns about the position of mortgagors when mortgagees exercise their powers of sale.

The Act amended the *Property Law Act 1974* to:

- extend the duty of the mortgagee exercising power of sale to take reasonable care to ensure that the property is sold at market value to situations where property is sold by a receiver under a delegated power or by the mortgagee as attorney for the mortgagor
- specify steps which the mortgagee for a prescribed mortgage must follow to satisfy that duty
- create an offence for a mortgagee under a prescribed mortgage for failing to follow stated steps.

Review of the civil and criminal justice system in Queensland (the Moynihan Review)

On 14 July 2008, the former Senior Judge Administrator, the Honorable Martin Moynihan AO QC, was appointed to conduct a review of the civil and criminal justice system in Queensland. The review would also report on the working of the Queensland courts with a view to making more effective use of public resources. The terms of reference required the review to report on:

- monetary limits for the civil jurisdiction
- summary disposition of indictable offences
- reform of the committal proceedings process
- sentencing discounts for early guilty pleas
- case conferencing.

On 21 July 2009 the Queensland Government announced major reforms to modernise and streamline the state's criminal and civil justice system in response to recommendations made by the Honourable Martin Moynihan in his report on the review entitled *Review of the civil and criminal justice system in Queensland*.

The reforms will be implemented in two stages, focused on delivering key efficiencies. The first stage will include:

- an expansion in the indictable offences to be heard and determined summarily in the Magistrates Court
- an increase in the criminal jurisdiction of the District Court from offences with a maximum penalty of 14 years imprisonment or less to those with a maximum of 20 years or less
- simplification of prosecution disclosure provisions and increased compliance measures
- changes to sentencing laws to encourage greater transparency regarding the benefit of an early guilty plea
- reforms to the committal process to streamline hearings and improve efficiency
- an increase in the limits for civil disputes in the District Court (to \$750 000), Magistrates Court (to \$150 000) and Small Claims Tribunal (to \$25 000), which will form part of the new Queensland Civil and Administrative Tribunal from 1 December 2009.

The second stage of reforms will involve the development of a new Criminal Justice Procedure Act, and uniform criminal procedure rules and forms to consolidate, modernise and streamline criminal justice procedures in Queensland.

Penalties

The penalty unit is the basic monetary value for most fines and infringement notices.

The *Penalties and Sentences and Other Acts Amendment Act 2008* amended the *Penalties and Sentences Act 1992* to increase the penalty unit amount from \$75 to \$100 for all offences under Queensland state legislation. The increase commenced on 1 January 2009.

The penalty unit for infringement notice penalties had not increased since 1999 when the *State Penalties Enforcement Act 1999* was enacted and for other offences it had not increased since 1995.

The penalty unit had not kept up with the Consumer Price Index over time, effectively reducing the level of punishment and deterrence of fines for various offences.

In addition, the amending Act provided that the penalty unit amount for local laws would be prescribed under the *Penalties and Sentences Regulation 2005* to a value of not more than \$100.

As at 1 July 2009 for those local governments that opted into the penalty unit increase, the penalty unit amount will be \$100. For all other local governments it will remain at \$75.

This reform has aligned Queensland's penalty unit more closely with other jurisdictions and has ensured that the level of deterrent or punishment provided by fines against various offences has not declined over time.

Justice and Other Legislation Amendment Act 2008

The ongoing reform of legislation continued with the *Justice and Other Legislation Amendment Act 2008*. This Act made minor and technical amendments to a large number of Acts to improve the operation of Queensland's justice system.

Reforms for a safer community

Guardianship and Administration and Other Acts Amendment Act 2008

In 2007 the report *Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System* was completed. The report concluded stage one of the Queensland Law Reform Commission (QLRC) review of Queensland's guardianship regime.

This first stage involved an examination of the role of confidentiality in the guardianship system. In its report, the QLRC recommended greater openness in the guardianship system to promote accountability and transparency, and to promote and safeguard the rights and interests of adults with impaired decision-making capacity.

The *Guardianship and Administration and Other Acts Amendment Act 2008* implemented the majority of the recommendations of the report.

Criminal Code and Other Acts Amendment Act 2008

The *Criminal Code and Other Acts Amendment Act 2008* extended the offence of serious assault to apply to assaults on public officers such as ambulance officers, health workers and child safety officers.

Major crime investigations

The *Crime and Misconduct and Summary Offences Amendment Act 2009* amended the *Crime and Misconduct Act 2001* to validate past, present and future use of general 'umbrella' referrals for major crime investigations.

'Umbrella' referrals broadly describe the major crime activity to be investigated without having to specify individuals, groups or events.

The amendments, which commenced operation on 28 May 2009, ensure the Crime and Misconduct Commission continues to have the power appropriate to investigate serious criminal activity with the public interest in mind.

Endangering the safe use of vehicles

A new offence, 'endangering the safe use of a vehicle by throwing an object or similar activity' has been inserted into the *Summary Offences Act 2005* and complements the existing suite of offences available in Queensland. However, unlike existing offences, this offence is not reliant on proof of intent and can apply where there is no personal injury or property damage, or where conduct does not result in any actual endangerment.

This specific offence directed at rock-throwing and other dangerous conduct, such as directing a laser pointer at a moving vehicle, was created in response to community concerns about recent incidents where rocks and other objects have been thrown at vehicles or onto roads.

Standing Committee of Attorneys-General (SCAG)

Officers from Strategic Policy participate in a broad range of SCAG working groups in support of the extensive agenda of that Ministerial Council, including in the following areas:

- harmonisation of anti-discrimination laws
- commercial arbitration and electronic transactions
- national legal profession—costs

- reforms addressing disadvantage such as same sex reforms and Indigenous justice measures to address justice system issues such as journalists' shield laws, organised crime, bushfire offences and identity crime.

Law Reform Commission

The Queensland Law Reform Commission (QLRC) was established under the *Law Reform Commission Act 1968*, to keep under review the law applicable to Queensland, with a view to its systematic development and reform.



Completed reviews

In 2008–09, the QLRC completed two reviews:

- the review of the excuse of accident and the defence of provocation
- the Uniform Succession Laws Project.

In its review of the excuse of accident and the defence of provocation, the QLRC made important recommendations to narrow the circumstances in which the defence of provocation can operate to reduce murder to manslaughter.

The completion of the Uniform Succession Laws Project is an important step towards harmonising and improving the succession laws of the states and territories. The QLRC has been the coordinating agency for this significant national project. It has also had the carriage of three of its four stages, including the final stage which dealt with the administration of the estates of deceased persons.

Publications

During 2008–09, the QLRC published a substantial body of work. It completed six publications in relation to four of its reviews. These were:


- a discussion paper (August 2008) and final report (September 2008) for the review of the excuse of accident and the defence of provocation
- a discussion paper and companion paper for stage two of the guardianship review (September 2008)
- an issues paper for the review of jury directions and warnings (March 2009)
- a final report (the Administration of Estates of Deceased Persons) for the fourth and final stage of the Uniform Succession Laws Project (April 2009). The report included model legislation, prepared by the Office of the Queensland Parliamentary Counsel, for implementation of its recommendations by the states and territories.

Consultation

The QLRC's work in developing effective recommendations for reform involves a commitment to wide and inclusive consultation. This is especially important for reviews in which there is a very high level of community interest, such as the guardianship review.

During 2008–09, the QLRC undertook an extensive consultation process following the release of the first discussion paper for stage two of the guardianship review, including:

- preparing a companion paper to accompany the discussion paper, so that the issues were presented in an accessible format for members of the community

- 
- conducting public forums in Cairns, Townsville, Rockhampton, Bundaberg and Brisbane, and on the Gold Coast and Sunshine Coast
 - conducting a series of consultation meetings with a range of health professionals.

The QLRC also consulted on its issues paper on jury directions and warnings.

Performance against targets

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Crown Law						
Productivity for chargeable hours	1	--	98.9%	95%	102.6%	95%
Timeliness of legal work provided to clients (feedback rating from 1 to 7)		--	6.21	5	6.5	5
Strategic Policy						
Percentage of priority policy and legislation projects which are completed within agreed timeframes		--	new measure	80%	93%	85%

Notes:

1. Crown Law sits within this output and Crown Law performance information is included in this table. For more information about Crown Law's performance, see their annual report starting on page 81 of this report.

Community Justice Services Output Performance

Introduction

The department provides a range of community focused services that promote a fair, socially cohesive and culturally vibrant society.

Registry of Births, Deaths and Marriages

The Registry of Births, Deaths and Marriages (BDM) is responsible for the registration of all births, deaths, marriages and changes of name in the state and for issuing life event certificates to eligible applicants.

The department exceeded its service delivery target in 2008–09 registering over 122 000 birth, death and marriage events. This represents an eight per cent increase from the previous year and a five per cent increase on the 2008–09 target of 117 000.

Revitalisation program

BDM's new business model will provide the capacity to be more responsive to changes in workloads and implement service delivery improvements. Combined with the digitalisation of the remaining paper-based life event registration records that will occur over the next five years at a cost of \$20.8m, the new business model will deliver initiatives that will improve the timeliness and range of services to the Queensland community.

A range of business improvement activities commenced in 2008–09 have already delivered significant improvements in service delivery under the auspices of a broader revitalisation program.

Addressing the under-registration of Indigenous births

Additional staff were appointed and service partnerships established with training providers, the Indigenous Licensing program of Queensland Transport and a number of remote Indigenous communities. This has resulted in the registration of births and the provision of certificates to Indigenous Queenslanders who had never had their birth recorded. For example, a woman from a far north Queensland Indigenous community recently registered her birth and obtained a birth certificate 85 years after she was born.

Regional Vitalware deployment

Deploying Vitalware, the BDM life event registration database, to 20 regional magistrates courts during 2008–09 has allowed these regional sites to electronically search the Queensland life event registers and electronically process certificate applications at the point of application.

The automation means that clients accessing BDM services at these sites can receive certificates within an average of five days of making applications at those registries, compared to 10 weeks before this system was available.

The project will continue into next financial year, with the system implemented at a further 20 magistrates court sites by December 2009.



e-Registrations (Deaths)

Following a successful pilot, BDM continued to enable selected funeral directors to electronically lodge death registrations through the department's secure web-based application.

Twelve funeral directors are now able to submit death registration information electronically to the department, resulting in reduced turnaround times to issue death certificates from eight weeks to an average of two weeks.

This facility will be made available to all funeral directors across Queensland in 2009-10.

National Security Paper

In line with the National Identity Security strategy all BDM jurisdictions will introduce a new security paper for certificates in 2009. The paper, which will be introduced in Queensland in July 2009, employs advanced security features to further mitigate the risks associated with fraud and identity theft.

Justices of the Peace Branch

There are approximately 85 000 Justices of the Peace (Qualified) (JPs) and Commissioners for Declaration (C.decs) in Queensland who volunteer their time to assist people accessing justice services such as document witnessing.

Training and support for JPs

Over the past year the department has made a significant investment in boosting the training and support activities provided to existing C.decs and JPs, and to people seeking appointment to either of these categories.

In November 2008 the JP Branch became a registered training organisation to provide courses for people preparing to become JPs. These courses improve the quality and confidence of new JPs and the quality of services they provide to the public.

The online Justices of the Peace (Qualified) training course, developed in partnership with the Southbank Institute of Technology in 2007, continued to attract strong numbers, with 267 participants.

To improve the services provided by JPs, the JP Branch conducted statewide courses at various locations throughout Queensland. Over 860 people completed courses. This initiative was of particular benefit to people in remote and regional areas of Queensland.

JPs in the Community program

The Department of Justice and Attorney-General commenced the JPs in the Community program in 2003 as part of the Government's commitment to providing the public with enhanced access to the services of JPs and C.decs. JP community signing sites have been established at shopping centres, courthouses, libraries, hospitals, local council chambers and universities. The program offers JPs and C.decs the opportunity to provide their services in a safe and friendly environment. The program continues to grow and provide a valuable witnessing service to Queenslanders.

Twelve additional locations became operational in 2008-09, including several affiliated with JP associations. In total there are 127 JPs in the Community sites, involving 2200 JP volunteers who contributed a combined total of 56 000 hours. This is expected to increase to 132 sites in 2009-10.

The planned expansion of JP sites and volunteers will make a valuable contribution to the Queensland Government's target of a 50 per cent increase in Queenslanders involved in their communities as volunteers. It is anticipated that by 2020 there will be 170 community sites with over 5000 volunteer JPs.

State Penalties Enforcement Registry

The State Penalties Enforcement Registry (SPER) collects and enforces unpaid infringement notices issued in Queensland. The most common infringement notices are tickets for parking illegally, speeding, failing to wear a seatbelt, and running a red light. The registry also collects court-ordered fines, for example, for drink driving.

Community engagement leading to better services

During 2008–09, SPER focused on providing disadvantaged Queenslanders with face-to-face information about registry services and payment options. These clients include people with a disability, mental illness, ill health or cognitive impairment, or those whose access to services may be limited by domestic violence, substance abuse, homelessness or differing cultural or linguistic backgrounds.

SPER also undertook community and public sector education and visited several organisations across the state to provide information about services and the options available to debtors based on their individual circumstances. Organisations visited included the Salvation Army, community justice groups, the Brisbane Youth Service, Public Trust offices, Queensland Corrective Services, correctional centres, the Queensland Police Service, the Office of the Adult Guardian and the Special Circumstances Court to provide immediate support to debtors appearing on court related matters.

SPER strengthened relationships with Indigenous and multicultural community service providers throughout south east Queensland and regional centres including Cairns, Townsville, Ipswich, the Gold Coast, Sunshine Coast, Bundaberg and Toowoomba to provide information on the options available to vulnerable clients.

Fine collection improvement

Since its establishment in 2000, SPER's annual recoveries have grown steadily to a total of just over \$143.8m in lodgement fees and unpaid fines in 2008–09—an increase of \$12.4m from 2007–08.

During the financial year, approximately \$119m was returned to the consolidated fund, \$13.5m to victims of crime, and \$11.3m to agencies such as local governments, hospitals, and universities that refer unpaid infringements to SPER.

In 2008–09, 546 384 unpaid fines were finalised, exceeding the target of 470 000 and an increase of over 47 000 compared to the number of finalisations in 2007–08.

The increase gave a clearance rate of 77 per cent, exceeding the targeted clearance rate of 69 per cent.

Improved instalment payment plans

During 2008–09, SPER undertook a further review of the instalment plan processes to increase the number of debtors on instalment plans and the amounts being collected.

The instalment plan improvements will be fully implemented in November 2009 and will lead to more efficient collection of debts by SPER and ultimately, lower costs of compliance to the Government and community.

During the year, there were more than 137 000 instalment plans in place covering more than \$182m. This is a marked increase from last year's profile of 119 977 instalment plans covering \$161m.

Dispute Resolution Branch

Dispute resolution services help the community to address and resolve conflict in a timely, cost effective, accessible, and non-adversarial way across a wide range of criminal and civil matters. The Dispute Resolution Branch (DRB) provides mediation services and conflict management training and education.

Disputes may include business disagreements, family conflicts, neighbourhood disputes, issues in the workplace and minor criminal offences.

Assisting more Queenslanders

Civil mediation services are delivered through six dispute resolution centres located across Queensland at Cairns, Townsville, Mackay, Rockhampton, Hervey Bay and Brisbane.

The expansion of justice, or criminal, mediation services into Townsville, Cairns, and the Gold Coast (with 110, 19 and 70 mediations respectively) contributed to the increase in criminal matters mediated in 2008–09. There were also 158 criminal mediations in Brisbane and Ipswich.

Providing justice mediation services to help victims of crime

Mediation services in relation to criminal matters are provided through the justice mediation program. Justice mediation is an intervention that applies the principles of restorative justice and involves the voluntary participation of both offenders and victims.

While justice mediation is predominantly used in relation to less serious offences, particularly property related offences and minor assaults, mediations may be convened for offences that are more serious, particularly if it is believed there would be benefit for the victim.

In 2008–09, 357 criminal matters were mediated and an agreement and compliance rate of approximately 99 per cent maintained.


Helping to resolve civil conflicts

The number of civil matters referred or ordered to mediation from the courts increased from 2227 in 2007–08 to 2824 in 2008–09. This resulted in the mediation of 2693 civil disputes in 2008–09, which was 22 per cent above target for the year. The effectiveness of mediation in resolving disputes is also reflected by the high level of agreement (73 per cent) achieved for voluntary mediations.

The average time taken to complete civil mediations in 2008–09 was 19 days, bettering the target of 20 days.

The Mornington Island Restorative Justice pilot project

The Mornington Island Restorative Justice project aims to establish an alternative and sustainable community-based dispute resolution service that respects culture and conforms to the requirements of the formal criminal justice system. The project, once completed, may provide a model for the expansion of alternative dispute resolution in Indigenous communities as a viable alternative to entry into the formal criminal justice system.



An extensive community consultation, which finished in December 2008, was undertaken on Mornington Island in relation to the proposed dispute resolution service. The consultation indicated widespread community support for this initiative.

The project supports the Government's objectives to improve justice service delivery to Indigenous communities and provide courts and police with viable diversionary alternatives from the formal justice system. With successful outcomes, this project will allow the department to apply the experience and learning of this restorative justice initiative to other remote Indigenous communities.

Performance against targets

Unit/Measure	Notes	2006–07 Actual	2007–08 Actual	2008–09 Target	2008–09 Actual	2009–10 Target
State Penalties Enforcement Registry						
Number of matters lodged	1, 2	498 143	529 209	535 000	540 844	--
Number of matters finalised	3, 4	427 481	458 985	465 000	491 079	--
Clearance rate (finalisations/lodgements)	5	85.8%	86.7%	86.9%	90.8%	--
Justices of the Peace Services						
Number of new registrations of Justices of the Peace (Qualified) and Commissioners for Declarations		3 066	3 653	3 000	2 909	3 000
Number of sites under the JPs in the Community program		--	111	115	127	130
Number of hours volunteered under the "JPs in the Community" program		--	new measure	50 000	56 388	51 000
Dispute Resolution Services						
Number of criminal matters mediated through restorative justice processes	6	383	193	400	357	350
Number of civil disputes mediated through alternative dispute resolution		2 028	2 291	2 200	2 693	2 200
Agreement rates for community mediations—voluntary	7	--	86%	83%	73%	80%
Average number of days between when a civil file is accepted for mediation and when a file is closed		19 days	20 days	20 days	19 days	20 days
Average number of days between when a criminal file is accepted for mediation and when a file is closed	8	78 days	43 days	50 days	53 days	50 days
Births, Deaths and Marriages						
Number of births, deaths and marriages registered		109 272	112 846	117 000	122 331	127 000

Notes

1. SPER has no control over lodgements. It is anticipated that lodgements will continue to increase in 2009–10.
2. The reported figures are compiled according to the national counting rules set out in the *Report on Government Services* (RoGS). As per the counting rules, unpaid court fines are not included in the count of lodgements.
3. An increase in finalisations was primarily due to an increase in payments and data cleansing of deceased debtors.
4. The reported figures are compiled according to the national counting rules set out in the RoGS. As per the counting rules court ordered fines are not included in the count of finalisations.
5. The increase in the clearance rate is primarily affected by the higher finalisation rate. It is anticipated that an increase in lodgements in 2009–10 will impact finalisations and consequently the overall clearance rate.
6. The expansion of services into Cairns did not result in the expected number of referrals and therefore mediations. Work is continuing with stakeholders to address this issue.
7. The increase in court work has decreased the amount of voluntary mediations conducted. Lower numbers of voluntary mediations can impact on agreement rates. A review of procedures with the view to analysing the efficiency of processes and outcomes is being conducted.
8. The increase in the average number of days can be attributed to very large caseloads for justice mediation officers in all but the Cairns office.

Electrical Safety Services Output Performance

Introduction

The Electrical Safety Office (ESO) is responsible for delivering electrical safety services in Queensland. The ESO leads policy development and service delivery that supports electrically safe homes, workplaces, and other environments in Queensland.

The ESO develops and implements legislative, compliance and enforcement frameworks to improve electrical safety in Queensland. This is achieved by inspection and enforcement services, electrical equipment approvals, administration of electrical licensing, and education and advisory services.

The ESO also has primary management and administration of electrical licensing, registration, approval and accreditation systems required under the *Electrical Safety Act 2002*. It enforces standards for electrical safety and promotes strategies for improved electrical safety performance across the community.

The Electrical Safety Plan for Queensland 2009–14, developed by the Electrical Safety Board, is significant in establishing future electrical safety strategic direction. It aims to improve electrical safety in Queensland workplaces and homes over the next five years, by eliminating all preventable electrical deaths.

Electrical safety services include:

- developing the legislative framework and standards for electrical safety
- inspection (including audit, incident and some fire), advisory and enforcement activities to promote compliance with electrical safety laws and standards
- information, education and training activities to assist industry employees and the community reduce the risk of injury from fire and explosion and improve electrical safety
- strategic policy advice to the minister on electrical safety matters
- advice to statutory bodies including the Electrical Safety Board, the Electrical Licensing Committee, the Electrical Safety Education Committee and the Electrical Equipment Committee
- managing registration, licensing, approval (electrical equipment) and accreditation systems required under the *Electrical Safety Act 2002*.

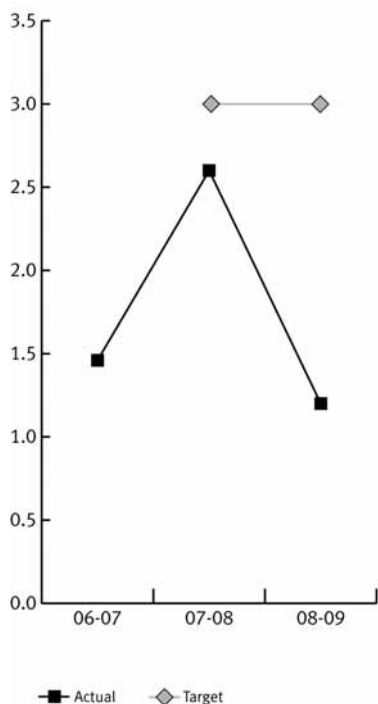
Performance since 27 March 2009

Queensland's five-year moving average of electrical fatalities has declined from an average of 3.6 deaths per million population for the five years to June 2001, to 1.22 deaths per million population to June 2009. The preliminary national figure for the same period was 1.44 deaths per million population.

Eleven additional electrical safety inspectors were appointed increasing the inspectorate to 41. This increase was to meet increased demand due to increased population growth, more premises and increased risk across the electricity supply industry, and risk associated with retail electrical products.



Reduction in the incidence of reported electrical incidents where confirmed medical attention is required



The target for 2006-07 was to be benchmarked

From 1 April to 30 June 2009, 223 audits were completed and five prosecutions were finalised with a 100 per cent success rate. Fines and costs of \$57 307 were awarded. To improve industry and community awareness, 11 safety seminars were attended by 218 people and the ESO participated in six industry and community events such as *Electro Expo* and *Farm Fest*.

The department is taking a lead role in four concurrent government national reforms including:

- submissions to the Council of Australian Governments taskforce to introduce a national licensing system for some occupations (including electrical mechanics, line workers and cable jointers)
- submissions to the Workplace Relations Ministerial Council Review into Model Occupational Health and Safety Laws as they relate to electrical safety in the workplace
- undertaking the review of Australia's Electrical Equipment Safety System by the Electrical Regulatory Authorities Council (ERAC)
- submissions to the Ministerial Council for Energy Harmonisation of Energy Supply Industry Technical and Safety Regulation Discussion Paper.

The ESO hosts the secretariat of the ERAC on behalf of all states and territories and New Zealand.

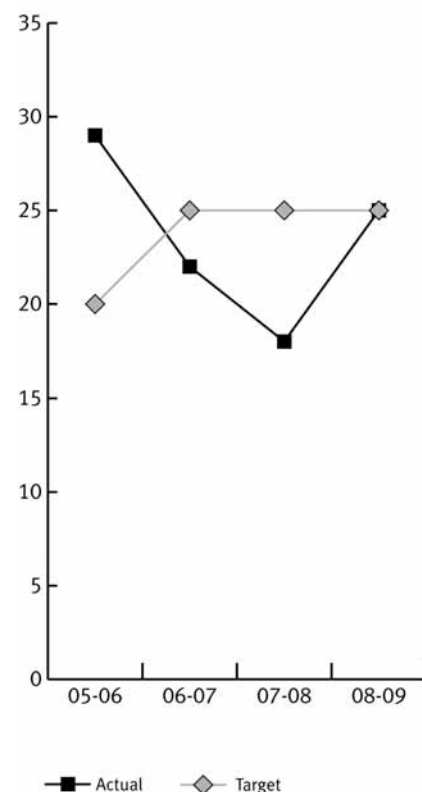
In May 2009 the Government approved changes to the *Electrical Safety Act 2002* to provide for the mandatory recall of unsafe electrical products. These changes are planned for introduction into parliament in 2009–10.

In June 2009 the *Electrical Safety Regulation 2002* was amended to:

- increase the electrical safety contribution payable by electricity distribution entities
- increase fees payable under the regulation by the level of the Australian Consumer Price Index increase
- amend the schedule of external licences recognised in Queensland.

Service delivery to stakeholders and clients was enhanced with an online search facility for electrical equipment which has received Queensland Government approval, and online credit card payment facilities for electrical licence holders.

Number of prosecutions finalised



Performance against targets

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Number of prosecutions finalised		23	19	25	25	25
Clients accessing information and advisory services	1	268 106	263 596	265 000	269 202	264 000
Percentage of annual evidence-based program of audits for compliance completed		--	new measure	100%	115%	100%
Reduction in the incidence of reported electrical incidents where confirmed medical attention is required		1.46 per million population	2.6 per million population	<3 per million population	1.2 per million population	<3 per million population
Client satisfaction with:						
- inspectorate contact	2	--	84%	85%	--	85%
- electrical safety seminar programs for industry and the community	3	99%	94%	80%	95.6%	80%
Electrical licences issued within specified timeframes		83%	88%	80%	83%	80%
Prosecutions completed within statutory requirements (12 months)		--	new measure	100%	100%	100%
Cost of electrical safety services per person in Queensland	4	--	new measure	\$2.90	\$3.25	\$3.52

Notes:

1. The 2008- 2009 Service Delivery Statement included an estimated actual for this measure. The increased actual result is due to improved industry awareness in association with additional information available on the internet.
2. The client satisfaction survey was not conducted in 2008-09.
3. The level achieved in client satisfaction is due to the focus on target markets, electrical safety topics, seminar times and locations.
4. The actual cost increase from 2008-09 target is due to one off funding increase to improve electrical safety services in regional Queensland. The 2008-09 to 2009-10 increase is related to five year cyclic increase in electrical licensing revenue.

Private Sector Industrial Relations Services Output Performance (including Queensland Workplace Rights Office)

Introduction

Operating under the *Industrial Relations Act 1999* the Private Sector Industrial Relations division works to achieve a fair and equitable industrial relations framework contributing to the economic growth and social wellbeing of Queenslanders. This is achieved through:

- industrial relations legislation policy advice
- facilitating and implementing industrial relations legislation and policy
- compliance and information services on industrial relations legislation, awards and agreements through statewide inspectorate and information services
- industrial relations policy research and developing programs and tools for best practice in Queensland workplaces
- representing government in industrial institutions and through submissions
- liaising and negotiating with the Australian Government on Queensland issues.

The Queensland Workplace Rights Office gives Queenslanders a one stop shop for industrial relations and work-related issues. It conducts industry investigations and develops codes of practice, providing recommendations to government and industry.

Performance since 27 March 2009

For the June quarter 2008–09, the Queensland Workplace Rights Office:

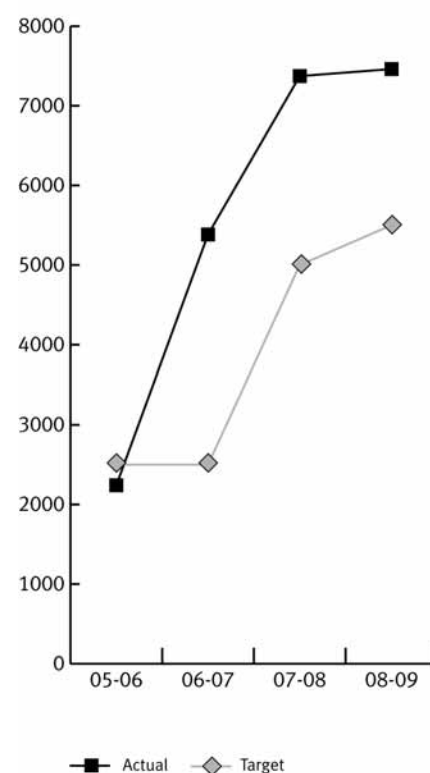
- received 5264 calls to the hotline, with one in five from employers
- had more than 10 627 unique visitors to its website
- investigated 103 cases—almost 70 per cent received from regional Queensland.


The Commonwealth *Fair Work Act 2008* commences on 1 July 2009. At the 82nd meeting of the Workplace Relations Ministers' Council in June 2009, the Queensland Government agreed in principle to join a national workplace relations system for the private sector, subject to a number of issues being resolved. These included protection of state awards and agreement entitlements, and retention of high quality service delivery. The Queensland Government is working towards a multilateral intergovernmental agreement.

For the June quarter 2008–09 Queensland's industrial inspectorate conducted compliance activities including proactive audits of workplaces to ensure compliance with industrial laws and employee entitlements:

- 573 audits were conducted of employers statewide regarding industrial entitlements with \$208 294.64 in unpaid wages recovered for 4328 workers
- 712 employers were audited to ensure compliance with child employment legislation.

Audits conducted





The Work Life Balance strategy, launched in December 2008, aims to address attraction and retention of employees by improving the uptake of work life balance policies for the Queensland public and private sectors. It focused on consultancy work with organisations, training and practical tools for managers and employees, and information and resources for small businesses. These activities resulted in 15 public and private sector organisations registering their interest to participate in the strategy.

Performance against targets

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Audits conducted	1	5 383	7 373	5 500	7461	7 500
Clients assisted through telephone and internet information services		1 372 654	1 735 195	1 500 000	1 746 224	1 500 000
Clients assisted regarding complexities of federal industrial relations legislation	2	16 829	19 392	17 000	22 628	20 000
Level of client satisfaction with compliance services	3	--	79%	>70%	--	>70%
Level of satisfaction with information services	3	--	80%	>70%	--	>70%
Percentage of Wageline telephone inquiries answered within 20 seconds		--	>80%	>80%	86.25%	>80%
Cost of compliance services per private sector worker covered by the Queensland industrial relations system		--	new measure	to be benchmarked	\$20.55	\$21.60

Notes:

1. With a reduction in wage complaints, more emphasis is being placed on audits. The estimated 2009-10 audits are based on activity over the previous two years.
2. Demand exceeded anticipated service targets, partly due to the continuing lack of clarity on the coverage of the federal system. In 2007-08 the figures include calls to the Queensland Workplace Rights Ombudsman hotline as well as some investigations. From 2008-09, figures include hotline calls only.
3. The client satisfaction survey was not conducted in 2008-09.

Public Sector Industrial and Employee Relations Services Output Performance

Introduction

Public Sector Industrial and Employee Relations (PSIER) provides industrial and employee relations strategy, policy and advice to the Queensland Government as an employer to ensure cooperative and productive workplaces.

PSIER assists public sector clients to achieve business outcomes by effectively implementing industrial and employee relations policy and strategy. Key outcomes include quality service delivery and effective and efficient management of the public sector workforce to help the Queensland Government to remain employer of choice, sustaining its productive and flexible workforce.

PSIER partners with public sector agencies and entities including statutory bodies, public service offices, government owned corporations, and public sector unions in establishing workplace agreements which are fair and responsible in existing economic circumstances.

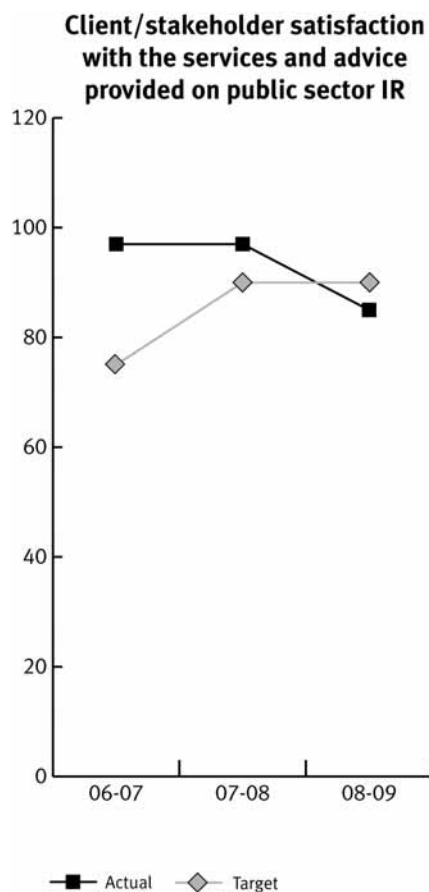
The division includes Workplace Consulting Queensland, a quality accredited commercialised unit providing professional consultancy and training services to Queensland Government agencies and entities on a fee-for-service basis.

Performance since 27 March 2009

In consultation with public sector agencies and entities, PSIER developed two new ministerial directives: *Senior Officer Employment Conditions* and *Employment Arrangements in the Event of a Human Influenza Pandemic*.

PSIER continued to assist public sector agencies and entities in the planning, preparation, negotiation and/or finalisation of certified agreements which meet business needs, ensure fair and productive agreements and emphasise quality service delivery.

PSIER extended implementation of the Work Life Balance strategy to an additional two agencies.



Performance against targets

Unit/Measure	Notes	2006-07	2007-08	2008-09	2008-09	2009-10
		Actual	Actual	Target	Actual	Target
Employee relations policy projects completed		--	new measure	12	17	22
Client/stakeholder satisfaction with the services and advice provided on public sector IR	1	97%	97%	>90%	85%	85-90%
Client/stakeholder satisfaction in implementing Government wages policy	1	95%	88%	>75%	68%	75%
Cost of Public Sector Industrial and Employee Relations service per Queensland public sector worker	2	--	new measure	\$14	\$14	\$14

Notes:

1. Data is based on outcomes of the annual client satisfaction survey. In 2009 the survey was substantially altered to enable greater specification of opportunities for improved client/stakeholder satisfaction with PSIER services and wages policy implementation.
2. From 2009-10 the calculation to determine cost of PSIER service will include Workplace Consulting Queensland expenses.

Administration of the Industrial Court and Commission System

Introduction

The Industrial Court of Queensland, the Queensland Industrial Relations Commission (QIRC) and the Industrial Registry operate under the *Industrial Relations Act 1999* and contribute to the social and economic wellbeing of Queenslanders.

The QIRC provides an independent conciliation and arbitration service for awards, agreements, prevention and settlement of industrial disputes and related matters, unfair dismissals, unfair contracts, and wage recovery matters. The Industrial Court's purpose is predominately to hear and determine appeals from decisions of the commission and industrial magistrates.

The industrial tribunals have powers to hear matters arising under the following legislation:

- *Industrial Relations Act 1999*
- *Vocational Education, Training and Employment Act 2000*
- *Trading (Allowable Hours) Act 1990*
- *Workers' Compensation and Rehabilitation Act 2003*
- *Workplace Health and Safety Act 1995*
- *Electrical Safety Act 2002*
- *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*
- *Whistleblowers Protection Act 1994*
- *Child Employment Act 2006*
- *Magistrates Courts Act 1921*
- *Local Government Act 1993*
- *Building and Construction Industry (Portable Long Service Leave) Act 1991*
- *Private Employment Agents Act 2005*
- *Coal Mining Safety and Health Act 1999*
- *Petroleum and Gas (Production and Safety) Act 2004*
- *Mining and Quarrying Safety and Health Act 1999*
- *Dangerous Goods Safety Management Act 2001.*

Performance since 27 March 2009

Section 38C of the *Industrial Relations Act 1999* requires a full bench of the commission to review the operation of sections 29A, 29B, 29C and 29D of the Act either on its own initiative or on the minister's direction. Section 38C (2) of the Act provides that, in the absence of a direction from the minister, the full bench must start a review on its own initiative within three years after the commencement of section 38C.

Section 38C (3) provides that in undertaking a review, the full bench must consider, in particular:

- whether the sections are meeting the reasonable needs of employees
- the impact the operation of the sections is having on the ability of employers to conduct their business efficiently.

In those circumstances a full bench has commenced this review. On 22 May 2009, the full bench released a discussion paper requesting submissions leading to hearings beginning on 31 August 2009.

On 10 June 2009 and 16 June 2009 respectively, the Queensland Council of Unions and the Australian Workers' Union of Employees, Queensland filed with the Industrial Registrar applications seeking:

- general ruling pursuant to section 287 of the *Industrial Relations Act 1999* in regard to wage and allowance adjustments for award employees
- general ruling in relation to the Queensland minimum wage as it applies to all employees
- statement of policy pursuant to section 288 of the *Industrial Relations Act 1999* in regard to a statement of principles that may be generated as a result of the aforementioned general rulings.

Parties have been directed to lodge submissions and the matter has been set down for hearing before a full bench of the QIRC on Friday 31 July 2009.

Since the Australian Government's *Workplace Relations Amendment (Work Choices) Act 2005*, commenced on 27 March 2006, it has continued to cause significant change to Queensland's industrial relations system during 2008–09. Since the introduction of WorkChoices the number of matters filed with the QIRC has reduced significantly.

The current federal government has introduced legislation into parliament to implement its substantial workplace relations reforms so that the new national system is operational from 1 January 2010.

The Queensland Government has been working with the Australian Government and other states with a view to developing a fairer and simpler national system that will benefit all Australians. The Queensland Government is committed to moving ahead quickly on this issue and supports the timeframes proposed by the federal minister to implement the new national system from 1 January 2010.

Performance against targets

Unit/Measure	Notes	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual	2009-10 Target
Number of matters received	1,2	--	new measure	1200	1806	1400
% of matters completed within 3 months		80%	79%	>75%	87%	>75%
Level of client satisfaction with registry services	3	92%	93%	>85%	--	>85%
% of matters resolved at conference		--	new measure	>75%	80%	>75%
% of matters lodged that are processed and available to members within 1 working day		--	new measure	>90%	97%	>90%
% of decisions released to the parties within 1 working day		--	new measure	>95%	100%	>95%
% of decisions that are published and available to the community within 13 working days		--	new measure	>95%	100%	>95%
Cost of QIRC and registry services per worker covered by the Queensland industrial relations legislation		--	new measure	to be benchmarked	\$8.55	\$8.00

Notes:

1. The increase in the 2008-09 actual is due to the 3 year cycle of enterprise bargaining and related industrial issues.
2. The decrease in the 2009-10 target over the 2008-09 actual is due to the 2009-10 year falling outside of the three year enterprise bargaining period.
3. The client satisfaction survey was not conducted in 2008-09.

Workplace Health and Safety Services Output Performance (including Workers' Compensation Policy)

Introduction

Workplace Health and Safety Queensland (WHSQ) operates under the *Workplace Health and Safety Act 1995* and the *Dangerous Goods Safety Management Act 2001* to improve occupational health and safety in Queensland workplaces. This is achieved through:

- developing and implementing legislation
- promoting occupational health and safety to industry and the community to encourage a healthy and safe culture at workplaces
- developing and implementing targeted strategies to support industry in establishing and maintaining effective occupational health and safety practice
- monitoring and enforcing compliance.

WHSQ develops and implements policies and legislation under the *Workers' Compensation and Rehabilitation Act 2003*. It aims to balance good benefits for injured workers with affordable premiums for employers. It also:

- monitors workers' compensation trends and statistics
- monitors shifts in the labour market and economic climate
- participates in a national forum for workers' compensation policy and legislation.

Performance since 27 March 2009

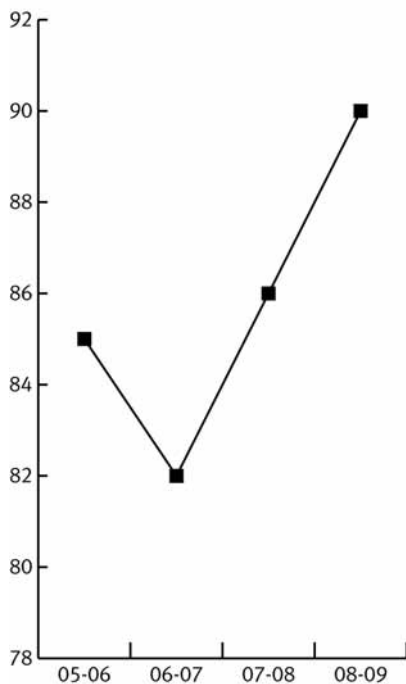
Harmonisation of occupational health and safety laws

At the 81st meeting of the Workplace Relations Ministers' Council in May 2009, ministers agreed to a framework for uniform occupational health and safety (OHS) laws. Queensland is working cooperatively with federal, state and territory governments in the development of the national model OHS legislation. An exposure draft model Act is to be developed by September 2009.

Queensland has released the Queensland Occupational Health and Safety Compliance and Enforcement Policy. This reflects the national compliance and enforcement policy which was developed through consultation with state and territory occupational health and safety authorities. It seeks to prepare for consistent compliance monitoring and enforcement following the introduction of the new laws.

WHSQ has been working with the Commonwealth and other states and territories on the implementation of a nationally agreed unit of competency for construction induction training. Queensland adopted the unit of competency *CPCCOHS1001A—Work safely in the construction industry* for construction induction training to replace the existing Queensland accredited course *30215QLD—Course in general safety induction (construction industry)*. This aligns training for construction induction across Australia.

% of successful prosecutions



Promoting occupational health and safety

Homecomings campaign

The 2009 Homecomings campaign coincided with World Day for Safety and Health at Work on 28 April 2009 and Mother's Day on 10 May 2009. This campaign reinforces the message that the most important reason for making workplaces safe is not work at all but that workers return home from work safe and healthy. Market research demonstrates that the campaign is having a positive impact on the community in terms of increasing awareness generally and influencing behaviour change in workplaces.

Zero harm at work

Zero Harm at Work, an initiative of the Workplace Health and Safety Board, aims to build a positive safety culture in the workplace. The program targets industry leaders as the key mechanism for cultural change and includes leadership forums where industry leaders share their knowledge and experience. The minister launched the first leadership forum in May 2009. As at 30 June 2009, 28 organisations had signed up to the program.

Program initiatives

Construction WorkHealth Initiative pilot

The Construction WorkHealth Initiative pilot conducted in late 2008 showed the poor state of workers' health in the construction industry. In May 2009, the Premier announced the formation of a tripartite taskforce. On 30 June 2009, the department and Queensland Health convened the first meeting of the Outdoor Worker Health Taskforce, with representation from employer associations, trade unions and government. The taskforce is charged with developing recommendations for health promotion strategies to improve the health outcomes of outdoor workers.

Transport and safety summit


WHSQ, in conjunction with the Transport and Storage Industry Sector Standing Committee, held a Transport Safety Summit in May 2009. This event brought together approximately 150 representatives from government and the transport, manufacturing and retail industries to build solutions for endemic health and safety risks. The participants are committed to developing and implementing health and safety solutions for the industry.

Manage occupational health and safety risks in medium sized businesses

A pilot from a strategy targeting medium businesses commenced in June 2009. It seeks to assist medium-sized business to manage occupational health and safety risks through information and advice. The initiative includes a free advisory service facilitated by WHSQ and targeted audits.

Work-related injuries and fatalities

Queensland faces significant challenges in reducing work-related injuries and fatalities. WHSQ is designing and implementing a variety of enforcement, education and awareness strategies targeted at high risk industries and injury types. Queensland also ranks as a leader in Australia in the number of field inspectors, the ratio of field inspectors per 10 000 employees and the number of workplace interventions. Despite these considerable efforts there has been an increase in the fatality rate.



The incidence of work-related fatalities in actual workplaces declined by 20 per cent since the start of the strategy. However, the latest data available up to 2007–08 indicates a 22 per cent increase in the incidence of work-related fatalities primarily due to a significant increase in fatalities in the road transport industry. Road traffic on duty fatalities in the road transport industry nearly doubled between 2006–07 and 2007–08.

The latest data available up to 2007–08 indicates that work-related injuries declined by one per cent. Work-related traumatic injuries reduced by eight per cent and there was an eight per cent decline in diseases since the start of the strategy⁵.

In the last three months of 2008–09, inspectors had conducted 280 investigations and issued 2451 notices. In the same period, 43 prosecutions were finalised, resulting in 35 successful prosecutions and fines of over \$1m.

⁵ In line with the methodology adopted by Safework Australia, the strategy base is the average of a three year period from 2001–02 to 2003–04 to take into consideration annual fluctuations in the number of fatalities.

Performance against targets

Unit/Measure	Notes	2006-07	2007-08	2008-09	2008-09	2009-10
		Actual	Actual	Target	Actual	Target
Statewide compliance campaign implemented		96%	100%	100%	100%	100%
% of improved compliance within a target industry (or specific workplace health and safety hazard)	1	39%	0%	10%	0.05%	10%
% of successful prosecutions		82%	86%	85%	90%	85%
Client satisfaction by workplaces with the inspectorate's effectiveness and professionalism	2	--	new measure	75-80%	--	75-80%
Percentage of gazetted major hazard facilities with comprehensive verification audit completed per year		--	new measure	20%	21%	20%
Percentage of gazetted major hazard facilities with at least one site assessment completed per year		--	new measure	75%	97%	>90%
Percentage of gazetted major hazard facilities with desktop assessment completed per year		--	new measure	20%	21%	20%
Prosecution matters actioned within 9 months of incident	3	70%	60%	70-80%	50%	70-80%
Investigations finalised within 6 months	4	--	new measure	70-80%	64%	70-80%
% of national standards and codes implemented within agreed timelines	5	--	new measure	100%	Not applicable	100%
Cost of compliance and enforcement services per worker covered by the workers' compensation scheme		--	new measure	\$22.21	\$23.57	\$22.21
Cost of information, education and awareness services per worker covered by the workers' compensation scheme	6	--	new measure	\$3.41	\$2.46	\$3.41

Notes:

1. This measure relies on follow-up compliance audits in a given year. In 2008-09, WHSQ conducted one follow-up audit into amusement devices. This is a transient industry which is difficult to regulate. WHSQ is participating in a national program which includes a new audit tool based on the safety management approach. WHSQ is applying greater pressure on operators through the issuing of notices and monitoring of compliance. Consequently, the compliance performance measure is well below target.
2. The first survey is due to be conducted in 2010. Surveys will then be conducted biennially.
3. The complexity of incidents subject to comprehensive investigation is increasing and this is resulting in a declining number of prosecutions being actioned within the self-imposed nine month period. WHSQ consistently meets the 12 month statute of limitations.
4. Incidents involving fatalities, grievous bodily harm and bodily harm are subject to investigation. The increasing complexity of these incidents under comprehensive investigation is affecting this performance measure.
5. Standards are adopted as they are declared by the Australian Safety Council within agreed national timelines. The adoption of national standards and codes may change when model occupational health and safety laws are introduced. There were no declared standards or codes in 2008-09.
6. The target was calculated prior to the finalisation of the 2008-09 budget, and this, coupled with a revision of the denominator by ABS has resulted in the reduced figure.

Our people

Our people are the department's key assets.

Department staff work across Queensland in many diverse roles, including as judicial officers, lawyers, court and tribunal registrars, court services officers and depositions clerks, inspectors (workplace health and safety, electrical safety and industrial relations), policy officers, researchers, project officers, industrial relations negotiators, court reporters, guardians, prosecutors, investigators, mediators, bailiffs, cleaners, accountants and finance officers, systems analysts and information technology officers, human resource officers, training officers, communications and marketing officers and administrators.

Our workforce grew during 2008–09 and as at 30 June 2009 the total number of full time equivalent (FTE) staff employed was 3223. The increase in staff numbers is due principally to the machinery of government changes resulting in the responsibility for industrial relations, workplace health and safety, electrical safety and the administration of the Industrial Court and Commission system being transferred (with relevant staff) from the former Department of Employment and Industrial Relations to the Department of Justice and Attorney-General.

As at 30 June 2009, the number (head count) of staff employed was 3740.

Actual FTE 30 June 2008	Actual FTE 30 June 2009
2833	3223

Profile of our staff

The department allocates its staff to nine output areas.

Output Area	Actual FTE 30 June 2009
Court and Tribunal Services	1650
Human Rights Protection Services	159
Policy, Legislation and Legal Services	298
Community Justice Services	225
Private Sector Industrial Relations Services	179
Industrial Court and Commission	31
Public Sector Industrial and Employees Relations Services	37
Workplace Health and Safety Services	547
Electrical Safety Services	97
Total	3223

We are committed to attracting and retaining a diverse workforce and protecting jobs for Queenslanders. During 2008–09 we trialled the use of assessment centres to reduce the barriers for applicants unfamiliar with public sector employment processes.

During 2008–09 we retained 90.7 per cent of our permanent employees. During the same period 6.9 per cent of permanent departmental employees separated from the public service.

Workforce capability

We are committed to professional development for all employees. Individual professional development plans identify areas for professional development based on strengths as well as areas for improvement.

During 2008–09 more than 1500 employees were offered places in 140 learning programs covering 35 subject areas, including multicultural awareness topics.

We also provided staff with access to over 130 online training modules including emergency evacuation training, electronic document management, complaints management, induction and code of conduct training. This resulted in staff obtaining over 4700 new competencies.

Employee relations

Employee health and wellbeing is recognised as a driver of productivity, workforce attraction and retention. We conducted programs which included exercise challenges and influenza vaccinations supported by flexible work practices designed to help employees to balance work and family life.

We currently have a number of policies in place to provide more flexible work arrangements for employees including part-time work, job share provisions, flexible working hours and telecommuting. Each of these policies contributes to our work life balance strategy.

We conducted a comprehensive overhaul of the workplace health and safety framework in operation within the department. New arrangements provide for local engagement on health and safety issues and resolutions and stronger central governance through a workplace health and safety committee. A computerised case management system for the management and monitoring of workplace incidents and employee rehabilitation was implemented.

Equal employment opportunities

Women's initiatives

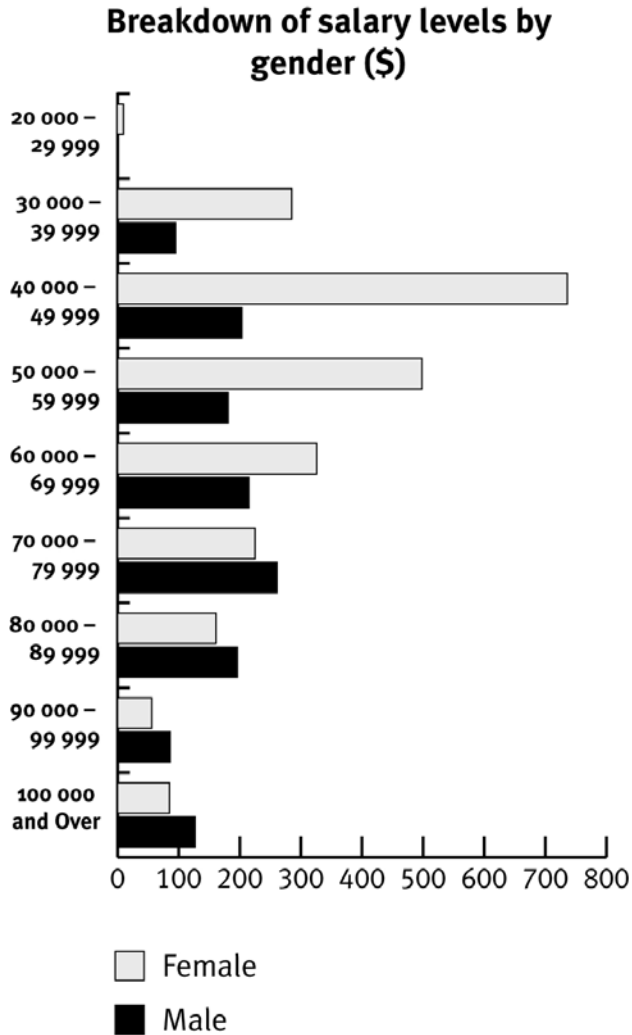
Our work life balance strategies continued to play a vital role in improving the quality of life for women. Part-time employment grew by 17.9 per cent in this period while access to telecommuting services was extended to allow up to 700 employees remote access to systems.

As part of a strategy to attract women into the information technology field, the Information Technology (IT) Services branch adopted a structured approach to maintenance and support to improve service planning. This reduced the need for IT Services staff to perform ad hoc and unplanned duties out of hours, a barrier to some women operating in that field.

Women in the branch have been further supported with a corporate membership to Women In Technology, an independent organisation focusing on the advancement of women in technology industries. During 2008–09 Women In Technology recognised the extensive experience of the Assistant Director of IT Services, Ms Sheree

Smallman, with the ‘New Horizons Information Communication Technology Professional Award’.

The following table provides a breakdown of salary levels by gender:



Our governance framework

The department's governance framework provides mechanisms to drive performance, achieve our organisational goals and objectives and deliver on government outcomes. The framework ensures the department undertakes its responsibilities for policy and service delivery in an open, accountable and ethical way.

Leadership and strategic management



Board of Management, Department of Justice and Attorney-General.

Back (l-r): **Phil Clarke**, Deputy Director-General, Justice Services; **Terry Ryan**, A/Assistant Director-General, Strategic Policy, Legal and Executive Services; **Brett Walker**, A/Assistant Director-General, Corporate Services; **Simon Blackwood**, Executive Director, Workplace Health and Safety Queensland; **Ian Warren**, Director, Financial Services (Observer)

Front (l-r): **Greg Cooper**, Crown Solicitor; **Rachel Hunter**, Director-General; **Barry Leahy**, Deputy Director-General, Office of Fair and Safe Work Queensland; **Anthony Moynihan, SC**, Director of Public Prosecutions

As chief executive officer of the department, the Director-General is supported in meeting her statutory responsibilities under the *Public Service Act 2008*, the new Act and other relevant legislation, by the expert advice and assistance of the Board of Management and five special purpose governance committees.

Board of Management profiles

Rachel Hunter, Director-General

Rachel Hunter was appointed as Director-General in March 2009. She is the department's chief executive, responsible to the Premier and the Attorney-General and Minister for Industrial Relations for leading and managing the department. Before her appointment, Rachel served as Director-General of the then Department of Education, Training and the Arts and previously held the position of Director-General of the Department of Justice and Attorney-General from 2003 to 2006. She also served as Queensland's Public Service Commissioner.

Phil Clarke, Deputy Director-General, Justice Services

Phil Clarke was appointed as Deputy Director-General, Justice Services in January 2009. In this role Phil is responsible for all aspects of the administration of the justice system, including courts, tribunals, community justice services, and certain statutory bodies. Phil is also responsible for the administration of the Office of the Director of Public Prosecutions and Crown Law. Previously, Phil was the Deputy Director-General, Strategy and Policy, Department of Local Government, (Planning), Sport and Recreation. Phil holds a Master of Regional Science, a Diploma of Teaching (Technical and Further Education) and a Bachelor of Applied Science (Surveying).

Barry Leahy, Deputy Director-General, Office of Fair and Safe Work Queensland

Barry Leahy is Deputy Director-General, OFSWQ with responsibility for workplace health and safety, industrial relations, electrical safety and workers' compensation policy in Queensland. Barry was previously the chief executive officer of Comcare and holds a Bachelor of Economics.

Brett Walker, A/Assistant Director-General, Corporate Services

Brett Walker has had responsibility for corporate services within the department since 18 May 2009. He was formerly the Executive Director, Executive and Strategic Services in the former Department of Employment and Industrial Relations (DEIR) a position he held since August 2005. During the past 10 years, Brett undertook a number of senior roles within DEIR and his career in the public sector spans more than 30 years in a number of departments. He is a Fellow of CPA Australia.

Simon Blackwood, Executive Director, Workplace Health and Safety Queensland

Simon Blackwood has been the Executive Director of Workplace Health and Safety Queensland since February 2008. For the previous nine years he was general manager of the Queensland Government's Division of Private Sector Industrial Relations. He is highly experienced in the field of industrial relations having spent more than 20 years working and studying in the area.

Anthony Moynihan, SC, Director of Public Prosecutions

Anthony Moynihan was appointed Director of Public Prosecutions on 23 June 2008. He was admitted to the Queensland Bar in 1991 and took silk in November 2006. Anthony practised at the private bar for five years before becoming a Crown Prosecutor with the then Queensland Office of the Director of Public Prosecutions and being appointed Deputy Public Defender with Legal Aid Queensland in 1999. During his time as Deputy Public Defender, Anthony specialised in appellate work before the Court of Appeal and High Court. He is also involved in teaching advocacy skills with the Australian Advocacy Institute and has served on the Council at the Bar Association since 2006.

Terry Ryan, A/Assistant Director-General, Strategic Policy, Legal and Executive Services

Terry Ryan has led the department's justice policy, legislative and executive services functions since April 2008. Terry was previously the director of the department's Strategic Policy Unit since 2001. He joined the department in 1996 after a career as a social worker and lawyer in the private and public sectors. He is also a member of the Australian Criminology Research Council and the Board of the Institute of Criminology.

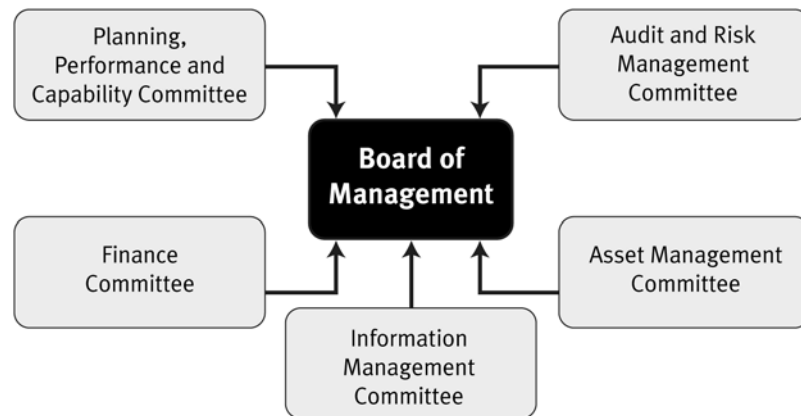
Greg Cooper, Crown Solicitor

Greg Cooper was appointed Crown Solicitor on 1 November 2008. Before his appointment, Greg spent four years as Deputy Crown Solicitor of the Litigation Branch and six years as Crown Counsel. The Crown Solicitor acts as the solicitor for the state, and provides independent legal advice to the Premier, the Attorney-General, ministers, directors-general and departmental officers on matters of importance to the Government. The Crown Solicitor takes responsibility for resolving any real or perceived conflict of interest involving a legal matter being handled by Crown Law, and is responsible for setting the professional and ethical standards of the legal practice. Greg has extensive expertise in those areas of law which have particular impact on government departments and agencies.

Committee structure

The five special purpose committees support the Board of Management in its strategic leadership functions by monitoring performance and identifying and implementing business improvement opportunities in their key areas of responsibility.

In 2008–09 the committee structure, terms of reference and memberships were reviewed to integrate the committees of the industrial relations component of the former Department of Employment and Industrial Relations and the Department of Justice and Attorney-General. The committee structure was established to develop a stronger and more integrated approach to departmental planning and performance.



Working with clients and stakeholders

Engagement

Direct engagement with stakeholders and the community through discussion papers, draft bills, meetings, seminars, forums, working groups and our website strengthens policy decisions and ensures better service to the people of Queensland. During 2008–09 a number of discussion papers were provided for community comment. These included:

- *Victims who kill their abusers: a discussion paper on defences* to provide the community and government with an opportunity to consider the development of a new 'battered persons' defence
- *Model Criminal Law Officers' Committee's Discussion Paper* on non-consensual genetic testing which proposed draft model offences to

criminalise it, with submissions to be published on the Commonwealth Attorney-General's department website

- two discussion papers reviewing neighbourly relations to enable Queenslanders to have their say about neighbourhood disputes concerning trees and fences
- the Queensland Law Reform Commission's discussion paper on the defence of provocation examined options for changing the scope of that defence
- stage two of the Queensland Law Reform Commission's consultation on Queensland's guardianship laws looked at the threshold issues of capacity, the general principles and health care principle
- the Queensland Law Reform Commission's issues paper on jury directions and warnings considered several options to improve jury directions generally, as well as whether jurors can be assisted by the provision of other information, such as transcripts or other written aids
- the Office of the Public Advocate released and sought feedback on an issues paper *In Sickness and in health: addressing the health care needs of adults with a decision-making disability*.

Extensive stakeholder consultation contributed to:

- a review of the civil and criminal justice system in Queensland by the Honourable Martin Moynihan AO QC, with the aim of identifying practical improvements to resolve cases more quickly and fairly
- an audit of court matters concerning the assault of children by their parents. This audit was conducted to investigate whether the prosecution of such assaults was impacted by the use of defence in section 280 of the Criminal Code that allows the use of such force to a child or pupil as is reasonable in the circumstances for the purposes of correction, discipline, management or control, by a parent, a person in the place of a parent or a school master.

Other engagement strategies included:

- the Standing Committee of Attorneys-General (SCAG) requested comments on the draft Spent Convictions Bill 2008—the Bill was developed to address inconsistencies across Australia with the aim of providing a uniform national model for a spent convictions scheme
- SCAG developed and released the draft *National Indigenous Law and Justice Framework* to provide an opportunity for stakeholders to continue to engage in the development of the framework. The draft framework aims to provide a national approach to serious and complex justice issues affecting Aboriginal and Torres Strait Islander people
- the Department of Justice and Attorney-General undertook community consultation, through an external community reference group, as part of its victims of crime review. The victims of crime review report was publicly released in February. The draft Victims of Crime Assistance Bill 2009 which implements the new Victim Assist Queensland service was released for comment
- as part of its consultation on Queensland's guardianship laws, the Queensland Law Reform Commission held a series of community forums in Townsville, Cairns, Rockhampton, Bundaberg and Brisbane, as well as on the Gold Coast and Sunshine Coast
- the Office of the Public Advocate convened a number of forums to enable participants to discuss barriers to and successful strategies for achieving

social inclusion. It is anticipated that an issues paper discussing the outcomes and other research will be launched in 2009–10

- the development of community engagement toolkits for five key regions including Brisbane, Cairns, Logan, Townsville and Toowoomba under the department's Multicultural Action Plan. The toolkits enabled regional staff to make valuable contacts with local Culturally and Linguistically Diverse (CALD) organisations and communities to better understand multicultural issues and deliver departmental information and culturally appropriate services.

Reviews

In 2008–09 the Department of Justice and Attorney-General was one of several entities audited by the Queensland Audit Office (QAO) in relation to security management systems and IT network security. The results of the audit are included in the Auditor-General of Queensland Report to Parliament No. 4 for 2009, tabled on 30 June 2009.

Security management system audit

The scope of the Security Management System audit was to compare the security management framework adopted by the department to recognised better practice. The audit examined both physical and personnel security in place at the Brisbane Magistrates Court and the Beenleigh Magistrates Court.

QAO made a number of recommendations to consolidate security policies and improve risk identification.

The department will address the recommendations in 2009–10.

IT network security audit

The Information Technology (IT) Network Security audit analysed IT networks to ascertain whether controls surrounding network security were designed, implemented and operating effectively. This extended to security over external access to agency networks and the identification of internal security controls.

The audit of IT network security showed that security technologies and associated controls had been deployed.

Risk management

In 2008–09 the department reviewed a number of its risk management frameworks.

The new Risk Management Policy was endorsed by the Audit and Risk Management Committee and approved by the Director-General in October 2008. It was developed as required under the *Financial Administration and Audit Act 1977*, section 36 and the *Financial Management Standard 1997*, division 5. The policy complies with the Australian Standard on Risk Management: AS/NZS43:60. The new policy has reduced duplication and aligned the department's risk management systems with best practice in this area.

Business continuity planning and pandemic planning policy and procedures were also reviewed and improved during the year.

The department's systems appraisal process was reviewed throughout the year to refine and improve it. Sections 36 and 46C of the *Financial Administration and Audit Act 1977* impose a duty upon accountable officers to manage their agencies effectively,

efficiently and economically. The *Financial Management Standard 1997* requires each agency to establish an internal control structure that contributes to the efficient and effective management of agency operations. The review resulted in improved efficiencies for the department and allowed the appraisals to be tailored to better suit the department's operations.

Audit and Risk Management Committee

The role of the Audit and Risk Management Committee is to act as an independent advisory body to the Director-General in order to assist in the effective discharge of the responsibilities prescribed in the *Financial Administration and Audit Act 1977*, the *Financial Management Standard 1997* and relevant policies.

The committee operates under the approved terms of reference and has due regard to Queensland Treasury's audit committee guidelines.

The committee's key roles and responsibilities are to:

- assess and enhance the department's corporate governance framework, including its systems of internal control and the internal audit function
- assess and contribute to the audit processes related to the identification of the department's risks and exposures
- evaluate the quality of the internal audit function, particularly in respect of planning, monitoring and reporting. This extends to reviewing and evaluating the quality of the internal audit strategic and annual audit plans
- oversee and appraise the financial reporting processes, including review of the department's annual financial statements
- review the department's risk management planning, monitoring and reporting processes.

Achievements in 2008–09 included:

- review and endorsement of the 2008–09 internal audit plan and the 2008–12 strategic internal audit plan
- consideration of internal audit reports and other audit papers presented, including review of the adequacy of management's implementation of audit recommendations
- analysis of the department's draft financial statements for 2007–08 prior to endorsement by the Director-General
- endorsement of the department's risk management framework, including policies and procedures relevant to a range of risk management activities.

The department's Audit and Risk Management Committee consists of the following members:

Standing members

Deputy Director-General, Justice Services (Chair)

Assistant Director-General, Corporate Services (Deputy Chair)

General Manager, Office of the Director of Public Prosecutions

General Manager, Crown Law

Director, Information Technology Services

Director, Corporate Governance

One senior Justice Administration representative (to be appointed by the Chair)
Executive Director, Electrical Safety Office
External representative, appointed on a two year basis

Observers

Director, Financial Services
Director, Internal Audit
Director, Audit (Queensland Audit Office)
Audit Manager (Queensland Audit Office)

Recordkeeping

Sound recordkeeping practices underpin good corporate governance.

All departmental records are public records as defined under the *Public Records Act 2002* and are therefore evidence of business activities and transactions. An electronic Document and Records Management System (eDRMS) allows departmental officers to effectively manage administrative records. Several case management systems capture and manage the department's core business records.

During 2008–09, implementation of *Information Standard 40—IS 40 Recordkeeping* continued and ongoing training was provided to assist officers in understanding their recordkeeping roles and responsibilities. The training program will continue during 2009–10 with a focus on improving overall compliance under *Information Standard 40—IS 40 Recordkeeping* and *Information Standard 31—IS 31 Retention and Disposal Public Records*.

Internal audit

The Internal Audit Unit reports directly to the Director-General on both audit and administrative matters. A corresponding reporting and accountability relationship with the Audit and Risk Management Committee further strengthens the independence of the unit.

The unit supports the Director-General and management by conducting reviews of key financial, accounting and information management systems at all levels of the organisation.

The unit identifies and manages areas of significant risk which include cyclical audits, risk assessments, audit advice, project work and ongoing consultation with senior management throughout the department. In conducting audit functions, the unit has due regard to Queensland Treasury's Audit Committee Guidelines.

Key achievements of the Internal Audit Unit in 2008–09 included:

- development and implementation of the 2008–09 internal audit plan and the 2008-12 strategic internal audit plan
- continued progression of the audits of regional Magistrates Court, and Supreme and District Court Registries
- acceptance of audit recommendations relevant to a number of significant corporate audits
- consulting on key departmental committees and steering committees for a number of key projects
- implementation of an electronic database to manage and monitor outstanding audit recommendations for reporting to the Audit and Risk Management Committee
- acceptance of all audit reports by the Audit and Risk Management Committee.

Financial snapshot

The financial amounts summarised below include the activities of the Department of Justice and Attorney-General (excluding administered activities).

	2008-09	2007-08
Income	\$397.260m	\$336.961m
Expenses	\$393.515m	\$337.960m
Operating surplus / (deficit)	\$3.745m	(\$0.999m)
Net assets	\$824.723m	\$737.184m

The operating surplus in 2008-09 primarily reflects the surplus associated with the introduction of a new business model for the Registry of Births, Deaths and Marriages from 1 January 2009 and surplus generated by Crown Law.

The operating deficit in 2007-08 primarily reflects the use of existing cash balances of the Consumer Credit Fund towards consumer education initiatives and also represents approved non-cash losses associated with the write downs of non-current physical assets.

The department is mainly funded through appropriation funding by the Government in return for the services delivered by the department. Appropriation funding is also referred to as output revenue. Output revenue represents 80.8 per cent of total revenue. During 2008-09, the department recognised 'output revenue' of \$320.965m compared to \$295.546m for the previous year, representing an increase of \$25.419m or 8.6 per cent. The increase in output revenue is largely attributable to additional funding for workload increases and special prosecutions in the Office of the Director of Public Prosecutions, legal costs of Dangerous Sexual Offenders, implementation costs of the Queensland Civil and Administration Tribunal, Victims of Crime reform, the transfer of funding for the Public Safety Network and salary increases due to enterprise bargaining.

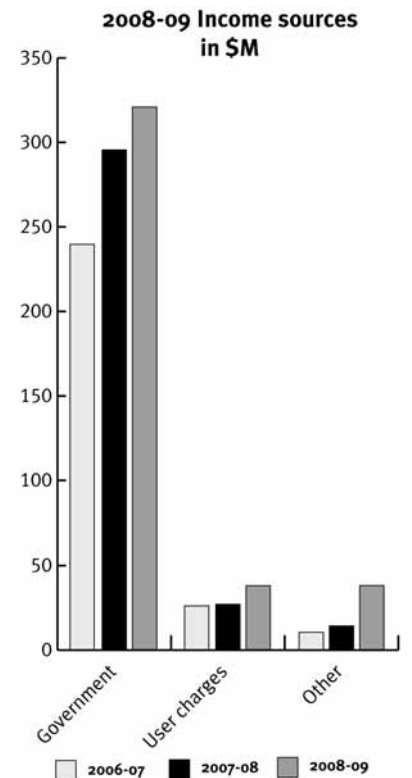
User charges revenue totalled \$38.080m for the year and principally comprised Crown Law Professional Services and revenues generated through the introduction of a new business model for the Registry of Births, Deaths and Marriages from 1 January 2009.

Machinery of government changes

The entity listed below was transferred to the Department of Justice and Attorney-General during the financial year.

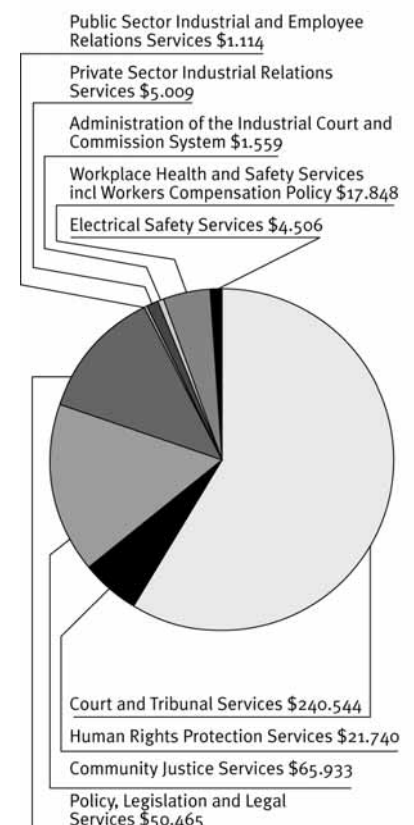
Industrial Relations, Workplace Health and Safety and Electrical Safety

The functions and responsibilities for Industrial Relations, Workplace Health and Safety and Electrical Safety were transferred from the former Department of Employment and Industrial Relations to the Department of Justice and Attorney-General as a consequence of a machinery of government change as per the *Public Service Departmental Arrangements Notice (No. 2) 2009* with effect from 27 March 2009.

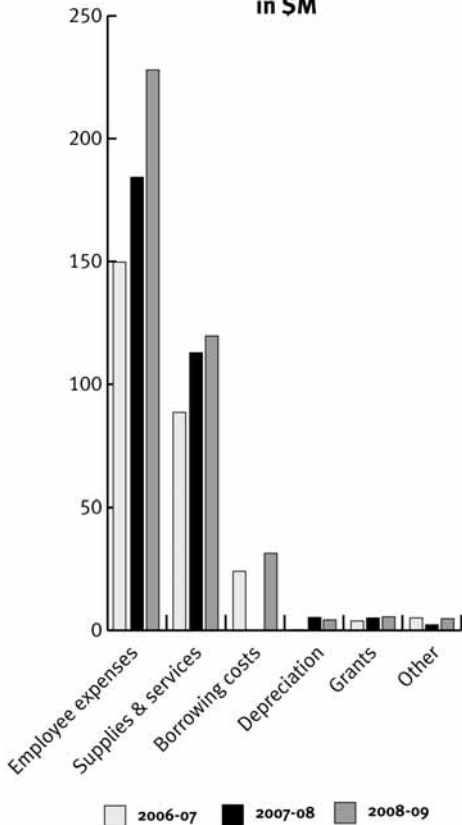


The above graph totals to \$408.718m which does not agree to the total revenues of \$397.260m noted in the summary table at the beginning of this snapshot. This is due to \$11.625m in interdepartmental eliminations and \$0.167m revenue relating to regional service delivery which are not quoted in the outputs summary table above.

2008-09 Income by Output in \$M

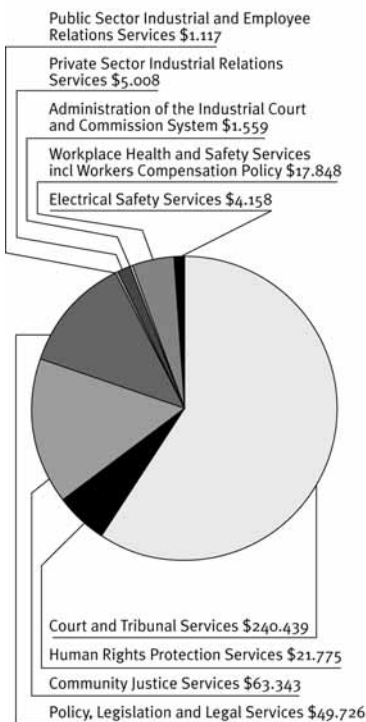


2008-09 Expenses by category in \$M



The above graph totals \$404.973m which does not agree to the total expenses of \$393.515m noted in the summary table at the beginning of this snapshot. This is due to \$11.625m in interdepartmental eliminations and \$0.167m expenses relating to regional services delivery which are not being quoted in the outputs summary table above.

2008-09 Expenses by Output in \$M



The entity listed below was transferred from the Department of Justice and Attorney-General during the financial year.

Office of Fair Trading

The functions and responsibilities for the Office of Fair Trading were transferred from the Department of Justice and Attorney-General to the Department of Employment, Economic Development and Innovation (DEEDI) as a consequence of a machinery of government change as per the *Public Service Departmental Arrangements Notice (No. 2) 2009* with effect from 1 April 2009.

Outputs

Funding is provided to assist the department to achieve a range of outputs which underpin the Government's priorities.

The department's outputs are as follows:

- Court and Tribunal Services
- Human Rights Protection Services
- Policy, Legislation and Legal Services
- Community Justice Services
- Electrical Safety Services
- Private Sector Industrial Relations Services
- Public Sector Industrial and Employee Relations Services
- Administration of the Industrial Court and Commission System
- Workplace Health and Safety Services (including Workers' Compensation Policy).

Where the funds come from

The funds are supplied mainly by government as output revenue to enable the department to carry out its services.

User charges are amounts received by the department for chargeable services rendered. For instance, legal services rendered by Crown Law and sales and services provided by the Registry of Births, Deaths and Marriages.

Other revenues include grants received, interest received, services received free of charge and other minor receipts.

How the funds are spent

Employee expenses are the amounts incurred with respect of employees and related salary on-costs such as superannuation. Employee expenses increased by \$43.729m, or 23.7% and primarily comprises additional funding provided for workload increases and special prosecutions in the Office of the Director of Public Prosecutions, implementation costs of the Queensland Civil and Administration Tribunal, Victims of Crime reform and salary increases due to enterprise bargaining.

Supplies and services are the costs incurred from third parties for the daily operation of the Department during the financial year.

Grants and Subsidies totalled \$5.514m in 2008-09 and principally represent grants provided for Community Justice Groups.

Borrowing costs is the interest paid to Queensland Treasury Corporation on the funds borrowed for the construction of the Brisbane Magistrates Court Complex.

Depreciation is the value by which the assets are consumed during the year.

Other expenses principally comprise loss on the disposal of property, plant and equipment and other minor expenses.

Capital expenditure overview

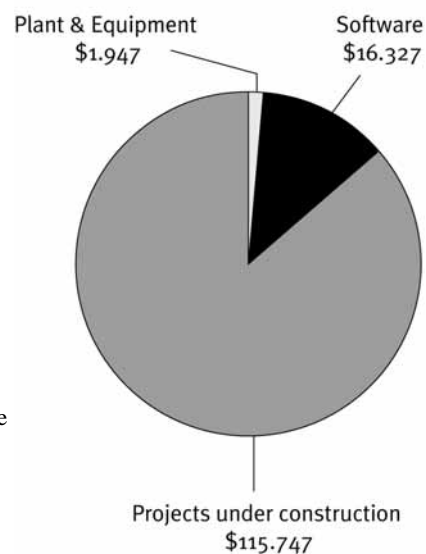
Capital expenditure of \$134.021m was incurred during the year.

Projects under construction consist mainly of capital expenditure on the construction and upgrade of courthouses including the Brisbane Supreme and District Court Complex, Ipswich, Mareeba and Pine Rivers.

Funds spent on plant and equipment includes copiers, equipment and stenograph machines in courthouses.

The software expenditure consisted of continued development of the Integrated Justice Information Strategy (IJIS) System, Prosecutions Case Management Information System, Queensland Wide Integrated Courts System (QWIC) Renewal and other minor projects.

2008-09 Capital Expenditure in \$M







**Crown Law—Solutions for Government
2008–09 Annual Report**





Crown Law Annual Report 2008–09

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Crown Solicitor's overview

2008–09 was an exceptional year for Crown Law. Good financial results and significant improvements in the way we conduct our business allowed Crown Law to pay a dividend to the Queensland Government. I believe that this achievement was a result of the investment in staff we made during the year.

We concentrated on two key areas in 2008–09:

- our people
- our clients.

Our people

Focusing on the most important aspect of Crown Law—our people—we:

- created two Senior Deputy Crown Solicitor positions to establish our client management framework and to lead high level legal advice to the Queensland Government
- implemented a leadership development program for our staff
- developed a competency framework for recruiting and developing our staff to ensure that we not only select the best people to work in Crown Law but we develop them in the areas that matter
- implemented a formal mentoring and health and well-being program.

Our clients

We appointed relationship managers to our key clients and implemented a formal reporting mechanism to ensure that we deliver the highest level of service to them.

We developed and launched our client service charter which concentrates on the areas of accessible, accurate, timely, responsive, solution focused, value for money and commercially attuned services.

Crown Law continued to provide significant legal training to our clients with over 2500 Queensland officers being trained.

Thank you

We could not have achieved such solid results in 2008–09 without the dedication of all of our staff. I would like to take this opportunity to thank them for their contribution to our success. Without their commitment, Crown Law could not be the leaders in providing legal solutions to our clients. I would also like to extend my gratitude to my colleagues, the Executive Management Group of Crown Law, for their ongoing support.



Crown Solicitor,
Greg Cooper

Our vision

Crown Law is a full service legal practice providing clients with a knowledge of Queensland Government that is unrivalled by our competitors.

Our vision is to be the leader in providing legal solutions to government.

Our values

At the heart of our business, five core values provide the foundation for our approach across our work:

- working together
- value for money
- getting the job done and improving each time
- respect for people
- responsive client service.

Our business principles outline how we seek to operate in everyday practice as we interact with our clients, our people, the community and the Queensland State Government.

Our clients

Our clients include all Queensland Government departments and agencies, statutory bodies, government owned corporations, commercialised business units, disciplinary boards, tribunals and local government authorities.

Crown Law's commitment is to consistently provide excellent client service that is:

- accessible
- accurate
- timely and responsive
- solution focussed
- value for money
- commercially attuned.

Our structure

Our structure supports career development and succession planning for all legal and support officers.

The Crown Solicitor is the most senior officer in Crown Law, handling the most difficult legal matters on behalf of the Crown. The Crown Solicitor acts as the solicitor for the state, and provides independent legal advice to the Premier, the Attorney-General, ministers, directors-general and departmental officers. The Crown Solicitor also takes responsibility for resolving any real or perceived conflict of interest involving a legal matter being handled by Crown Law, and is responsible for setting our professional and ethical standards.

Crown Law provides direct access to the Solicitor-General, through our Constitutional Law Branch, for advice or representation on significant matters affecting the interests of the state.

Our legal work is divided into five main branches of law—Commercial and Infrastructure, Litigation, Government Insurance, Public Law and Constitutional Law.

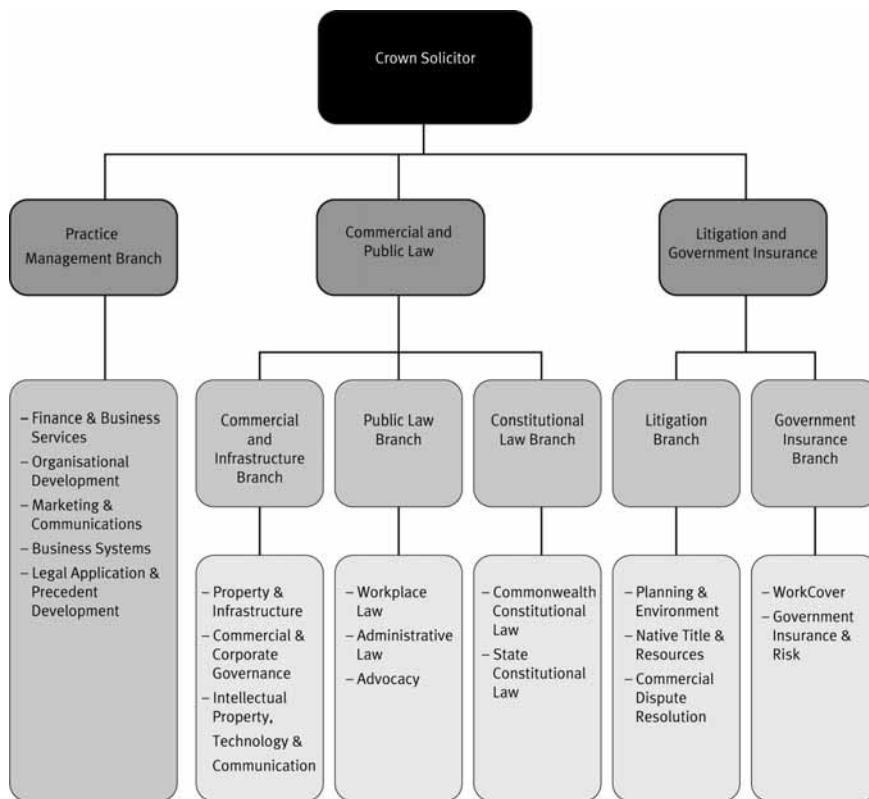
These branches sit under two groups led by our Senior Deputy Crown Solicitors. Each branch is led by a Deputy Crown Solicitor, who reports directly to the group's Senior Deputy Crown Solicitor, who in turn, reports directly to the Crown Solicitor.

There are 16 legal teams to cover all aspects of government. These teams are led by Assistant Crown Solicitors who are highly-qualified lawyers, responsible for the professional handling of all matters allocated to their team.

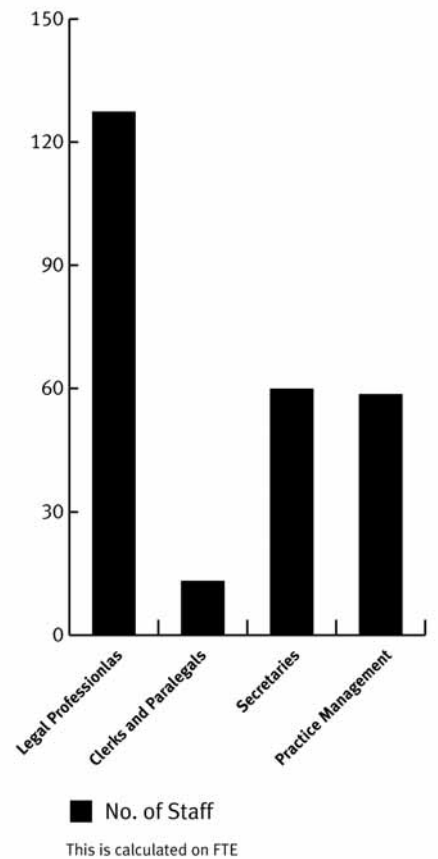
Each legal team has a dedicated group of lawyers and support staff including clerks, paralegals and administrative officers.

The lawyers in Crown Law are also supported by the Practice Management Branch, led by the general manager, who works closely with the Crown Solicitor, Senior Deputy Crown Solicitors, Deputy Crown Solicitors and Crown Counsel on the day-to-day running of Crown Law as a business.

Structure chart



Crown Law staff numbers

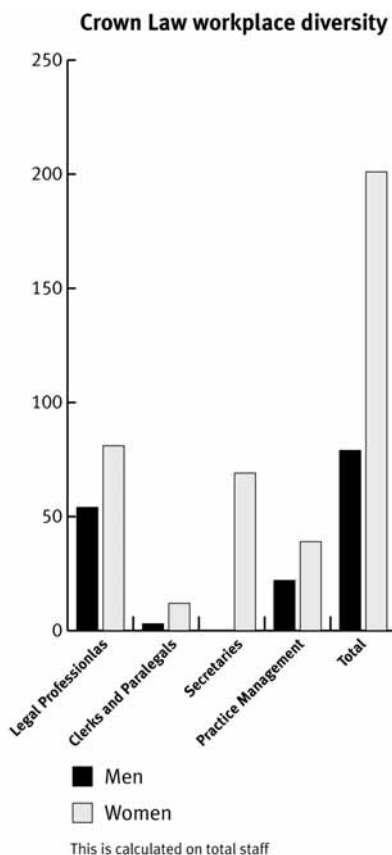


Our people

Crown Law has 280 staff consisting of 135 legal officers and 145 support staff. It is the value of the work of all staff that leads to the high level of service that Crown Law provides to its clients. The graph below depicts the number of Crown Law staff including lawyers, clerks and paralegals, secretaries and the Practice Management Branch.

Crown Law attracts a large proportion of women to its work force as a result of our work life balance initiatives. The office has 79 men and 201 women. The graph left depicts the ratio of men and women within the office.

The graph below left depicts the number of Crown Law staff currently in flexible working arrangements including part-time and telecommuting. Crown Law supports flexible work arrangements and is proud to be able to reflect this support by the number of staff in these arrangements across the office.



Executive management

Crown Law's Executive Management Group is responsible for managing the strategic direction of Crown Law. It is responsible for the development of long-term business strategies and maintaining our focus on delivering high level services for our clients.

This year saw the group strengthened with the addition of two new members and the permanent recruitment of three existing members.

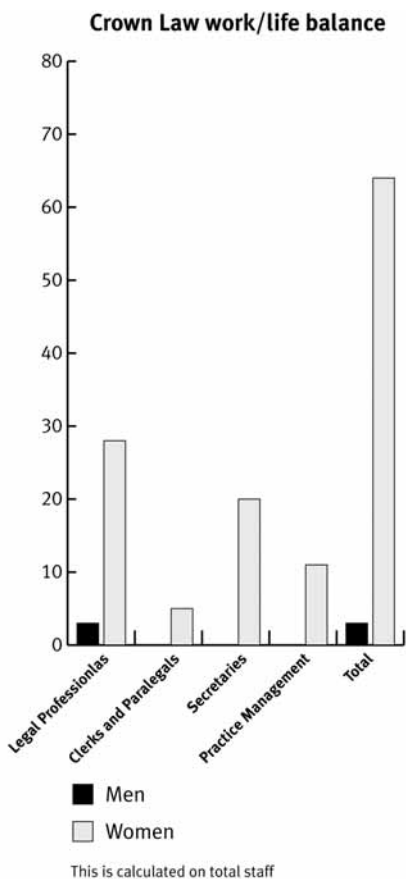
Each member brings a wealth of experience in their specific area of law or business practice and is committed to improving our professional services and leading Crown Law toward our vision of 'Solutions for Government'.



Crown Law's Executive Management Group:

L-R (standing): Senior Deputy Crown Solicitor **Tony Keyes**, Deputy Crown Solicitor **Nicholas Inglis**, Deputy Crown Solicitor **Robert Campbell**, Deputy Crown Solicitor **Helen Freemantle**, Crown Counsel **Steve Marton**, General Manager **Susan Mackie**

L-R (front row): Deputy Crown Solicitor **Nerida Cooley**, Crown Solicitor **Greg Cooper**, Senior Deputy Crown Solicitor **Robyn Martin**



Commercial and public law

Commercial and public law is led by Tony Keyes, Senior Deputy Crown Solicitor and consists of three branches; Commercial and Infrastructure, Public Law and Constitutional Law.

Commercial and Infrastructure Branch

Our Commercial and Infrastructure Branch lawyers combine their specialist knowledge with a unique understanding of the public sector framework, bringing these insights to every matter on which they advise.

The branch deals with a wide variety of commercial, property, infrastructure and information technology legal matters.

Over the last year the branch handled several significant matters including:

- **“Share Your Story” road safety website**
Crown Law provided advice about information privacy issues for the “Share Your Story” road safety website which will allow members of the public to post personal stories relating to road safety.
- **Major roadworks**
The branch provided advice to a number of state government departments on various significant road projects in Queensland, including Airport Link, Eastern Busway and the Bruce Highway upgrade. In addition, the branch is carrying out a significant amount of work on preparing a legislative compliance manual in relation to the construction, maintenance and operation of state-controlled roads and local roads in the Cape York area.
- **Boggo Road ecosciences precinct**
Crown Law advised the then Department of Tourism, Regional Development and Industry about a project for the construction by the state, in collaboration with CSIRO, of an ecosciences precinct at Boggo Road.
- **RiverLink**
Crown Law provided advice about tenure and planning issues associated with the boardwalks and other infrastructure constructed on the banks of the Brisbane River between the Story Bridge and the Botanic Gardens.
- **Microsoft products**
Crown Law advised and assisted in the negotiations for the whole of government Microsoft contract. The contract will provide the basis on which all state government departments and agencies acquire Microsoft products.
- **Vehicle number plates**
Crown Law assisted in drafting agreements for the manufacture, supply and distribution of vehicle number plates in Queensland.
- **Information privacy**
Crown Law provided advice about privacy issues for the Queensland Government and conducted privacy impact assessments for significant projects including the New Queensland Drivers Licence and One School. Crown Law also advised about the new *Information Privacy Act 2009* and has assisted various agencies with drafting contract clauses to give effect to relevant provisions of the legislation.



Senior Deputy Crown Solicitor,
Tony Keyes.

Constitutional Law Branch

Crown Law's Constitutional Law Branch provides support to the Solicitor-General and Attorney-General. The branch has significant experience in advising clients in the area of constitutional law and addressing complex questions involving statutory interpretation.

Coupled with a thorough understanding of the operation of government, the breadth of experience allows the Branch to provide responsive and practical advice on a broad range of constitutional law issues.

This year, significant litigation which involved the branch included:

- ***Colbran & Ors v. State***
Crown Law defended a damages suit brought against the state by three coffee growers, alleging negligence following the spraying of their crops during the Papaya Fruit Fly Eradication Program in 1996. This has been an ongoing matter that Crown Law has been involved in since 1998. The growers were awarded approximately \$9m in damages and interest.
- ***Meshlawn v. State of Queensland and Ringrose***
The principal cause of action in this case is one of misfeasance in public office. The trial commenced on 30 March 2009 in the Brisbane Supreme Court before Applegarth J., but was adjourned on 1 April 2009 after the plaintiffs were granted leave to amend their claim, subject to certain conditions. The trial resumed on 11 May 2009 and was completed on 13 May 2009. Crown Law is awaiting judgment.

The Attorney-General receives notices under s.78B of the *Judiciary Act 1903* (Cth) of litigation involving constitutional issues. The Attorney-General is entitled to intervene in those proceedings. These included:

- ***Selim and Wong v. Commonwealth***
These High Court proceedings involved an argument that certain provisions of the *Health Insurance Act 1973* (Cth) offend against the prohibition on civil conscription in s. 51(xxiiiA) of the Constitution. The Attorney-General intervened in support of the Commonwealth and the High Court held that the challenged provisions were valid.
- ***Clarke v. Commonwealth***
This challenge, by a South Australian Member of Parliament, looked at the constitutional validity of Commonwealth legislation concerning the imposition, assessment and collection of a surcharge on members of 'constitutionally protected superannuation funds'. The application of the so-called Melbourne Corporation principle was central to the challenge.
- ***K-Generation Pty Ltd v. Liquor Licensing Court (South Australia)***
K-Generation was refused a liquor licence on the basis of certain information that had been classified as 'criminal intelligence' under the relevant statute. K-Generation argued that the South Australian legislation directed the Liquor Licensing Court to deny natural justice to K-Generation. This was said to render the Liquor Licensing Court an unsuitable repository for the exercise of federal jurisdiction because of the so-called Kable principle. The High Court rejected K-Generation's arguments and in doing so, the High Court confirmed that the Kable principle does apply to State courts below the level of the Supreme Court.

The Constitutional Law Branch's work has included providing advice on:

- legislation relating to the Murray-Darling Basin
- proposed amendments to the *Dangerous Prisoners (Sexual Offenders) Act 2003*

- proposed amendments to the *Parliament of Queensland Act 2001*
- proposed amendments to the *Racing Act 2002* concerning the use of race fields
- the application of the caretaker convention
- the *Telecommunications Interception Bill 2009*
- proposed amendments to the *Child Protection Act 1999*
- the oil spill in Moreton Bay
- the state's response to swine flu.

Public Law Branch

The Public Law Branch consists of three teams that deal with long-established legal disciplines, such as industrial law and statutory prosecutions, as well as issues such as anti-discrimination, judicial review and freedom of information.

Lawyers within the Public Law Branch have a high level of practical knowledge of the structure and workings of parliament, the judiciary and the executive.

The Public Law Branch has been involved in a number of significant matters:

- **Wotton**
Crown Law acted on behalf of the state of Queensland and a number of other respondents, including the Queensland Commissioner of Police, Mr Robert Atkinson, the Hon. Linda Lavarch, the Hon. Kerry Shine and the Hon. Judith Spence in the Federal Court claim by Lex and Cecilia Wotton alleging racial discrimination due to treatment during and after the Palm Island riots.
- **Pacific Adventurer – oil spill**
Crown Law received instructions from Maritime Safety Queensland and the Environmental Protection Agency to provide advice in relation to the oil spill in waters off the Queensland coast.
- **Hurley v. Clements & Ors**
Crown Law acted for the State in the appeal by Christopher James Hurley against findings made by Deputy State Coroner, Christine Clements, in relation to the death of Mulrunji in November 2004 on Palm Island. Crown Law has been involved in this ongoing matter since it commenced in 2007.



Commercial and Public Law Group:

L-R (standing): Phil Boustead, Michael Boughey, Rob Hutchings, Andrew Ross, Helen Freemantle, Brent Manning, Gerard Sammon, Robert Campbell

L-R (front row): Steve Marton, Karen Watson, Robyn Hill, Tony Keyes

Litigation and government insurance

The Litigation and Government Insurance Group is led by Robyn Martin, Senior Deputy Crown Solicitor and consists of two branches, Litigation and Government Insurance.

Litigation Branch

Crown Law's Litigation Branch provides legal advice and representation for clients in the areas of planning and environment, native title and resources and commercial dispute resolution. Involvement in disputes has always been high risk for government agencies and it remains ever present as we migrate towards more commercial and business activities.

Litigation Branch Lawyers have successfully managed some of the most complex and controversial civil and commercial litigation in recent times. They range across all state and federal courts and have involved major private sector corporations in Queensland.

Some of the more significant matters dealt with by the branch in the last financial year include:

- **Building the Education Revolution**
Crown Law provided advice to the Department of Education and Training about mechanisms to facilitate the undertaking of projects to upgrade facilities on school sites as part of the Commonwealth Government's economic stimulus package.
- **Torres Strait Regional Sea Claim**
Since September 2008 Crown Law has been acting on behalf of the Department of Environment and Resource Management in the trial of the Torres Strait Regional Sea Claim.
- ***Suncorp Metway Insurance Limited v. State of Queensland and Sgt Campbell***
In September 2008 the state was served with an application to renew a Supreme Court claim issued in 2003 by Suncorp against the State and Sergeant Wayne Campbell. Crown Law acted for Queensland Police Service and Sergeant Campbell.

Government Insurance Branch

The Government Insurance Branch was formed in August 2008 to allow for the expansion of Crown Law's personal injuries teams and the WorkCover team.

The diverse range of injuries and work related incidents which occur throughout Queensland as a part of the day-to-day operations of government inevitably lead to some degree of litigation and the Government Insurance Branch specialises in managing complex and contentious personal injury litigation.

The branch works closely with the Queensland Government Insurance Fund, the principle insurer for Queensland Government departments and agencies to ensure the most cost effective outcomes for government.

There were several significant matters for the branch during the last year including:

- **Mount Isa mines claims**
Crown Law acted on behalf of various state government agencies in several personal injuries claims made on behalf of children who are allegedly suffering developmental delays as a result of being exposed to lead whilst living in Mount Isa. A specialist team has been formed to handle these claims.



Senior Deputy Crown Solicitor,
Robyn Martin

- **Rungoo tilt train incident**
Crown Law is currently defending claims arising out of the Rungoo tilt train incident.
- **WorkCover claims**
The WorkCover Team has experienced a surge in asbestos injury related claims and it is expected a number of similar claims will follow.
- ***State of South Australia and Minister for Education State of South Australia – ats – Christopher Wetherall and Anglican Diocese of Brisbane***
Crown Law was successful in the conduct of a recent Queensland Court of Appeal matter which has significant ramifications for all states where personal injury claims are concerned. It is the first decided case in 13 years where the state, or indeed any defendant, has succeeded in raising a defence against the expiration of the limitation period and to defeating a claim based on an argument of prejudice. The plaintiff is currently however seeking special leave to appeal to the High Court.
- **Collingwood Park claims**
Crown Law continues to act on behalf of a number of agencies in relation to the ground subsidence which occurred at Collingwood Park on 26 April 2008. The claims relate to allegations of psychiatric injury having been suffered by residents as a result of diminution in value of property due to the ground subsidence.
- **Palm Island claims**
Crown Law continues to defend a number of claims for personal injury and loss of dependency brought by relatives of the Doomadgee family following the death in custody of aboriginal man Mulrunji in November 2004.



Litigation and Government Insurance Group:

L-R (standing): Paula Freeleagus, David French, Jan Mills, Lara Rega, Robyn Martin, Glenn Wilshier, Eve Fraser

L-R (front row): Leah Mogg, Nicholas Inglis, Nerida Cooley, Tony Stella



General Manager,
Susan Mackie

Practice management

The general manager, Susan Mackie, is responsible for setting the business direction of Crown Law, managing its staff and the overall office performance. Susan's role also includes heading the Practice Management Branch.

Crown Law's Practice Management Branch consists of specialist teams which support and advise the legal branches on long term and day-to-day planning, management and administration tasks. The branch works with Crown Law's legal teams providing the corporate services necessary for a legal practice. These include:

- finance and billing
- organisational development and human resource management
- business systems
- marketing and communications
- management of the legal application and precedent development system.

Each of these teams has responsibility for ensuring the correct and most efficient operating conditions are maintained at all times.

Finance and business services

The Finance and Business Services Team is responsible for financial and asset management. This includes coordination of client billing, expenses and disbursements, travel arrangements, accommodation and furnishings, stationery and other general stores and inventory. During 2008–09, the Finance and Business Services Team progressed the Crown Law's staged billing model, leading to better outcomes for both our clients and Crown Law.

Organisational development

Our Organisational Development Team provides services for the planning and development of Crown Law's staff, from recruitment and selection to identifying and providing learning opportunities for all staff. This year, the Organisational Development Team introduced initiatives aimed at streamlining and improving the quality of staff and staff management. These included competency frameworks for lawyers and managers, performance based contracts for senior lawyers, dedicated leadership and mentoring training programs, and a health and wellbeing program to improve the work life balance for staff.

Legal application and precedent development

During 2008–09, the Legal Application and Precedent Development Team has implemented custom case management systems to 13 legal teams throughout Crown Law and trained over 200 staff in its use. The team has generated significant revenue through the provision of its services to the Office of the Director of Public Prosecutions and is investigating the opportunity to develop services for other state government departments.

Marketing and communications

The Marketing and Communications Team manages publication tasks including client newsletters, legal updates, and other promotional material. It conducts client training and maintains the online presence of Crown Law. Our delivery of legal training to clients and the Queensland Government in general continues to expand. The team has coordinated

around 30 events during the year, including 16 legal briefings, a range of client presentations and workshops and the 150th anniversary ball for Crown Law.

Business systems

Support and planning for Crown Law's information and communication technology and software is managed by the Business Systems Team. We provide training in the hardware, software and systems used by Crown Law, and technical support to staff. During 2008–09 we trained over 100 new staff and completed upgrades including the replacement of over 110 personal computers and the deployment of dual monitors to over 150 work stations throughout Crown Law.

During the 2008–09, Crown Law made significant investments in our information and communication technology and systems environment. These investments have and will continue to demonstrate their effectiveness in improvements to the timeliness, responsiveness and consistency of Crown Law service. They include a project to replace our practice management system and the implementation of our case management system.

Other changes include:

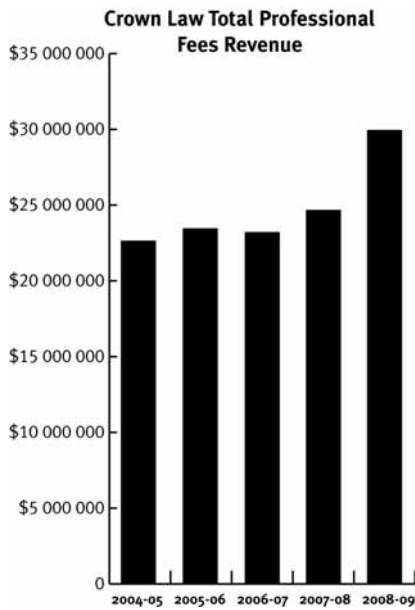
- increased capability for mobile and remote connectivity for staff to access information and resources from remote locations or outside of normal working hours
- an upgrade of Crown Law's document management system
- the implementation of a records management system
- digitalisation of paper documents into electronic format
- the introduction of text searchable Portable Document Format (PDF) advices
- the upgrade of document and work type
- introduction of an application which allows lawyers to dictate to their mobile device, then send directly to their secretaries to transcribe.



Practice Management Branch Managers:

L-R (standing): Lauren Fox, Holly De Bortoli, John Kooreman, Brett Greenslade, Belinda Bayliss

L-R (front row): Susan Mackie, Janice Ma



Our Future

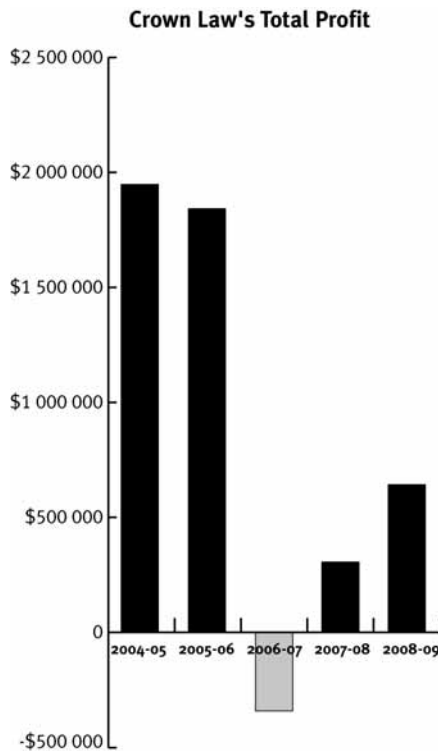
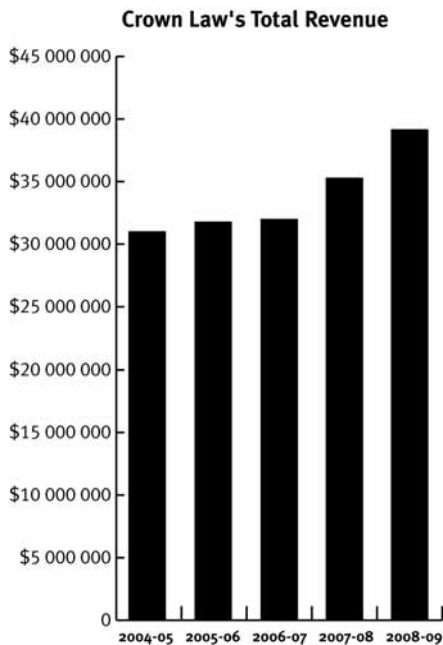
In June 2009 Crown Law's senior leadership community—the Executive Management Group, Assistant Crown Solicitors and Practice Management Branch managers—developed and finalised the Strategic Business Plan for 2009–11.

The future business plan incorporates some of the successful pillars from the last reporting year and sharpens the business focus to concentrate on six key pillars for success:

- building a sense of community
- our people
- developing our current and future leaders
- embedding a performance and accountability culture
- client focused solutions
- building our client base.

Some of the pillars for success have evolved from the 2008–09 strategic plan, as we continue to implement improvements across the office. The 2009–11 plan reflects our evolution and the areas that our leadership community, headed by our Executive Management Group, have decided to focus on in 2009–11. Under each of these pillars are a number of key strategies which are supported not only by the pillar sponsor but also by strategy champions and project managers which enables a multi-levelled approach to strategy implementation and also allows staff from across the office to become involved.

Our results



Income Sheet as at 30 June 2009

	2009	2008
	\$'000	\$'000
INCOME		
Sales of goods and services	29,938	25,376
Interest	622	591
Other revenue	28	12
Total Income	30,588	25,979
EXPENSES		
Employee expenses	22,509	18,544
Supplies and services	6,624	6,317
Depreciation and amortisation	333	330
Other expenses	103	36
Total Expenses	29,569	25,227
Profit	1,019	752
Less Payment to Department of Justice and Attorney-General for Legal Services Coordination Unit	377	446
Net profit/(loss)	642	306

Balance Sheet as at 30 June 2009

	2009	2008
	\$'000	\$'000
ASSETS		
Current Assets		
Cash and cash equivalents	2,455	3,464
Receivables	9,276	6,964
Other current assets	415	38
Total Current Assets	12,146	10,466
Non-current assets		
Plant and equipment	698	900
Intangibles	2,449	1,884
Total non-current assets	3,147	2,784
Total assets	15,293	13,250
LIABILITIES		
Current Liabilities		
Payables	1,170	770
Employee benefits	635	1,683
Total current liabilities	1,805	2,453
Non-current liabilities		
Employee benefits	-	-
Total non-current liabilities	-	-
Total liabilities	1,806	2,453
Equity	13,488	10,797
EQUITY		
Contributed equity	4,435	2,386
Retained earnings	9,053	8,411
Total Equity	13,488	10,797

Appendices

Appendix 1

Dispute Resolution Centres Council: Annual Report 2008–09

The Dispute Resolution Centres Council was established to provide advice to the minister on dispute resolution generally, and the provision of mediation services by the Dispute Resolution Branch (DRB).

The council was established as an advisory council and conducts its business in accordance with the *Dispute Resolution Centres Act 1990*. The council meets for the purpose of discussing and advising on the activities of DRB and has provided advice to the minister. Information provided by the council, in almost all situations, is gathered and presented to the council by DRB.

In 2009, recommendation 127 of the Independent Review of Government Boards, Committees and Statutory Bodies promoted abolition of the council, transfer of the function back into the department, and consequential amendments to the Act. The department is currently facilitating the changes to bring this about in 2009–10.

DRB incorporates the Dispute Resolution Centres, the Justice Mediation Program (adult victim-offender mediation), conflict management training services and administration. Dispute Resolution Centres are currently located in Cairns, Townsville, Mackay, Rockhampton, Hervey Bay and Brisbane. The centres and panels of community mediators attached to each office operate under the auspices of the Act.

This report on the operation of the Act for the year 2008–09 is provided in accordance with section 39.

Administrative responsibility for the Act

Ministerial responsibility for the Act is exercised by the Attorney-General and Minister for Industrial Relations.

The role of the Dispute Resolution Branch

Our role is to help people settle their differences quickly, effectively and inexpensively. We provide trained mediators, who work with the parties in a dispute and encourage them to reach a solution that is satisfactory to both sides.

DRB acts in both the civil and criminal jurisdictions. We endeavour to provide services that are accessible to the community both in regard to mediation venues and hours of operation.

Management of the Dispute Resolution Branch

In August 2008, Lindsay Smith was appointed as the executive manager. This position performs the duties of the director under the Act.

Civil mediation services

Since 1990, DRB has offered a form of facilitative mediation in the management of civil disputes. Initially, the focus of the service was the management of community disputes with particular emphasis on neighbourhood conflicts such as those involving noise, trees and pets.

We continue to provide free and confidential mediation and facilitation for civil disputes. The services provided have been expanded to include commercial, family and environmental disputes. Workplace disputes are mediated on a fee-paying basis.

As well as mediations where attendance is voluntary, there are mediations where attendance is compulsory. Compulsory mediations are usually ordered by courts or tribunals. We work closely with the Magistrates Courts to provide mediation services to resolve court ordered commercial disputes.

Abbreviated mediation

Abbreviated mediation offers clients of the Small Claims Tribunals and Minor Debts Courts the chance to resolve their disputes.

Abbreviated mediation involves a settlement style of mediation and is usually completed within 30–45 minutes. This service is offered to clients through a variety of ‘models’ depending upon the needs of the local Magistrates Court. In some courts, mediators approach clients immediately before their appearance while in other courts, a ‘call-over’ approach is used. If the mediation is unsuccessful, parties attend their hearing on a separate date. In some courts these are the matters being ordered to mediation.

The abbreviated mediation process continues to be well received by clients of each of these jurisdictions and supported by magistrates and courts staff across the state.

Criminal mediation services (justice mediation)

DRB engages in victim-offender mediation incorporating the principles of restorative justice. Both the Act and the *Justices Act 1886* provide for the referral of adult criminal matters for mediation.

Justice mediation involves the application of restorative justice principles in a mediation process designed to address criminal or alleged criminal matters involving adult offenders. This allows victims, offenders and their respective supporters to come together and discuss what happened, how each person has been affected by what happened, and what can be done to repair the damage or harm.

Justice mediation services are currently offered from Brisbane, Ipswich, Cairns, Townsville and Southport. Referrals are received from the Office of the Director of Public Prosecutions, Police Prosecutions, the Queensland Police Service and the Magistrates Courts.

Achievements in 2008–09

DRB conducted 2693 civil mediations. This was a 17 per cent increase on the number of mediations provided in the previous year. The increases are due to an increasing demand for the services. A 73 per cent agreement rate was achieved for voluntary mediations and each file was open for an average of 19 days.

We conducted 357 justice mediations (criminal), with a turnaround time of 53 days. The 85 per cent increase in criminal mediations is as a result of the expanded services.

Delivery of training and National Mediator Accreditation

DRB conducts training in three areas:

- in-house professional development training for accredited mediators
- accreditation training for new community mediators
- commercial mediation and conflict management training for private and public sector organisations and individuals.

We offer generic training courses in mediation, conflict management, negotiation, dealing with difficult clients, facilitation skills, workplace conflict, prevention of workplace bullying and restorative justice. The training team also designs specific courses for fee-paying organisations to meet identified training needs.

We continue to work with Griffith University in delivering undergraduate and post-graduate courses in dispute management and mediation. Collaboration on delivery of the undergraduate law program is in its eleventh year. The Graduate Certificate in Dispute Resolution incorporates practical training provided by DRB with academic assessment by staff of Griffith University. This program commenced operation in 2005.

In 2008–09, DRB aligned its mediation training and assessment practices with the new National Mediator Accreditation Standards. In partnership with Griffith University it also established itself as a Recognised Mediator Accreditation Body—under the national standards—which enables it to accredit mediators with a qualification they can use anywhere in Australia.

DRB is actively involved in the national process that is overseeing the implementation of the National Mediator Accreditation Standards.

Indigenous and other cultural issues

DRB is committed to the provision of services to Indigenous clients in urban and remote Indigenous communities.

Of particular note is the Mornington Island Restorative Justice (MIRJ) Pilot Project which DRB initiated in partnership with the Commonwealth Attorney-General's Department and the department's Indigenous Justice Program. The project has been working collaboratively with the Mornington Island community and other relevant stakeholders to develop a new justice model—a culturally appropriate restorative justice peace-making process—that will work for that community.

DRB seeks to cater for the needs of other cultural groups and where necessary, interpreters are made available at DRB's expense. We consider issues of cultural representation when recruiting and allocating work to mediators.

Mediators

DRB maintains panels of mediators statewide. As well as maintaining panels attached to each of its six Dispute Resolution Centres, community mediators are located in centres including Mount Isa, Emerald, the Whitsundays, Bundaberg, Maryborough, Gympie, Toowoomba, Sunshine Coast and Gold Coast.

During 2008–09 we continued a comprehensive review of mediator terms and conditions. This review has included the employment status of mediators, training, accreditation and a range of entitlements.

In January 2009 amendments to the Act came into effect which will change the way mediators are employed by DRB. Mediators will now be appointed for periods of up to two years and need to maintain their accreditation under the National Mediator Accreditation Standards. Transitional provisions mean that existing accreditation as a mediator under the Act will expire on 31 December 2009.

DRC Council Members

The members of the council were as follows:

Peter McKay (Department of Justice and Attorney-General)

Deputy Chief Magistrate Brian Hine



Professor Nadja Alexander (Australian Centre for Peace and Conflict Studies)

Mr Charlie Watson (Indigenous Mediator)

Chief Superintendent Kevin Hedges (Queensland Police Service)

The council did not meet in 2008–09. Given the recommendation to abolish the council and transfer its functions of overseeing the DRB and advising the minister on dispute resolution back to the department, there may not be more meetings.

I sincerely thank all members for their past contributions and willingness to assist. I also thank all of our mediators and staff for their commendable efforts during the year.

Lindsay Smith

Executive Manager

Dispute Resolution Branch

Appendix 2

Anzac Day Trust: Annual Report 2008–09

Legislation was passed in 1965 that allowed places of public entertainment and amusement to trade on the afternoon and evening of Anzac Day. This heralded the end of an era in which Anzac Day was a 'closed day' and business trading was very restricted. The parliament of the day was optimistic that in return for the bonus of extra trading hours on Anzac Day, those businesses which benefited, would donate to the Anzac Day Trust Fund. The fund was established under the same legislation and provides funding, on application, to organisations offering financial assistance and relief to ex-service men and women and their dependants.

The annual disbursement of the Trust Fund to over 200 ex-service organisations supports:

- aged and infirm veterans wishing to remain in their own homes
- maintenance of essential services
- the construction and maintenance of homes/units for war veterans
- many other services such as advocacy, hospital visits, food hampers and gift/amenities parcels for the sick.

An annual appeal for donations each April begins with a mail out targeting those businesses providing public entertainment and amusement. The main source of funds, however, continues to be an annual grant provided by the Queensland Government.

The trustees

The following Board of Trustees were appointed for a three year term commencing 26 April 2007:

- Mrs P E Waters – chairperson
- Mr Colin Brewer – representing the Legacy Clubs of Queensland
- Mr Peter Jones – representing the Returned & Services League of Australia (Qld Branch)
- Mrs Judith Hunter – representing all other ex-service organisations.

Activities

The main activities of the trust throughout the year are the public appeal, in April and the disbursement of the Trust Fund, including the government grant appropriation, in November of the same calendar year.

Queensland bowls clubs, sporting clubs, metropolitan hotels and bars, cinemas and theme parks/tourist attractions were canvassed in the 2009 appeal which netted a total of \$23 643 from 81 donors (\$29 642 from 57 donors in 2008). The Trust Fund continues to receive generous support from South East Queensland theme parks which has accounted for a substantial percentage of total donations received in recent years.

In the 2008–09 financial year, payments totalling \$1 125 110 were disbursed to 242 applicant ex-service organisations. In the previous financial year, 255 organisations had benefited. Preliminary indications are that disbursements will occur to more than 260 organisations in 2009–10.

Income

The trust was funded predominantly by way of a grant appropriation of \$1 072 112 from the Queensland Government.

Proceeds of the annual appeal totalled \$23 643.

Interest on investments during the year, amounted to \$22 202 and cash at bank as at 30 June 2009 was \$26 707.

Acknowledgments

The Trustees wish to record their gratitude and appreciation to all supporters of the trust, in particular the donors who have maintained their generosity for many years. Certificates of appreciation were issued to all those who contributed.

The Queensland Government is once again commended by the Trustees for its generous financial support. The secretariat and administrative support provided by the Department of Justice and Attorney-General is also gratefully acknowledged.

Financial audit and statements

The audit of the books and accounts of the trust has been performed in accordance with the provisions of the *Financial Administration and Audit Act 1977*.

Disbursement of the ANZAC Day Trust Fund

The Trust Fund is disbursed annually to applicant ex-service organisations in November.

In 2008, \$1 125 110 was disbursed as follows –

Returned and Services League of Australia (Queensland Branch—including branches and sub-branches)	\$488 643
R.S.L. (Qld.) War Veterans Homes Limited	\$100 000
Legacy Clubs of Queensland (made up as below)	\$295 141
Bundaberg	\$8 334
Cairns	\$6 783
Gold Coast	\$20 332
Coolangatta/Tweed Heads	\$25 931
Fraser Coast and Country Burnett	\$8 734
Ipswich	\$9 397
Brisbane	\$142 000
Mackay	\$7 088
Rockhampton and Central Queensland	\$14 183
Toowoomba	\$15 074
Townsville	\$37 285
Other organisations (made up as below)	\$241 326
2nd Battalion The Royal Australian Regiment Association	\$1 000
ADCC War Veterans Trust	\$4 882
Aircrew Association Brisbane Branch	\$1 000
Aust Army Aviation Association	\$1 000
Australian Army Training Team Vietnam Association	\$1 164
Australian Federation of TPI Ex-servicemen and Women Queensland	\$25 316
Australian Red Cross	\$6 165
Australian Women's Army Service Association of Queensland	\$1 000
Bundaberg and District Disabled Veterans Assoc Inc.	\$1 000
Bundaberg and District Ex-Servicewomen's Association Inc.	\$1 000

Caloundra Combined Ex-Servicewomen's Association	\$1 000
Capricorn Disabled Servicemen & Women's Association	
Rockhampton and District Inc.	\$1 017
Council of Ex Servicewomen's Assoc (Qld)	\$1 000
Ex Service Women's Assoc of QLD Inc	\$1 000
Ex-Servicemen & Women's Welfare Association Inc	\$1 000
Ex-Servicewomen's Assoc (Hervey Bay Branch)	\$1 000
F.E.S.R. Navy Assoc (Aust) Inc Qld Div	\$1 000
Far North Qld Veterans & Ex-service Support Centre	\$1 555
Gold Coast & District Ex Servicewomen's Association	\$1 000
Hervey Bay Vietnam Veterans Social Club	\$1 146
Incapacitated Servicemen and Women's Assn of Aust	\$14 787
Naval Associations of Australia – Queensland	\$14 109
National Servicemen's Assoc of Aust (Qld)	\$36 006
Partially Blinded Soldiers Assoc of Aust (Qld Branch)	\$1 265
Post 1955 Veteran's Group Inc	\$1 000
Qld Commando Assoc	\$1 000
Qld Ex-POW Assoc Inc	\$1 662
RAAF Associations	\$16 890
RAAOC Assoc (Qld Division)	\$1 420
Rats of Tobruk Assoc (Qld)	\$1 000
Redcliffe District Ex-service Women's Club Inc	\$1 000
Royal Aust Army Nursing Corps Assoc Qld Inc	\$1 000
Royal Aust Regiment Assoc (Qld Div) Inc	\$1 101
The Royal Naval Assoc QLD Branch	\$1 000
T B Sailors' Soldiers' & Airmen's Assoc (Qld) Inc	\$1 432
TPD Ex-servicepersons Assoc (Townsville)	\$4 677
TPDSA Fraser Coast Inc	\$1 000
TPDSA Sunshine Coast	\$1 000
Tweed, Coolangatta & Dist Ex-Service Women's Assoc	\$1 000
Veterans Support & Advocacy Service Australia Inc	\$6 964
Vietnam Logistical Support Veterans Association Inc	\$1 000
Vietnam Veterans Assoc of Australia (Queensland)	\$12 572
Vietnam Veterans Federation of Aust Queensland	\$1 899
Vietnam Veterans Federation of Australia	
Rockhampton Sub Branch Inc	\$1 000
Vietnam Veterans Federation of Aust (Townsville)	\$1 129
War Widows Guild of Australia (Qld)	\$58 168
War Widows Guild of Australia (Qld) Caloundra Sub Branch	\$1 000
WRAAC Assoc of QLD Inc	\$1 000
	TOTAL \$1 125 110

ANZAC Day Trust Donors

AussieWorld
Australia Zoo
Beenleigh Bowls & Recreation Club Inc
Biggenden Bowls Club Inc
Birch Carroll & Coyle Cairns Cinemas
Birch Carroll & Coyle Garden City Megaplex
Birch Carroll & Coyle Gold Coast Cinemas
Bribie Island Bowls Club Inc
Bribie Island RSL & Citizen's Memorial Club Inc
Brisbane Broncos Leagues Club
Brisbane Lions Football Club
Brothers Leagues Club Ipswich Inc
Buderim Bowls Club Inc
Bulimba Memorial Bowls Club
Bundaberg & District RSL & Citizens Memorial Club
Cairns RSL Sub Branch
Cairns RSL Club Limited
Carina Leagues Club Limited
Carrara Markets
Clifton Bowls Club Inc
Coolum Beach Bowls Club Inc
Cooroy Golf Club Inc
Dalby Bowls Club Inc
Domani's Italian Restaurant
Eidsvold Bowls Club Inc
Gatton RSL Services Club Inc
Goomeri Bowls Club Inc
Gum Sing Pty Ltd, Wynnum
Haywood Pty Ltd
Hervey Bay RSL & Services Memorial Club Inc
Indooroopilly Cinemas Centre
Ipswich RSL Services Club Inc
Kedron-Wavell RSL Sub Branch Inc
King Tutt's Putt Putt Pty Ltd
Kingaroy & Dist RSL & Citizens Memorial Club
Laserforce – Lasergames Pty Ltd
Lowood Bowls Club Inc
Macquarie Leisure Operations Limited
Merricum Pty Ltd – Balmoral & Hawthorne Cinemas
Mooloolaba Bowls Club Inc
Murgon & District Services & Citizens Memorial Club
Murgon Ladies Bowls Club
Murgon Lions Club
Murgon RSL Sub-branch
North Rockhampton Bowls Club
Paradise Point Bowls Club Inc
Paradise Point Men's Bowls Club
Pomona Bowls Club Inc
Proserpine Ex-Services Club Inc
Proserpine RSL Sub Branch
Qld Ex-POW Association Inc
Queensland Provincial Cinemas Pty Ltd
R & S Hawkins Pty Ltd – McDonalds Gladstone
RAAM Trading Pty Ltd
RSL Townsville Sub-branch Inc
Sarina Sub Branch RSL
Sherwood Services Club Inc
Solander Lakes Bowls Club Inc
Southport Workers Community Club Inc
Sporting Shooters Assoc of Aust (Brisbane)
Star Kingdom Investments Pty Ltd
The Bay Boozatorium
The Glenden Town Club Ltd
Warner Village Theme Parks

The full audited financial statements for the ANZAC Day Trust are provided in the attached CD.

Appendix 3

Workplace Health and Safety Board: Annual Report 2008–09

The Workplace Health and Safety Board is the peak advisory body to the Queensland Government and the Minister for Industrial Relations on workplace health and safety issues.

It is established under Section 44 of the *Workplace Health and Safety Act 1995* to give advice and make recommendations to the Minister regarding policies, strategies, allocation of resources, and legislative arrangements for workplace health and safety.

Through the Board, key industry representatives work collaboratively to assist WHSQ in developing workplace health and safety strategies, legislation and advice.

Membership

The current board was appointed on 1 January 2008 for a three year term.

The board is comprised of 13 members representing employer and worker associations and experts. Members are selected by the Minister for their knowledge and experience in workplace health and safety.

Two new appointments were made during the year. Ms Joanne Grainger, Chair of Cotton Australia was appointed to fill the vacancy arising from the resignation of Ms Susannah McAuliffe from the National Retail Association. Ms Julie Bignell, Branch Secretary of the Australian Services Union (Central & Southern Qld Branch) was appointed to fill the vacancy arising from the resignation of Ms Grace Grace from the Queensland Council of Unions.

The board's current membership is as follows:

Chair

Mr Vince O'Rourke

Representing employers

Mr John Crittall

Director, Construction Division, Queensland Master Builders Association

Ms Wendy Erhart

Co-Owner, G & W Racing Pty Ltd

Mr Peter Garske

Chief Executive Officer, Queensland Trucking Association

Ms Joanne Grainger

Chair, Cotton Australia

Mr Chris Rodwell

Director – Australian Industry Group

Representing workers

Ms Amanda Richards

Assistant General Secretary

Queensland Council of Unions

Mr Glenn Goyen

Executive Officer, Safework Queensland

Mr Wallace Trohear

Representing the CFMEU Construction Division

Mr Tom Jeffers

Queensland Branch President and Southern District Secretary, Australian Workers' Union

Ms Julie Bignell, Branch Secretary, Australian Services Union (Central & Southern Qld Branch)

Other members

Ms Kelli Stallard

Partner, Dibbs Barker Lawyers

Mr Tony Hawkins

Chief Executive Officer, WorkCover Queensland

Meetings

The board formally met five times during 2008–09.

WHS Board Work Plan

The board held its annual planning session in February 2009 and agreed to continue to focus on building a culture of safety leadership in Queensland workplaces.

The concept of Zero Harm at Work was identified as the Board's major priority for 2009 and as the underlying philosophy for workplace health and safety in Queensland over the next 10 years and beyond.

To support this philosophy, the Board has developed the *Zero Harm at Work Leadership Program*. The program will be an ongoing series of industry forums and workshops to engage Queensland industry leaders in workplace health and safety. These forums and workshops will provide an opportunity for industry leaders to share innovative ideas in developing a positive safety culture, to champion workplace health and safety activities in their own organisations and provide a leading example for other organisations to follow across the state.

Activities

Zero Harm at Work Leadership Forum

The inaugural Zero Harm at Work Leadership Forum was opened by the Attorney-General and Minister for Industrial Relations, the Honourable Cameron Dick MP on Friday 15 May 2009. This forum focussed on the Building and Construction Industry sector with over 40 CEOs from the sector attending.

Mr David McAdam General Manager of Thiess Pty Ltd addressed the group and provided a personal insight into the emotional impact of a workplace fatality on an organisation.

Attendees signed up to the Zero Harm at Work program. Further forums will be held across priority industry sectors.

Round Table Meetings with the Minister

One of the key action items of the board's work plan for 2008–09 was to continue the successful program of holding round table meetings where chief executive officers from targeted industry groups met with the Minister and senior departmental officers, to discuss significant WHS issues in their industry sectors. During the year meetings were held with key representatives from the construction, rural, and diving industries.

Other Activities

The board considered and made recommendations on various issues throughout the year including:

- National review of model OHS laws
- Review of WHS enforcement/prosecution framework
- Review of the *Workplace Health and Safety Regulation 1997*
- Construction worker health initiative
- Initiatives for young workers
- Workplace alcohol and drug use testing.

Industry Sector Standing Committees

The board is supported by six industry sector standing committees:

- Construction Industry Sector Standing Committee
- Health and Community Services Industry Sector Standing Committee
- Manufacturing Industry Sector Standing Committee
- Retail and Wholesale Industry Sector Standing Committee
- Rural Industry Sector Standing Committee
- Transport and Storage Industry Sector Standing Committee

These committees provide advice and make recommendations to the board about workplace health and safety in the industry sector for which the committee was established.

Throughout the year, the committees continued to focus on the implementation of the Industry Action Plans 2008–2010 for their respective industry sectors.

Appendix 4

Electrical Safety Board: Annual Report 2008–09

The *Electrical Safety Act 2002* provides a legislative framework to help protect people and property from the risks associated with electricity. The Act establishes a Commissioner for Electrical Safety, an Electrical Safety Board and three committees: the Electrical Safety Education Committee; the Electrical Licensing Committee and the Electrical Equipment Committee. All committees report to the board.

Mr Jack Camp was appointed Queensland's first Commissioner for Electrical Safety in October 2002 for five years and he was reappointed for a further five year term in October 2007. The Commissioner provides independent electrical safety advice to the Minister and chairs and manages the board and committees.

The primary function of the board is to give advice and make recommendations to the Minister about policies, strategies, and legislative arrangements for electrical safety. Board and committee members represent employer and worker organisations and the community.

Membership of the board and three committees is for a term of three years and expired on 30 September 2008. Current board and committee members were appointed for a three year period commencing 1 October 2008.

Board membership

Chair

Mr Jack Camp

Chief Executive of the Department of Justice and Attorney-General

Mr Barry Leahy

Deputy Director-General

Nominee of the Director-General

Representing employers

Mr Malcolm Richards

Chief Executive Officer

Electrical and Communications Association, Queensland

Mr Bruce Lancaster

Estimator - Electrical

John Holland Group Pty Ltd – SMP Division

Representing employees

Mr Dick Williams

Company Secretary

NTN Services Pty Ltd

Ms Michelle Burgoyne

Electrical fitter and mechanic

Employed by Rio Tinto Alcan

Representing the community

Ms Cherie Dalley

President, Queensland Consumers Association

Councillor, Logan City Council

Ms Peta Frampton

Mathematics teacher

Employed by Brisbane School of Distance Education

Board activities and achievements

The Electrical Safety Board met six times during the year.

Electrical Safety Plan for Queensland 2009 – 2014

The first *Electrical Safety Plan for Queensland 2003 - 2008* expired on 31 December 2008. The new *Electrical Safety Plan for Queensland 2009 – 2014* was developed by the Electrical Safety Board in consultation with industry and the Electrical Safety Office. The plan builds on the achievements of the past five years to drive further improvements in electrical safety for Queensland. The plan outlines the high level strategies, goals and targets to support improvements in electrical safety over the next five years. It was launched on 4 December 2008 and took effect from 1 January 2009.

The plan's five year goal is to eliminate all preventable electrical deaths in Queensland.

The plan has three priority areas:

- powerlines
- electrical installations
- electrical equipment.

Strategies have been developed for each of these priority areas, covering:

- education and awareness
- legislation
- compliance
- training
- equipment design and innovation.

The strategies have been chosen to make the greatest impact in reducing the overall number of electrical incidents. The issues identified in the plan are not an exhaustive list and others may be addressed as and when identified. This will help to ensure the plan can address emerging risk areas as and when they occur.

Legislation amendments

The board recommended amending the *Electrical Safety Act 2002* (the Act) and the *Electrical Safety Regulation 2002* (the Regulation) to ensure legislation continues to meet policy intent. The amendments came into force during the year and some of them included:

The Act

- Amendments made included recommendations from the Queensland review of the Workplace Health and Safety Enforcement Framework. The amendments ensure the framework remains relevant and continues to provide the necessary

deterrents to breaches of Queensland's workplace health and safety and electrical safety laws.

The Regulation

- changing eligibility requirements for electrical licences to allow skilled migrants to apply to be assessed offshore rather than waiting until they arrive in Australia
- updating a schedule of standards to reflect current and alternative standards for electrical equipment approvals
- introduction of several on-the-spot fines to assist electrical safety inspectors to ensure that electrical workers and contractors are operating safely
- addition of a new Tasmanian licence equivalent to the schedule of external licence and electrical work licence equivalents.

Investigation of new technology

The board received information about a device named "RCC Ground Fault Neutraliser" which was invented by a company in Sweden. The device seems to have the ability to reduce hazardous shock voltages, particularly those involving overhead powerlines. Early indications are that the device may have significant electrical safety benefits for Queensland. The board noted recent analysis of serious electrical incidents and fatalities involving powerlines and recommended to the Electrical Safety Office that use of the device be investigated.

The Electrical Safety Office investigations so far have revealed that the device is being used in New Zealand and is now being trialled by Ergon Energy. The inventor from Sweden travelled to Australia in December 2008 to deliver a presentation on the device.

Attitudinal research into electrical service providers

During the year the board noted that electrical incidents involving electrical workers and contractors were still occurring. As a result, the board recommended that the Electrical Safety Office coordinate undertaking research into safety and compliance issues in the electrical industry, particularly the attitudes, behaviours and knowledge of licensed electrical contractors and electrical workers.

The project led by the University of Queensland has now commenced and is planned to take about 12 months to complete. The results will assist in understanding electrical safety culture and practices with respect to low voltage work, including attitudes to live work and incident reporting. The outcomes of this research can help identify issues and opportunities for the Electrical Safety Office to inform its industry engagement, educational and compliance programs.

Training matters

During a previous year, the board recommended to the Electrical Safety Office that an accredited course in low voltage switchboard rescue be developed after the need was identified. The matter was referred to the Department of Employment, Training and the Arts which formed a course development advisory committee to address the matter. The course, named "Course in Low Voltage Electrical Work Rescue – 39253QLD", was developed and was accredited on 18 July 2008.

Committees

The *Electrical Licensing Committee* establishes and safeguards appropriate standards of performance for electrical services providers.

The committee met 10 times during the year and held 18 disciplinary hearings (involving 13 electrical workers and five electrical contractors) as a result of non-compliant electrical work practices. Disciplinary action was implemented in all 18 of these cases. The committee also considered 25 applications for review of electrical licensing decisions where the chief executive considered the applications did not meet the eligibility criteria and the applications were refused. The committee confirmed all 25 of the original decisions of the chief executive.

The committee also provided advice on:

- eligibility requirements for electrical contractor licences and recommended that the financial assets provision be removed from the *Electrical Safety Regulation 2002* because the current contractor insurance requirements provide sufficient safeguards for consumers and contractors.
- proposed amendments to restricted electrical licence cards to make it more clear to the licence holder and employers that the licence allows identified incidental electrical work on defined types of equipment associated with their trade or calling.
- eligibility requirements for restricted electrical worker licences following a number of requests from employers to modify the electrical licensing policy for restricted electrical licence eligibility and training.

The ***Electrical Safety Education Committee*** is responsible for the provision of advice and making recommendations to the board about the promotion of electrical safety in workplaces and in the broader community. The committee met four times during the year.


The committee:

- provided advice to support the development of education and awareness initiatives such as a direct-mail campaign and industry forums aimed at electrical workers and contractors to highlight the dangers of working on or near exposed live electrical parts, promotion of safety messages in media releases to the public about safety vigilance at Christmas and Easter, and electrical safety e-alerts sent via email to electrical workers and contractors highlighting issues such as the dangers of working live
- contributed to the planning of electrical safety awareness through displays at events such as Queensland Multicultural Festival 2008, Work Safe Week 2008, Electro Expo 2009, Beef Australia 2009, Farmfest 2009 and Queensland Safety Show 2009
- continued to liaise with stakeholders, particularly Energex and Ergon Energy to develop a cooperative approach to promoting electrical safety
- provided advice on finalising an Electrical Safety Office community engagement strategy, drawing on the new *Electrical Safety Plan for Queensland 2009-2014*.

The ***Electrical Equipment Committee*** provides advice and makes recommendations to the board about the safety, energy efficiency and performance of electrical appliances and equipment. The committee met four times during the year.

The committee:

- monitored problems revealed in field reported incidents relating to the safety of appliances and equipment
- monitored the effectiveness of product recalls associated with manufacturers recalling appliances and equipment with design problems

- 
- monitored investigations of fires suspected of having electrical origin and recommended corrective actions
 - recommended appropriate amendments to Australian Standards so that appliances and equipment are manufactured and tested with a view to eliminating electrical safety concerns
 - provided advice into the national Electrical Regulatory Authorities Council Equipment Safety Regime review.

During the year, the committee noted, owing to a decision in the Industrial Court, that section 206 of the *Electrical Safety Act 2002* did not extend to requiring a mandatory recall and other related action involving electrical equipment or appliances. As a result, the committee requested that the legislation be reviewed and, if appropriate, amended to specifically provide recall provisions in such cases. In May 2009, the Government approved the drafting and introduction of a relevant amendment.

The committee has been briefed on emerging technologies including safety issues relating to renewable energy. The committee has provided advice on the need for safe isolation methods of solar panels, adequate signage to warn workers and repairers of the existence of renewable energy system installations, and adequate training packages for their safe installation and maintenance.

Appendix 5

Acts Administered by the Attorney-General and Minister for Industrial Relations as at 30 June 2009

- *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* Part 4, sections 18-25 (sections 4, 8, 64-67, 70 and 71 jointly administered with the Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships, the Minister for Community Services and Housing and Minister for Women, and the Minister for Disability Services and Multicultural Affairs)
- *Aboriginal Land Act 1991* (sections 50 to 62; Part 8; sections 134 and 138 as they apply to the provisions of the Act administered by the Minister) †
- *Acts Interpretation Act 1954*
- *Anti-Discrimination Act 1991* †
- *Anzac Day Act 2005*
- *Appeal Costs Fund Act 1973* †
- *Attorney-General Act 1999*
- *Australia and New Zealand Banking Group Limited (NMRB) Act 1991*
- *Australian Consular Officers' Notarial Powers and Evidence Act 1946*
- *Bail Act 1980*
- *Births, Deaths and Marriages Registration Act 2003* †
- *Body Corporate and Community Management Act 1997* Chapter 6, Chapter 7, Part 1, ss 313A, 319, 346, 354, 359, 360 and 361 and Schedule 5 (ss 320, 322, 341 and Schedule 6 jointly administered with the Minister for Tourism and Fair Trading)
- *British Probates Act 1898*
- *Building and Construction Industry (Portable Long Service Leave) Act 1991*
- *Burials Assistance Act 1965*
- *Carruthers Inquiry Enabling Act 1996*
- *Cattle Stealing Prevention Act 1853*
- *Child Employment Act 2006*
- *Childrens Court Act 1992* (except to the extent administered by the Minister for Child Safety and Minister for Sport and the Minister for Community Services and Housing and Minister for Women)
- *Children Services Tribunal Act 2000* †
- *Choice of Law (Limitation Periods) Act 1996*
- *Civil Liability Act 2003*
- *Classification of Computer Games and Images Act 1995*
- *Classification of Films Act 1991*
- *Classification of Publications Act 1991*
- *Commercial and Consumer Tribunal Act 2003* †
- *Commercial Arbitration Act 1990*
- *Commissions of Inquiry Act 1950*
- *Commonwealth Places (Administration of Laws) Act 1970*
- *Commonwealth Powers (De Facto Relationships) Act 2003*
- *Commonwealth Powers (Family Law - Children) Act 1990*
- *Companies (Acquisition of Shares) (Application of Laws) Act 1981*
- *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*
- *Companies (Application of Laws) Act 1981*
- *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* †

- *Co-operative Schemes (Administrative Actions) Act 2001*
- *Coroners Act 2003*
- *Corporations (Administrative Actions) Act 2001*
- *Corporations (Ancillary Provisions) Act 2001*
- *Corporations (Commonwealth Powers) Act 2001*
- *Corporations (Queensland) Act 1990*
- *Court Funds Act 1973*
- *Cremations Act 2003*
- *Crime and Misconduct Act 2001 †*
- *Crimes at Sea Act 2001*
- *Criminal Code Act 1899 (including Criminal Code)*
- *Criminal Code Amendment Act 1922*
- *Criminal Law Amendment Act 1892*
- *Criminal Law Amendment Act 1894*
- *Criminal Law Amendment Act 1945*
- *Criminal Law (Rehabilitation of Offenders) Act 1986*
- *Criminal Law (Sexual Offences) Act 1978*
- *Criminal Offence Victims Act 1995*
- *Criminal Proceeds Confiscation Act 2002*
- *Crown Proceedings Act 1980*
- *Dangerous Goods Safety Management Act 2001*
- *Dangerous Prisoners (Sexual Offenders) Act 2003*
- *Defamation Act 2005*
- *Director of Public Prosecutions Act 1984 †*
- *Disposal of Unexecuted Warrants Act 1985*
- *Dispute Resolution Centres Act 1990 †*
- *District Court of Queensland Act 1967*
- *Dividing Fences Act 1953*
- *Domicile Act 1981*
- *Drug Court Act 2000*
- *Drugs Misuse Act 1986* (except to the extent administered by the Minister for Primary Industries, Fisheries and Rural and Regional Queensland)
- *Electoral Act 1992 †*
- *Electrical Safety Act 2002 †*
- *Electronic Transactions (Queensland) Act 2001*
- *Evidence Act 1977*
- *Evidence and Discovery Act 1867*
- *Evidence (Attestation of Documents) Act 1937*
- *Evidence on Commission Act 1988*
- *Federal Courts (State Jurisdiction) Act 1999*
- *Financial Transaction Reports Act 1992*
- *Freedom of Information Act 1992 †*
- *Futures Industry (Application of Laws) Act 1986*
- *Guardianship and Administration Act 2000 †*
- *Holidays Act 1983*
- *Imperial Acts Application Act 1984*
- *Industrial Relations Act 1999 †*
- *Invasion of Privacy Act 1971*
- *Judges (Pensions and Long Leave) Act 1957* (except to the extent administered by the Treasurer and Minister for Employment and Economic Development)
- *Judicial Remuneration Act 2007*
- *Judicial Review Act 1991*
- *Jurisdiction of Courts (Cross-vesting) Act 1987*
- *Jury Act 1995*
- *Justice and Other Information Disclosure Act 2008*
- *Justices Act 1886*
- *Justices of the Peace and Commissioners for Declarations Act 1991*
- *Land and Resources Tribunal Act 1999*
- *Land Court Act 2000 †*
- *Law Reform Act 1995*
- *Law Reform Commission Act 1968 †*

- *Legal Aid Queensland Act 1997* †
 - *Legal Profession Act 2007* †
 - *Limitation of Actions Act 1974*
 - *Magistrates Act 1991*
 - *Magistrates Courts Act 1921*
 - *Maintenance Act 1965*
 - *Misconduct Tribunals Act 1997* †
 - *Oaths Act 1867*
 - *Ombudsman Act 2001* †
 - *Pastoral Workers' Accommodation Act 1980*
 - *Peace and Good Behaviour Act 1982*
 - *Peaceful Assembly Act 1992*
 - *Penalties and Sentences Act 1992*
 - *Personal Injuries Proceedings Act 2002*
 - *Powers of Attorney Act 1998*
 - *Printing and Newspapers Act 1981*
 - *Prisoners International Transfer (Queensland) Act 1997*
 - *Prisoners (Interstate Transfer) Act 1982*
 - *Private Employment Agents Act 2005*
 - *Professional Standards Act 2004* †
 - *Property Law Act 1974*
 - *Public Trustee Act 1978* †
 - *Recording of Evidence Act 1962*
 - *Referendums Act 1997*
 - *Regulatory Offences Act 1985*
 - *Retail Shop Leases Act 1994* †
 - *Securities Industry (Application of Laws) Act 1981*
- *Small Claims Tribunals Act 1973*
- *Solicitor-General Act 1985* †
- *Standard Time Act 1894*
- *State Penalties Enforcement Act 1999*
- *Status of Children Act 1978*
- *Succession Act 1981*
- *Supreme Court Act 1995*
- *Supreme Court Library Act 1968* †
- *Supreme Court of Queensland Act 1991*
- *Surrogate Parenthood Act 1988*
- *Terrorism (Commonwealth Powers) Act 2002*
- *Torres Strait Islander Land Act 1991* (sections 47 to 59; Part 8; sections 131 and 135 as they apply to the provisions of the Act administered by the Minister) †
- *Trading (Allowable Hours) Act 1990*
- *Trust Accounts Act 1973*
- *Trustee Companies Act 1968*
- *Trusts Act 1973*
- *Vexatious Proceedings Act 2005*
- *Witness Protection Act 2000*
- *Workers' Accommodation Act 1952*
- *Workers' Compensation and Rehabilitation Act 2003* †
- *Workplace Health and Safety Act 1995* †

† This Act established a statutory body or authority that is part of the portfolio of the Attorney-General and Minister for Industrial Relations

Appendix 6

Voluntary early retirements and retrenchments

Eight employees in the Department of Justice and Attorney-General received voluntary early retirement (VER) packages in 2008-2009 at a cost of \$882 406.29.

One retrenchment was provided in 2008-2009 at a cost of \$14 710.72.

Appendix 7

Public Sector Ethics Act 1994

The department's Code of Conduct has been developed under the principles of the *Public Sector Ethics Act 1994* and establishes the ethical standards of conduct and behaviour expected of our staff when working with each other, with other agencies and when serving members of the community.

The department redrafted its code in 2007–08 to improve visibility, and to maintain its relevance and currency.

Our code is based on the following *Public Sector Ethics Act 1994* obligations:

- respect for all people
- integrity
- diligence
- economy and efficiency
- respect for the law and system of government.

The code, which is available to all staff through the department's intranet, provides a broad ethical framework for staff and emphasises that acting ethically is central to upholding the department's values and achieving its outcomes. Within the code, there are specific processes for dealing with actual potential ethical problems that arise in the workplace and for dealing with breaches of the code.

Ethics training is offered as a regular program on the corporate training calendar. An e-training induction module including a Code of Conduct module is available to all staff.

The content of the code is regularly reviewed to ensure consistency with changes in public sector legislation, policies and guidelines.

In 2008-09 the department developed an Ethical Standards Unit responsible for the review of the department's Code of Conduct.

Appendix 8

Whistleblower protection

The department has a policy to assist staff wishing to make a public interest disclosure under the *Whistleblowers Protection Act 1994*.

No public interest disclosures were made by departmental staff in 2008–09.

Appendix 9

Payments to members of government boards and tribunals

The department's work is greatly assisted by a range of boards and committees. In some cases, part-time members are entitled to receive remuneration in accordance with a scale of fees determined by the Government.

Remuneration paid to part-time members of such bodies during 2008–09 are summarised below. Details of the remuneration paid to members of the boards of statutory bodies and companies that report to parliament separately are not included below. Such information can be obtained from the annual reports of those organisations.

Board or tribunal	Expenses
Retail Shop Leases Tribunal	\$89 942
Workplace Health and Safety Board	\$4 893
Industry Sector Standing Committee	\$3 324
Electrical Safety Board	\$12 006
Electrical Safety Committees	\$14 309

Appendix 10

Cost of consultancies

The department incurred \$754 360 on the cost of consultancies for 2008–09. Major consultancies included:

- reviewing the *Freedom of Information Act 1992*
- advising on an amalgamated civil and administrative tribunal
- developing and designing data collection methods and tools for Murri Courts
- implementing a practice management system at Crown Law
- developing new organisational structure and role design/analysis for the Queensland Civil and Administrative Tribunal
- reviewing the Civil and Criminal justice system in Queensland
- developing a separate defence to murder for victims of abusive relations who kill their abusers
- work value assessment for the Office of the Adult Guardian
- contribute to National AML implementation guideline for the legal profession
- provide a report on the overview of the global financial crisis and its impact on the Queensland economy
- review of the effectiveness of the current administrative requirements specified in workplace health and safety legislation in Queensland
- research into electrical safety awareness in Queensland.

Category	Cost
Management	\$113 537.50
Professional/technical	\$640 822.26
Total	\$754 359.76

Appendix 11

Overseas Travel

This section provides a summary of overseas travel by judicial and departmental officers on official business. These are actual costs to the department during 2008–09 including, in some cases, costs carried over for periods of travel occurring before 1 July 2008. These travel expenses exclude judicial entitlements that are available on the courts website, www.courts.qld.gov.au.

Officer and position	Destination	Travel purpose	Agency cost	Contribution from other agencies or sources
Director-General, J Grantham	New Zealand	Standing Committee of Attorneys General (SCAG) and National Justice CEO Group meeting	\$3 395	Nil
Deputy Director-General, P McKay	New Zealand	Australasian Courts Administrators Group meeting	\$2 353	Nil
Assistant Director-General, Policy Legislation and Executive Services, T Ryan	New Zealand	Standing Committee of Attorneys General (SCAG)	\$609	Nil
Assistant Director, Director of Public Prosecutions, B Campbell	USA	Consultation with prosecution witnesses	\$7 255	Nil
Director, Communication Services, P Holmes	USA	Consultation with prosecution witnesses	\$5 781	Nil
Executive Manager, Strategic Policy, I Catlin	New Zealand	Ministerial Council on Consumer Affairs and standing Committee of Officials of Consumer Affairs	\$183	Nil
Departmental Liaison Officer,	New Zealand	Ministerial Council on Consumer Affairs and standing Committee	\$252	Nil

Officer and position	Destination	Travel purpose	Agency cost	Contribution from other agencies or sources
K Stuchbury		of Officials of Consumer Affairs		
Executive Director, Electrical Safety Office, P Lamont	Singapore	Asia Pacific Economic Cooperation (APEC) Joint Advisory committee	\$ 2 378	Nil
Full Time Member, Queensland Law Reform Commission, I Davis	Vanuatu	Australasian Law Reform Agencies Conference	\$638	Nil
The Honourable Paul de Jersey AC, Chief Justice and spouse *	South America and USA	Attend International Bar Association conference and other court related travel	\$ 43 570	Nil
The Honourable, Paul de Jersey AC, Chief Justice	Vietnam	Planning for 13 th conference of Chief Justices	\$ 8 696	Nil
The Honourable, Paul de Jersey AC, Chief Justice	China	Lead delegation of judges for meeting with Chinese Judiciary	\$ 14 127	Nil
The Honourable Justice, Margaret McMurdo AC	Tahiti	18 th Pacific Region Judicial Conference	\$ 3 597	Nil

* The trip is in accordance with the Chief Justice Entitlement Booklet paragraph 1.1 schedule A.

Appendix 12

Shared Service Initiative

The Shared Service Initiative is a whole of government approach to corporate service delivery. The vision is partnering in corporate services to support and connect government. Shared services are underpinned by standardising business processes, consolidating technology and pooling resources and expertise.

Under the shared service model, government agencies joined together to share corporate services and resources through shared service providers (SSPs). The SSPs service their existing customer agencies through operating level agreements.

More information on the SSA is in the Department of Public Works Annual Report.

SSA provides services in a range of areas such as finance, human resources, telecommunications and fleet to the Department of Justice and Attorney-General.

Appendix 13

Our response to environmental sustainability

Greenhouse gas emissions

The Department of Justice and Attorney-General is committed to supporting the Queensland Government's *Toward Q2 – Tomorrow's Queensland* target to cut Queensland's greenhouse gas emissions by one third by 2020. This commitment includes implementation of the Government's climate change and other environmental strategies such as the *ClimateQ: toward a greener Queensland* strategy.

Six gases have been identified under the Kyoto Protocol as the main greenhouse gas emissions that need to be reduced. The gases are carbon dioxide, hydrofluorocarbons, methane, nitrous oxides, perfluorocarbons and sulphur hexafluoride. As part of standard emission measurement practices these gases are mainly reported as carbon dioxide equivalent emissions (CO₂-e).

The Queensland Government continues to develop and improve whole of government data collection processes and systems to standardise reporting of its greenhouse gas emissions. The basis for this reporting is consistent with acknowledged national and international standards, including the definitions outlined in the AS ISO 14064 standards and the Australian Government's *National Greenhouse Accounts Factors Workbook*. These standards establish the following different categories of emissions that organisations (such as government agencies) need to consider, taking into account the particular organisation's operational boundaries:

- Scope 1 - emissions that occur *directly* from sources which are owned or controlled by an organisation (eg. emissions from departmental vehicles, on-site diesel generators, gas boilers etc);
- Scope 2 - emissions that occur *indirectly* due solely to an organisation's consumption of electricity or steam or heating/cooling (which has been generated by the burning of fuels such as coal, natural gas, etc at power stations or other facilities not controlled by the organisation); and
- Scope 3 - emissions that occur *indirectly* due to actions of the organisation, but from sources which are not owned or controlled by the organisation (ie. outside its operational boundary). Some common examples of these sources include employee business travel (in vehicles or aircraft not owned or controlled by the reporting organisation); employees commuting to and from work; out-sourced activities; and transportation of products, materials and waste. Note: inclusion of these emissions in any reporting needs to be based on the relevance to the operations of the organisation.

For the Department of Justice and Attorney-General the key greenhouse gas emissions are those that are linked to the following business activities:

- vehicle usage
- electricity consumption
- air travel

It should be noted that comprehensive reporting of greenhouse gas emissions by agencies is sometimes limited due to the complexity of the operational boundaries of agencies within the public sector, especially in situations where internal government shared service providers are used.

While the best available data has been used, in some instances estimates have been reported due to the limitation of data collection systems. For example, in those government owned office buildings where there are multiple government agency tenants and the electricity usage cannot be solely attributed to any one particular agency, the electricity usage by the tenanted agencies is proportioned based on the floor area they occupy.

The following table outlines the emissions relating to the Department of Justice and Attorney-General established following the machinery of government changes in Queensland in early 2009 when a number of departments were abolished and their service areas absorbed into other agencies. The emissions presented for this agency have been calculated by combining emissions created by:

- the service areas that were wholly transferred (ie. not abolished) to the agency for the period 1 July 2008 to 30 June 2009
- the service areas that were absorbed into the newly formed agency for the period (approximately three months) in 2008-2009.

Note: the emissions created by the abolished departments during the period prior to the machinery of government period (approximately nine months) in 2008-2009 have been provided in a separate report.

The following table outlines the emissions relating to the Department of Justice and Attorney-General

Activity	Greenhouse gas emissions (tonnes of CO ₂)	Notes
Scope 1 Vehicle usage • QFleet vehicles • Agency-owned vehicles	1,949	1
Scope 2 Electricity consumption • Purchased directly from an electricity retailer • Sourced through a third party	21,173 4,463	2a 2b
Scope 3 Air travel • Domestic air travel on commercial airlines • International travel on commercial airlines Hired vehicles • Avis • Other	662.3 76.8 41.7	3 3 4

Notes:

1. The CO₂-e emissions figure has been aggregated using National Greenhouse Emissions Reporting (NGER) guidelines and represents emissions for four primary fuel types: unleaded petrol, diesel, liquefied petroleum gas (LPG) and E10. Emissions shown are based on estimated kilometres travelled and available fuel consumption records.
- 2a. This figure is largely based on available actual building electricity consumption records for the period 1 July 2008 to 30 June 2009. For these records, the emissions reported are limited to those linked to electricity purchased directly from an energy retailer for this agency's own buildings and any space it leases. Incomplete electricity consumption records have been extrapolated where necessary.
All electricity consumption has been converted to carbon emissions using the Scope 2 conversion factor of 0.89 kg CO₂-e/kWh as currently recommended in the Australian Government's *National Greenhouse Accounts Factors Workbook*.
- 2b. This figure is largely based on emissions associated with electricity use in leased spaces where electricity is not directly purchased by this agency from an energy retailer eg. the electricity costs form part of lease charges.
This figure includes estimated consumption (where specific details are not available) and actual electricity records received from government and private sector landlords. Incomplete electricity consumption records have been apportioned and/or extrapolated where necessary.
For example, in those major government office buildings owned by the Department of Public Works that do not have separate electricity sub-metering for tenants, the emissions associated with electricity consumption have been apportioned 45% to the landlord, and 55% to the tenants – in line with industry practice and historical benchmarking.
3. Air travel includes all flights recorded by the Queensland Government Chief Procurement Office (QGCPO) during the period 1 July 2008 to 30 June 2009, specifically:
 - (1) International air travel on all airlines; and
 - (2) Domestic air travel on all airlines.For all air travel, with the exception noted at (b) below, the following methodology is used:
From data provided the QGCPO calculates the kilometres flown. The kilometre figure is divided by 100 and multiplied by an industry average number of litres of fuel burnt per passenger, per 100 km's. A factor of 5 has been used for all air travel. The use of this method gives the average litres of fuel burnt for a flight, per passenger. This figure is subsequently converted from litres into kilograms and then from kilograms into tonnes, before being multiplied by 3.157 (which represents the amount of CO₂ tonnes produced by burning one tonne of aviation fuel; sourced from the International Civil Aviation Organisation).
For domestic flights with Qantas, QantasLink, Jetstar and Virgin Blue for the period 01 July 2008 to 31 December 2008 the number of passengers per sector was calculated. This information was then passed on to the respective airline for calculation of carbon emissions.
4. The hire car vehicle emissions are calculated by Avis Australia and show only emissions for Avis Australia vehicles booked under the Standing Offer Arrangement managed by the Queensland Government Chief Procurement Office.

Energy conservation

In 2008–09 we continued to implement energy efficiency initiatives and technology specifically in relation to lighting and air conditioning upgrades and ensuring energy saving technology is incorporated into new and refurbished buildings.

We will continue to expand its use of alternative energy sources, including the incorporation of solar panels for hot water systems in new and refurbished buildings, and have been working in consultation with the Department of Public Works to identify strategies to improve the efficiency of energy consumption and to reduce energy consumption. Buildings with high electricity consumption have been targeted initially as the greatest gains can be achieved at these locations.

In 2008–09, to further reduce energy consumption we completed lighting system retrofits at Caloundra, Wynnum, Cleveland, Holland Park, Beenleigh, Southport and Rockhampton courthouses. An upgrade at Townsville courthouse is planned for 2009–10.

A review of our energy consumption has been undertaken and will continue to be monitored, recorded and reported on. The department has established a draft *Strategic Energy Management Plan* in accordance with the *Strategic Energy Efficiency Policy for Queensland Government Buildings*.

We plan to develop an energy awareness strategy to encourage staff to use energy efficiently and to install automated devices to switch off non-essential office equipment outside of business hours.

Water conservation

A program to retrofit water saving devices continued, addressing the highest water using buildings as a priority. A retrofit consists of installing water efficient taps, showers, toilets and the installation of water efficient sensor controlled urinals. In 2008–09:

- Brisbane City Council approved the Water Efficiency Management Plans for the Brisbane Magistrates Court and the Brisbane Supreme Court and District Court
- we completed a water retrofit of the toilets at the Brisbane Supreme Court and District Court
- we provided quarterly reports to Brisbane City Council on its Water Efficiency Management Plan.

We will continue to consider the installation of water tanks as part of all capital work and major building refurbishment projects.

Waste management

The department has established a strategic waste management plan under the *Environmental Protection (Waste Management) Policy*. The plan provides:

- the framework to address the department's waste management practices and to formalise waste management initiatives and objectives
- ways to avoid, minimise or treat appropriately, departmental waste and to limit any adverse impact on the environment, workplace or public health.

We continue to seek opportunities to expand our recycling program and improve other waste management practices.

The department's contact details

Head office

State Law Building
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Postal address

GPO Box 149
Brisbane, Qld, 4001

General enquiries

Telephone: +61 7 3239 3520

+61 7 3239 6777

Facsimile: +61 7 3247 5469

Information on the state wide locations and contact details for our services and facilities can be found in the White Pages under Justice and Attorney-General Department and at the following websites:

Email: mailbox@justice.qld.gov.au

Internet: www.justice.qld.gov.au

Right to Information: www.justice.qld.gov.au/39.htm

Privacy: www.justice.qld.gov.au/40.htm

Glossary

ADR	Alternate Dispute Resolution
ANZAC	Australian and New Zealand Army Corps
BDM	Registry of Births, Deaths and Marriages
C.Decs.	Commissioner for Declarations
CICU	Criminal Injury Compensation Unit
CVP	Community Visitor Program
DRB	Dispute Resolution Branch
eDRMS	electronic Document and Records Management System
ERAC	Electrical Regulatory Authorities Council
ESO	Electrical Safety Office
FTE	Full Time Equivalent
GAAT	Guardianship and Administration Tribunal
IR	Industrial Relations
IT	Information Technology
JAG	Department of Justice and Attorney-General
JP	Justice of the Peace
MIRJ	Mornington Island Restorative Justice
MP	Member of Parliament
OAG	Office of the Adult Guardian
ODPP	Office of the Director of Public Prosecutions
OFSWQ	Office of Fair and Safe Work Queensland
OHS	Occupational Health and Safety
PSIER	Public Sector Industrial and Employee Relations
QC	Queen's Counsel
QCAT	Queensland Civil and Administrative Tribunal
QGAP	Queensland Government Agent Program
QIRC	Queensland Industrial Relations Commission
QLRC	Queensland Law Reform Commission
QWRO	Queensland Workplace Rights Office
RoGS	Report on Government Services
SCAG	Standing Committee of Attorneys-General
SDS	Service Delivery Statement
SMS	Short Message Service
SPER	State Penalties Enforcement Registry
SSP/SSA	Shared Service Provider/Shared Service Agency
TAFE	Technical and Further Education
VER	Voluntary Early Retirement
WHSQ	Workplace Health and Safety Queensland



Our finances

The CD-ROM attached below contains an electronic version of the full financial statements of the Department of Justice and Attorney-General for 2008–09.

