



Government of **Western Australia**
Department of **Justice**

Information Statement

2024

Contact: foi@justice.wa.gov.au

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1 Introduction

This statement has been prepared as a guide for the public about information held by the Department of Justice (the Department). Where an agency is related to the Department as specified in the Freedom of Information Regulations 1993 (FOI Regulations), the Department is responsible for processing and responding to all Freedom of Information (FOI) applications and must also comply with section 94 of the *Freedom of Information Act 1992* (FOI Act) in providing sufficient information regarding each of the agencies.

2 Scope

This Information Statement has been prepared in accordance with section 94 of the FOI Act and contains:

- A statement on the structure and functions of the Department.
- A description of the ways in which the functions of the Department affect members of the public.
- A description of the arrangements in place to enable members of the public to participate in the formulation of the Department's policies and the performance of the Department's functions.
- A description of the kinds of documents that are usually held by the Department and how they may be accessed by members of the public.
- A description of the Department's procedures for amending personal information in the documents held by the Department.

The following offices or bodies are to be regarded as part of the Department for the purposes of FOI:

- Appeals Costs Board.
- Chief Assessor and Assessors under the *Criminal Injuries Compensation Act 1985*.
- Children's Court of Western Australia.
- Coroner's Court of Western Australia.
- Family Court of Western Australia.
- Gender Reassignment Board.
- Law Reporting Advisory Board.
- Magistrates Court of Western Australia.
- Mentally Impaired Accused Review Board.
- Office of the Commissioner for Victims of Crime.
- Parliamentary Counsel's Office.
- Professional Standards Council.
- Registry of Births, Deaths and Marriages.
- Supreme Court of Western Australia.
- The District Court of Western Australia.
- Western Australian Office of Crime Statistics and Research.

This Information Statement does not apply to the following agencies which are separate to the Department for the purposes of the FOI Act:

- Acacia Prison
- Equal Opportunity Commission.
- G4S
- Office of the Public Advocate
- Public Trustee
- State Administrative Tribunal
- State Solicitor's Office.
- Office of the Solicitor General
- Ventia.

3 About the Department

The Department supports the community, government, judiciary and Parliament by providing access to high quality justice, legal and corrective services, information and products.

The Department has a diverse range of services, which have the potential to affect all Western Australians. These include:

- Justice Services - court and tribunal services, corrective services, offender management and community safety and victim support.
- Services to the Community - advocacy, guardianship and administration services, trustee services, and birth, death and marriage services.
- Services to Government - policy advice, legislative drafting and related services.

Organisational Structure of the Department

The Department's organisational structure can be accessed at: [Department of Justice Organisational Structure](#)

Legislation Administered by the Department

The Department monitors and coordinates the development of justice-related legislation. It specifically tracks all proposed amendments for legislation that fall within the portfolio responsibilities of the Department.

A list of the legislation administered by the Department is available at: [Legislation Administered](#).

Access to Western Australian legislation and statutory information is available at: [WALW - Home \(legislation.wa.gov.au\)](http://legislation.wa.gov.au)

4 Functional Areas of the Department

Corrective Services

Corrective Services is responsible for the State's adult prison and youth detention populations, as well as the adults and young people living in the community under the management of community corrections. Corrective Services comprises the following:

Adult Male Prisons

Responsible for the operation of four metropolitan male prisons, eight regional prisons, five regional work camps and state-wide prison industries.

Ensures that prisons are safely and securely managed and male prisoners are treated with respect while being offered education and training opportunities as part of their overall rehabilitative journey.

Women and Young People

Oversees the operation of three metropolitan female prisons and one pre-release centre for women and provides support to female offenders within five mixed-gender regional prisons.

Manages the needs of female prisoners in custody and aims to provide a gender-responsive, culturally appropriate and trauma-informed approach to support women to rehabilitate, reconnect with their family and communities and to provide them with the skills to break the cycle of offending.

Oversees the operation of the youth detention facility and manages the needs of young people in custody and the community. Aims to provide a gender-responsive, culturally appropriate and trauma-informed approach to divert young people from the justice system and reduce reoffending through the provision of programs and services.

Offender Services

Manages the complex needs of offenders and addresses criminal behaviours with a range of interventions. Services include adult community corrections, health, mental health, alcohol and other drugs, prisoner support, reintegration and rehabilitation, education, employment and transitional services and offender programs.

Operational Support

Contributes to community safety through the provision of security and response services across the prison estate, including emergency response operations and drug and alcohol mitigation.

Oversees the delivery of intelligence services to identify security and safety risks relating to prisoners, facilities and staff and liaises with external agencies such as the Western Australia Police Force and Commonwealth law enforcement agencies in safely managing offenders in the community.

Management and compliance monitoring of Corrective Services operational policy and strategic projects, and the management of the Corrective Services Academy.

Corporate Services

Finance and Procurement

Responsible for a range of business financial and procurement services which ensure the efficient and effective use of financial and procurement resources, and compliance with government and legislative requirements and standards.

Human Resources

Provides a range of services which aim to maximise the engagement and performance of staff. This includes commencement and onboarding, payroll; reporting; job design; workforce planning; recruitment and selection; workforce diversity and inclusion; work health and safety; employee welfare; workforce development programs; performance planning and development; learning and development, exit and cessation.

Workforce Services

Provides the Department's industrial relations advisory services and delivers a suite of specialist employee support services aligned to the Respect@Work framework.

Knowledge, Information and Technology

Responsible for the provision of services and technology that support strategic and operational processes across the Department, enable information to be leveraged effectively and ensure the Department's investment in technology is optimised.

Infrastructure and Environment

Provides a range of services relating to infrastructure, and environment.

Strategic Reform

Advises the State Government on law and justice issues, sets the strategic direction for reforms to the criminal and civil justice systems, and leads the development of strategies to address Aboriginal over-representation in the justice system. This is achieved by:

- Facilitating the amendment of legislation to reform criminal and civil law procedure.
- Developing policy initiatives to improve justice-related outcomes for the community, with a particular emphasis on improved outcomes for Aboriginal people.
- Carrying out reviews, evaluation and research to recommend improvements to, and future directions for, policy, legislation and services.
- Providing data and analysis to support making the justice system more efficient, equitable and effective.

- Implementing complex justice reform projects to reduce reoffending and enhance community and victim safety.

People, Culture and Standards

Receives, assesses and investigates complaints and referrals made against Department of Justice personnel.

Conducts internal audit activities, builds and embeds risk management capabilities across the Department and independently reviews the Department's reportable deaths.

Implements and actions corruption prevention and education strategies across the Department and promotes, maintains and upholds professional standards and ethical conduct.

Manages and resolves employee complaints pertaining to bullying, harassment, conflict and grievances, and provides human resources services and advice to managers across the Department on a range of employee matters.

Advisory Services

Is part of the Office of the Director General and is responsible for high-level coordination and oversight of the Department's operational activities including providing advice to Government and building collaborative work arrangements within the justice portfolio, public sector and broader community.

Registry of Births, Deaths and Marriages

Creates and stores birth, death, marriage and change of name records for life events.

The Registry also performs civil marriages in the Perth Office.

Office of the Commissioner for Victims of Crime

Advocates on behalf of victims to give them a greater voice in how they are treated across Government, and ensure they receive the support they deserve. The key priorities are to:

- Ensure services are available to all Western Australians, wherever they live, and whatever their age, ability or disability, gender, sexuality, cultural background or personal circumstances.
- Advocate for and encourage good practice in the treatment of victims across Government.
- Provide a mechanism for victims to lodge complaints about Government services.
- Provide advice to victims on the preparation of criminal injuries compensation claims and victim impact statements.
- Work with victims to prepare submissions to the Supreme Court regarding High Risk Serious Offenders.

- Manage the operation of the National Redress Scheme for State Government agencies.

Court and Tribunal Services

Administers more than 80 court and tribunal locations across Western Australia.

Manages the Sheriff's Office and the Fines Enforcement Registry and provides services to victims of crime.

Supreme Court of Western Australia

Is the State's highest court and comprises the General Division and the Court of Appeal.

The General Division hears the most serious criminal charges such as murder, manslaughter and breaches of Commonwealth drug enforcement laws. It also deals with complex civil matters or where the amount involved in a dispute is more than \$750,000, and applications for injunctions and other forms of relief.

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

Family Court of Western Australia

Hears matters relating to divorce, parenting orders, division of the property of a marriage or de facto marriage, maintenance, adoptions and surrogacy. It has State and Federal jurisdiction in matters of family law.

District Court of Western Australia

Deals with serious criminal offences, including those which carry a maximum penalty of life imprisonment, except for murder and manslaughter.

Deals with civil matters involving claims up to \$750,000. The court has unlimited jurisdiction for claims for damages for personal injuries, arising from motor vehicle accidents.

Has an appellate jurisdiction for civil matters from the Magistrates Court of Western Australia and criminal injuries compensation matters.

Magistrates Court of Western Australia

Hears criminal and civil matters involving people aged 18 years and above. The Magistrates Court operates in more than 70 locations across the State.

Children's Court of Western Australia

Deals with offences alleged to have been committed by young people aged 10 to 17 years. Also hears care and protection applications and restraining order applications, relating to children under the age of 18 years.

The Perth Children's Court delivers diversion programs including a Children's Drug Court which aims to divert young people who are experiencing drug-related problems into intensive case management and treatment.

Coroner's Court of Western Australia

A specialist court established to investigate certain types of deaths. The purpose of these investigations is to determine the cause and manner of death and to consider ways that similar deaths may be prevented in the future. Inquest hearings are usually open to the public.

State Administrative Tribunal

An independent body that reviews a wide range of government decisions and determines disputes. Its jurisdiction extends to guardianship and administration, equal opportunity, vocational regulation, resources and development, including town planning, and commercial and civil disputes.

Mentally Impaired Accused Review Board

An independent statutory authority which is concerned with people found not guilty of a crime due to unsoundness of mind and those found to be mentally unfit to stand trial.

Prisoners Review Board

Considers prisoners for release from custody, sets or varies conditions of release and considers applications for the suspension and/or cancellation of orders.

Considers re-entry release orders and makes recommendations about re-socialisation programs for various categories of prisoners.

Supervised Release Review Board

Determines the suitability of young offenders for release from detention into the community on a Supervised Release Order and imposes the conditions of that Order.

Chief Assessor and Assessors under the Criminal Injuries Compensation Act 2003

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

Parliamentary Counsel's Office

Provides comprehensive legislative drafting and related services to the Government, its departments and agencies to ensure that legislation is prepared to give effect to government policy and priorities.

Western Australian Office of Crime Statistics and Research

Provides cross-agency, evidence-based approaches to criminal justice decision-making, policy development and the evaluation of strategic initiatives and the provision of advice by undertaking evaluations, research and data analytics.

5 Decision Making Functions

Corrective Services

The public may be indirectly impacted by decisions made in relation to the work of prisoners in a community setting, or on a program of home leave. All other decisions are directly impacting the safety, security and welfare of prisoners.

Corporate Services

Certain positions in Procurement, Infrastructure and Contract Services have delegated authority to award, extend and vary contracts for goods and services up to a value of \$5 million. Higher value contracts must be approved by the Deputy Director General Corporate Services or the Director General. The invitation and awarding of tenders for public service contracts are advertised on the Tenders WA public website administered by the Department of Finance.

Certain positions in Knowledge, Information and Technology make decisions regarding information access applications and applications to amend personal information in accordance with the FOI Act.

Advisory Services

Administration and allocation of funding to legal assistance service providers.

Administration of the Criminal Property Confiscation Grants Program to provide support services and other assistance to victims of crime, prevent or reduce drug-related criminal activity and the abuse of prohibited drugs and for any other purpose in aid of law enforcement focussing on community safety and crime prevention initiatives within Western Australia.

Registry of Births, Deaths and Marriages

The Registrar makes decisions about access to information held in the register by taking into account the following factors:

- Protection of the privacy of the person to whom the information relates;
- The sensitivity of the information;
- Whether an applicant has an adequate reason for access; and
- Any other relevant factors.

6 Public Participation in the Formulation of Policy and Performance

The Department has established the Aboriginal Justice Advisory Committee (AJAC) which ensures that key departmental strategic policy directions and instruments will operate with meaningful involvement from significant Aboriginal community advisors. The purpose of the AJAC is to provide cultural advice and guidance to the Department on justice matters relevant to the Aboriginal community.

The Department from time to time conducts public consultations in regard to legislative reviews and the development of policy and frameworks. Invitations to the public to participate in consultations are published on the [Department's website](#)

Community Reference Groups are established for major capital works projects that may impact the community. Refer to [Department of Justice website](#).

Feedback can be provided to the Department on its services, including making suggestions to improve, providing positive feedback or lodging a formal complaint through the [Online Customer Feedback System](#), or by post to:

Department of Justice GPO
Box F317
PERTH 6841

The Department encourages individuals or groups to write to the Department on matters of agency policy and performance.

7 Public Access to Documents

The following documents are publicly available at [Department of Justice website](#) and are accessible outside of the FOI process.

Please note this is not an exhaustive list of all publications on the Department's website.

Corporate Information

- News stories, media releases and community updates
- Annual Reports
- Significant issues impacting the Department
- Criminal Justice Research Grant Fund – Approved Research
- Criminal Property Confiscation Grants Fund – Policy and Guidelines
- Code of Conduct
- Disability Access and Inclusion Plan
- Reconciliation Action Plan
- Justice Integrity Framework
- Public Interest Disclosure – Policy and Procedure, Lodgement Form
- Strategic Framework

Registry of Births Deaths and Marriages

- Service Standards
- Registration Statistics
- Registration of Births Deaths and Marriages and Change of Name

Commissioner for Victims of Crime

- Victim Treatment Guidelines and How to Make a Complaint
- Reporting Historical Sexual Abuse
- Child Witness Service Brochure
- Family Violence Service Brochure
- Victim Notification Register – Brochure and Application Form
- Safe Steps - For those experiencing violence in a relationship
- Victim-offender Mediation Unit – Reparative Mediation
- Victim-offender Mediation Unit – Protective Conditions Process

Corrective Services

- Custodial Policies and Procedures
- Health Care
- Rehabilitation and Services
- Release: Help and Support
- Tenders and Contracts
- Visit a prison or detention centre
- What you can wear at visits
- Transfer money to a person in prison
- Information for Aboriginal visitors
- Booking visits with children
- Statistics and Research – Corrective Services

Court and Tribunal Services

- Help with Jury Duty
- Find a Justice of the Peace
- Visiting a Court
- How to become a Justice of the Peace
- Statistics and Research – Court and Tribunal Reports

Departmental publications available on other websites include:

| Type of Document | Website |
|--|--|
| Tender documents | Tenders WA |
| Annual Reports Equal Justice Bench Book Court Listings Judgements Statistics Protocol for complaints against judicial officers in Western Australian courts | Supreme Court of Western Australia |
| Various information kits and brochures Selected Judgements Court Listings | Family Court of Western Australia |
| Court Listings Civil Procedure Criminal Procedure Civil Decisions Selected Criminal Decisions | District Court |
| Anonymised transcripts of reviews of court decisions Certain judgements of public interest Court Procedure | Children's Court of Western Australia |
| Court Listings Fact sheets on services and supports for the public Fact sheets on matters within the Court's jurisdiction | Magistrates Court of Western Australia |
| Inquest List Information for Families Coroner's Findings | Coroner's Court of Western Australia |
| Hearing List Decisions | State Administrative Tribunal (SAT) |

| Type of Document | Website |
|--|---|
| Information Sheets Complaints Policy | |
| Information on the operation of the Board including Parole, Post Sentence Supervision and victim considerations. Board Membership Board Decisions | Prisoners Review Board of Western Australia |
| Board Membership Information on the operation of the Board including custody orders, release considerations, victim considerations and interagency collaboration. | Mentally Impaired Accused Review Board |
| Information on the operation of the Board including decision making, release considerations and breaching an order. | Supervised Release Review Board (justice.wa.gov.au) |
| Composition of the Board Information on making an application and the Board meeting process. Annual Reports | Gender Reassignment Board of Western Australia |
| Information on how to lodge an application. Annual Reports | Office of Criminal Injuries Compensation |

8 Documents Not Publicly Available

Requests to access the following types of documents can be made by submitting an application in accordance with the FOI Act. Please refer to section 9 in this document for information on how to lodge an application.

Please note that the following is not an exhaustive list.

- Administrative Records
- Employee records
- Records relating to infrastructure including building and associated plans, land holdings, maintenance and minor works, capital works projects, vehicle fleet, leased accommodation, ACM (asbestos) registers.
- Records relating to procurement including tenders, contracts, grants, service agreements.

- Records relating to Information and Communication Technology.
- Legal policy reviews and legislative development records.
- Policies, procedures, and frameworks.
- Records relating to corruption prevention, workforce and culture and performance management.
- Project planning and management records.
- Internal Audit records.
- Reviews of Deaths in Custody.
- Enterprise Risk Management and Business Continuity records.
- Records relating to the provision of services to clients and customers.
- Records relating to the management of prisoners and adult offenders on community orders.
- Records relating to the management of youth detainees and young people on community orders.
- Records relating to the operation and management of prisoner and detention centre facilities.
- Records relating to services provided to prisoners and young people in detention including health, mental health, programs, education, rehabilitation.
- Records relating to evaluations, research and data analytics.

Exemptions may apply to certain information in accordance with Schedule 1 of the FOI Act. These exemptions could include:

- Clause 1 - Information that would reveal the deliberations of Cabinet and Executive Council.
- Clause 3 – Information that would reveal personal information about an individual, whether living or dead.
- Clause 4 – Information that would reveal trade secrets, commercial and business information.
- Clause 5 – Information that is prejudicial to law enforcement, public safety and property security.
- Clause 7 – Information that is subject to legal professional privilege.
- Clause 11 – Information that, if disclosed, would impair the effective operation of the agency.

In accordance with Schedule 2, the following agencies are exempt from the FOI Act:

- The High Risk Serious Offenders Board.
- The Prisoners Review Board.
- The Supervised Release Review Board.
- The Internal Investigations Unit.

Administrative records of a court or tribunal are subject to the FOI Act but court records are not. However, a person may request their own court records directly from the relevant court. Contact details for each of the courts are at [Court and Tribunal Services](#).

9 Freedom of Information

The FOI Act gives every person the right to seek access to documents held by government agencies and to amend personal information held on Departmental documents where it is inaccurate, incomplete, out of date or misleading.

Applications and enquiries should be addressed to:

By mail:

Freedom of Information
Department of Justice
GPO Box F317
PERTH WA 6841

In person:

Freedom of Information
Department of Justice
Level 2, 140 William Street
PERTH WA 6000

By email: foi@justice.wa.gov.au

By fax: +61 8 9481 8504

Documents may comprise written material, plans and drawings, photographs, tape recordings, films, videotapes, or information stored in a computerised form.

In accordance with section 12 of the FOI Act, access applications must:

- Be in writing;
- Give enough detail to identify the requested documents;
- Give an Australian address;
- Give any other information or details required under the FOI Regulations; and
- Be lodged at the office of the agency that would be expected to hold the documents, together with any application fee payable.

Access to Personal Information

No fee or charge is payable for an application for personal information about the applicant. All applications relating to personal information must be in writing. Personal information can be:

- factual or routine information, for example, date of birth, length of employment, qualifications and/or
- opinions or evaluative material such as advice or recommendations of a third party - for example records of interviews, material in personnel records.

With the exception of individuals currently in the custody of the Department, applications to access the personal information of an applicant must be accompanied by proof of identification documentation.

All applications lodged on behalf of another person must be accompanied by the written authorisation of the individual on whose behalf the application is lodged.

Access to Non-Personal Information

Requests for access to information held by the Department that does not relate solely to the applicant must be made as non-personal applications.

The Department can apply the following charges when processing a non-personal FOI application:

- time taken dealing with the application - \$30.00 per hour
- access time supervised by staff - \$30.00 per hour
- photocopying - \$30.00 per hour for staff time and 20c per copy
- staff time in transcribing information from a tape or other device - \$30.00 per hour
- duplicating a tape, film or computer information - actual cost
- delivery, packaging and postage - actual cost.

In cases where charges levied are expected to be higher than \$25.00, the applicant will be provided with an estimate of charges as soon as possible after receipt of the application. The Department reserves the right to request an advance deposit. A reduction in charges may be sought in the case of financial hardship.

Notice of Access Decision

The applicant will receive in writing, notice of the Department's decision relating to the access request. The notice will include the following information:

- date of the decision;
- name and designation of the decision maker;
- reasons for deleting any matter;
- reasons for deferring access;
- arrangements for giving access;
- reasons for refusing access to any matter;
- the amount and basis for any charges levied; and
- the rights of review and procedures to be followed.

Applications for Amendment of Personal Information

In accordance with section 46 of the FOI Act, applications for amendment of personal information must:

- Be in writing;
- Give enough details to enable identification of the document that contains the information;
- Give details of the matters in relation to which the person believes the information is inaccurate, incomplete, out of date or misleading;
- Give the person's reasons for holding that belief;
- Give details of the amendment that the person wishes to have made and whether they wish it to be made by altering information, striking out or deleting information, inserting information and /or inserting a note in relation to information;
- Give an address in Australia to which notices can be sent; and

- Be lodged at an office of the Department.

Notice of Amendment Decision

The applicant will receive in writing, notice of the Department's decision relating to the amendment request within 30 days of receiving the application. The notice will include the following information:

- date of the decision;
- name and designation of the decision maker;
- If the decision is made to amend the information, give details of the amendment;
- If the decision is to not amend the information, provide reasons for the decision;
- The rights of review and procedures to be followed; and
- The right to request that a notation or attachment be made to the information and the procedure to be followed.

Review Rights

Applicants have the right to submit a written request for a review of the decision. This must be done within 30 days after being given notice of the decision. The review is to be conducted by a person other than the person who made the original decision. The agency must respond with a written notice of decision within 15 days and no fees are involved.

If the applicant remains unhappy, they may lodge a written complaint to the [Office of the Information Commissioner](#) within 60 days (30 days for third parties) following the internal review decision. The Information Commissioner's decision is final unless an appeal is made to the Supreme Court on a question of law.

10 References

Legislation

- [Freedom of Information Act 1992](#)
- [Freedom of Information Regulations 1993](#)

Procedures and Forms

- [Department of Justice: Freedom of Information Application Form](#)
- [Commissioner's Operating Policies and Procedures: Prisons](#)
9.6: Access to Information
- [Commissioner's Operating Policy and Procedure: Youth Detention Centre](#)
11.4: Access to Information

11 Approval

Approved by

Name: Kylie Maj

Position title: Acting Director General

Signature:



Date: 27/03/2024