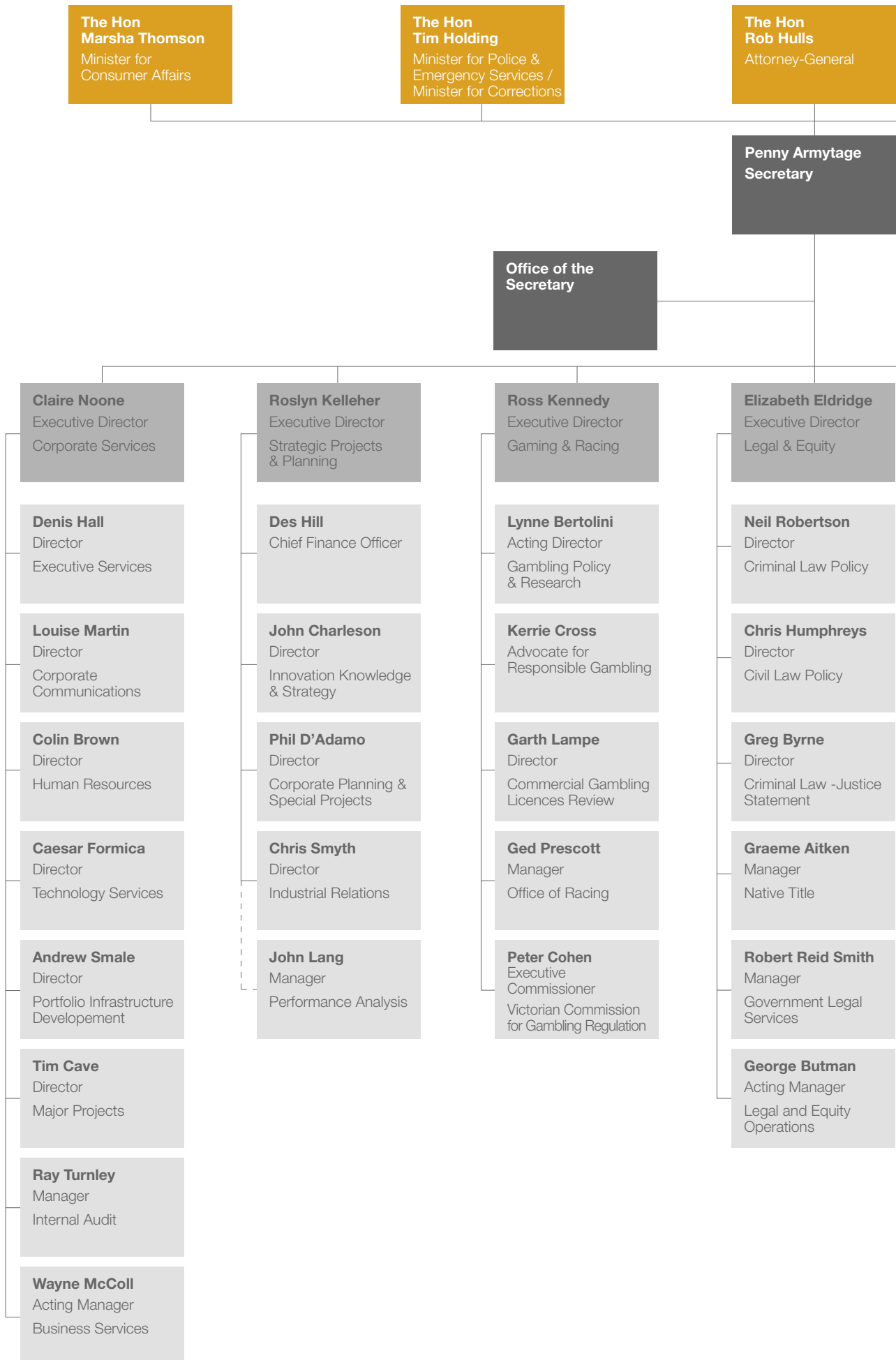




Supplementary
Information

Appendix A:
Organisational chart at 30 June 2005



**The Hon
John Pandazopoulos**
Minister for Gaming
Minister for Racing

Ms Jenny Mikakos
Parliamentary
Secretary, Justice



Appendix A: Justice Statutory Authorities and Agencies

Issued 15 June 2005



Appendix B1: Acts administered by the Justice Portfolio as at 30 June 2005

Attorney-General

Accident Compensation Act 1985 - Division 1 of Part III (The remaining provisions are administered by the Minister for WorkCover and the Treasurer)

Acts Enumeration and Revision Act 1958

Administration and Probate Act 1958

Administrative Law Act 1978

Adoption Act 1984 - The Act is jointly and severally administered with the Minister for Community Services

Age of Majority Act 1977

Alcoholics and Drug-dependent Persons Act 1968 - Sections 11, 14 and 15 (The remaining provisions are administered by the Minister for Health)

Appeal Costs Act 1998

Attorney-General and Solicitor-General Act 1972

Bail Act 1977

Charities Act 1978

Children and Young Persons Act 1989 - The Act is jointly and severally administered with the Minister for Community Services

Choice of Law (Limitation Periods) Act 1993

Classification (Publications, Films and Computer Games) (Enforcement) Act 1995

Commercial Arbitration Act 1984

Commonwealth Places (Administration of Laws) Act 1970

Commonwealth Powers (De Facto Relationships) Act 2004

Commonwealth Powers (Family Law-Children) Act 1986

Companies (Application of Laws) Act 1981

Confiscation Act 1997

Constitution Act 1975 - Part III Section 88 in so far as it relates to the appointment of Senior Counsel, Crown Counsel and Crown Counsel (Advisings) (The remaining provisions are administered by the Premier)

Constitution (Supreme Court) Act 1989

Constitutional Powers (Coastal Waters) Act 1980

Constitutional Powers (Request) Act 1980

Co-operative Schemes (Administrative Actions) Act 2001

Coroners Act 1985

Corporations (Victoria) Act 1990

Corporations (Administrative Actions) Act 2001

Corporations (Ancillary Provisions) Act 2001

Corporations (Commonwealth Powers) Act 2001

County Court Act 1958

Court Security Act 1980

Courts (Case Transfer) Act 1991

Crimes Act 1958

Crimes (Assumed Identities) Act 2004

Crimes at Sea Act 1999

Crimes (Controlled Operations) Act 2004

Crimes (Criminal Trials) Act 1999

Crimes (Family Violence) Act 1987

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 - Sections 48-55, 57A, 58, 60-63(1), 64-73 and Part 7A are jointly administered with the Minister for Health and the Minister for Community Services (The remaining provisions are administered by the Attorney-General)

Criminal Justice Legislation (Miscellaneous Amendments) Act 2002

Crown Proceedings Act 1958

Cul-de-sac Applications Act 1965 - Except: In so far as it relates to the management of the Office of the Registrar-General and the Land Titles Office (This Part of the Act is administered by the Minister for Planning)

Domestic Building Contracts Act 1995 - Part 5 (The remaining provisions are administered by the Minister for Consumer Affairs)

Domicile Act 1978

Electoral Act 2002 - Except: Division 1 of Part 5 (This Part of the Act is administered by the Premier)

Electoral Boundaries Commission Act 1982

Electronic Transactions (Victoria) Act 2000

Equal Opportunity Act 1995

Evidence Act 1958

Evidence (Commissions) Act 1982

Federal Courts (State Jurisdiction) Act 1999

Fences Act 1968 - Except: Section 19 (This provision is administered by the Minister for Planning)

Foreign Judgments Act 1962

Freedom of Information Act 1982

Futures Industry (Application of Laws) Act 1986

Guardianship and Administration Act 1986

Housing Act 1983 - Part VI (The remaining provisions are administered by the Minister for Housing)

Imperial Acts Application Act 1980

Imprisonment of Fraudulent Debtors Act 1958

Information Privacy Act 2000

Instruments Act 1958 - Except: In so far as it relates to the management of the Office of the Registrar-General and the Land Titles Office (This Part of the Act is administered by the Minister for Planning)

Interpretation of Legislation Act 1984

Judgment Debt Recovery Act 1984

Judicial College of Victoria Act 2001

Judicial Proceedings Reports Act 1958

Judicial Remuneration Tribunal Act 1995

Appendix B1: Acts administered by the Justice Portfolio as at 30 June 2005 continued

Judicial Salaries Act 2004

Juries Act 2000

Jurisdiction of Courts (Cross-vesting) Act 1987

Land Acquisition and Compensation Act 1986

Land Act 1958 -

- In so far as it relates to the exercise of powers relating to leases and licences under Subdivisions 1 and 2 of Division 9 of Part I in respect of: land described as Crown allotment 22D of section 30, Parish of Melbourne North being the site of the Victorian County Court
- Sections 22C-22E (The remaining provisions are administered by the Minister for Planning, the Minister for Corrections, the Minister for Health, the Minister for Transport and the Minister for Finance)

Land Titles Validation Act 1994

Legal Aid Act 1978

Legal Practice Act 1996

Legal Profession Act 2004

Leo Cussen Institute Act 1972

Limitation of Actions Act 1958

Local Government Act 1989 -

- Sections 44-46, 48 and 49.
- Section 243 in so far as it relates to municipal electoral tribunals.
- Schedule 4 excluding clause 1(b) (The Act is otherwise administered by the Minister for Local Government and the Minister for Transport)

Major Crime (Investigative Powers) Act 2004 - Part 3 is administered jointly with the Minister for Police and Emergency Services

Major Crime (Special Investigations Monitor) Act 2004

Magistrates' Court Act 1989

Maintenance Act 1965

Marriage Act 1958

Penalty Interest Rates Act 1983

Perpetuities and Accumulations Act 1968

Police Regulation Act 1958 - Division 4 of Part IVA (The Act is otherwise administered by the Minister for Police and Emergency Services and the Minister for WorkCover)

Professional Standards Act 2003

Property Law Act 1958 - Except: In so far as it relates to the management of the Office of the Registrar-General and the Land Titles Office (This Part of the Act is administered by the Minister for Planning)

Public Notaries Act 2001

Public Prosecutions Act 1994

Religious Successory and Charitable Trusts Act 1958

Residential Tenancies Act 1997 - Sections 446-448 (except

for subsection 447(1)), 452, 472, 473, 479 and 485 (The Act is otherwise administered by the Minister for Consumer Affairs, the Minister for Housing and the Minister for Planning)

Securities Industry Act 1975

Securities Industry (Application of Laws) Act 1981

Senate Elections Act 1958

Sentencing Act 1991 -

- Subdivision 4 of Division 2 and
- Division 6 of Part 3 of the Act are jointly administered by the Attorney-General and the Minister for Community Services
- Division 3 of Part 3 of the Act is jointly administered by the Attorney-General and the Minister for Corrections (The Act is otherwise administered by the Attorney-General)

Settled Land Act 1958

St Andrew's Foundation Act 1997

Status of Children Act 1974

Summary Offences Act 1966

Supreme Court Act 1986

Surveillance Devices Act 1999

Telecommunications (Interception) (State Provisions) Act 1988

Terrorism (Commonwealth Powers) Act 2003

Terrorism (Community Protection) Act 2003 - Except:

- Part 4 (This Part is administered by the Minister for Police and Emergency Services)
- Part 6 (This Part is administered by the Premier)

Transfer of Land Act 1958 - Except: In so far as it relates to the management of the Office of the Registrar-General and the Land Titles Office (This Part of the Act is administered by the Minister for Planning)

Unauthorized Documents Act 1958

Vagrancy Act 1966

Valuation of Land Act 1960 - Divisions 1 and 2 of Part III, Divisions 4 and 5 of Part III where they relate to the determination of appeals by the Victorian Civil and Administrative Tribunal and Part IV in so far as it relates to the administration of the above provisions (The remaining provisions are administered by the Minister for Planning)

Victims of Crime Assistance Act 1996

Victoria Law Foundation Act 1978

Victoria Park Land Act 1992

Victorian Civil and Administrative Tribunal Act 1998

Victorian Law Reform Commission Act 2000

Vital State Projects Act 1976 - Sections 5-16 (The remaining provisions are administered by the Premier)

Warehousemen's Liens Act 1958

Western Metropolitan Market Act 1938

Appendix B1: Acts administered by the Justice Portfolio as at 30 June 2005 continued

Whistleblowers Protection Act 2001

Wills Act 1997

Wrongs Act 1958

Minister for Consumer Affairs

Associations Incorporation Act 1981

Business Licensing Authority Act 1998

Business Names Act 1962

Carriers and Innkeepers Act 1958

Chattel Securities Act 1987 - Except: Part 3 (This Part is administered by the Minister for Transport)

Collusive Practices Act 1965

Companies (Administration) Act 1981

Consumer Credit (Victoria) Act 1995

Co-operatives Act 1996

Credit Act 1984

Credit (Administration) Act 1984

Credit Reporting Act 1978

Disposal of Uncollected Goods Act 1961

Domestic Building Contracts Act 1995 - Except: Part 5 (This Part is administered by the Attorney-General)

Estate Agents Act 1980

Fair Trading Act 1999

Frustrated Contracts Act 1959

Fuel Prices Regulation Act 1981

Fundraising Appeals Act 1998

Funerals (Pre-Paid Money) Act 1993

Goods Act 1958

Hire-Purchase Act 1959

House Contracts Guarantee Act 1987

Introduction Agents Act 1997

Landlord and Tenant Act 1958

Liquor Control Reform Act 1998

Marketable Securities Act 1970

Motor Car Traders Act 1986

Partnership Act 1958

Petroleum Products (Terminal Gate Pricing) Act 2000

Petroleum Retail Selling Sites Act 1981

Prostitution Control Act 1994

Residential Tenancies Act 1997 -

- Sections 24, 25, 27, 32, 33, 45-48, 74-77, 82, 90, 91, 102, 103, 104(1), 104(4), 104(5), 105(2), 105(3), 124, 128, 130-134, 141-212, 214, 215, 230, 232-234, 241, 277, 291-333, 335-341, 343-366, 373-376, 385, 388, 390, 395-398, 400-439, 486-504, 506-511
- Section 66(1) jointly administered with the Minister for Housing (The Act is otherwise administered by the

Attorney-General, the Minister for Housing and the Minister for Planning)

Retirement Villages Act 1986

Sale of Goods (Vienna Convention) Act 1987

Sale of Land Act 1962

Sea-Carriage Documents Act 1998

Second-Hand Dealers and Pawnbrokers Act 1989

Subdivision Act 1988 -

- Part 5
 - Section 38
 - Section 43 (in so far as it relates to Part 5 and section 38) (The Act is otherwise administered by the Minister for Planning)
- Trade Measurement Act 1995*
- Trade Measurement (Administration) Act 1995*
- Travel Agents Act 1986*
- Trustee Act 1958*

Trustee Companies Act 1984 - The Act is jointly administered with the Treasurer

Utility Meters (Metrological Controls) Act 2002

Minister for Corrections

Corrections Act 1986

International Transfer of Prisoners (Victoria) Act 1998

Land Act 1958 -

- In so far as it relates to the exercise of powers relating to leases and licences under Subdivision 1 of Division 9 of Part I in respect of -
 - land identified in Certified Plan 114680-A dated 8 February 1995
 - land shown as Allotment 8B, section 13 on Certified Plan 116685 and Allotment 4A, section 17 on Certified Plan 116944 lodged in the Central Plan Office in the Department of Sustainability and Environment
 - land shown as hatched on the plan numbered LEGL./95-80 lodged in the Central Plan Office of the Department of Sustainability and Environment
 - (The Act is otherwise administered by the Attorney-General, the Minister for Finance, the Minister for Health, the Minister for Planning and the Minister for Transport)

Parole Orders (Transfer) Act 1983

Prisoners (Interstate Transfer) Act 1983

Sentencing Act 1991 - Division 3 of Part 3 of the Act is jointly administered by the Attorney-General and the Minister for Corrections (The Act is otherwise administered by the Attorney-General and the Minister for Community Services)

Serious Sex Offenders Monitoring Act 2005

Appendix B1:

Acts administered by the Justice Portfolio as at 30 June 2005 continued

Minister for Gaming

Casino Control Act 1991 - Except:

- Sections 128H-128L (except for section 128K(2)) which are administered by the Minister for Planning
- Section 128K(2) which is administered by the Minister for Finance

Casino (Management Agreement) Act 1993

Gambling Regulation Act 2003 - Except:

- Division 2 of Part 2 of Chapter 4 (This Division is jointly administered with the Minister for Racing)
- Part 5 of Chapter 4 (This Part is jointly administered with the Minister for Racing)

Minister for Police & Emergency Services

Australian Crime Commission (State Provisions) Act 2003

Control of Weapons Act 1990

Country Fire Authority Act 1958

Emergency Management Act 1986

Emergency Services Telecommunications Authority Act 2004

Firearms Act 1996

Major Crime (Investigative Powers) Act 2004 - Part 3 is administered jointly with the Attorney-General (This Act is otherwise administered by the Attorney-General)

Metropolitan Fire Brigades Act 1958

Police Assistance Compensation Act 1968

Police Regulation Act 1958 - Except:

- Part III (This Part is administered by the Minister for WorkCover)
- Division 4 of Part IVA (These provisions are administered by the Attorney-General)

Private Agents Act 1966

Private Security Act 2004

Seamen's Act 1958

Sex Offenders Registration Act 2004

Terrorism (Community Protection) Act 2003 -

- Part 4 (This Act is otherwise administered by the Attorney-General and the Premier)

Unlawful Assemblies and Processions Act 1958

Victoria State Emergency Service Act 1987

Witness Protection Act 1991

Minister for Racing

Gambling Regulation Act 2003 -

- Division 2 of Part 2 of Chapter 4 (This Division is jointly administered with the Minister for Gaming)
- Part 5 of Chapter 4 (This Part is jointly administered with the Minister for Gaming)

Racing Act 1958

The Victoria Racing Club Act 1871

Appendix B2:

Legislation enacted in 2004/05 (passed between 1 July 2004 and 30 June 2005)

Attorney-General

Charities (Amendment) Act 2005

Children and Young Persons (Age Jurisdiction) Act 2004

Children and Young Persons (Koori Court) Act 2004

Children and Young Persons (Miscellaneous Amendments) Act 2005

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act 2005

Commonwealth Powers (De Facto Relationships) Act 2004

Courts Legislation (Judicial Appointments and Other Amendments) Act 2005

Courts Legislation (Judicial Conduct) Act 2005

Courts Legislation (Miscellaneous Amendments) Act 2005

Crimes (Dangerous Driving) Act 2004

Electoral Legislation (Amendment) Act 2004

Evidence (Witness Identity Protection) Act 2004

Justice Legislation (Amendment) Act 2005

Legal Profession Act 2004

Legal Profession (Consequential Amendments) Act 2005

Magistrates' Court (Family Violence) Act 2004

Magistrates' Court (Increased Civil Jurisdiction) Act 2004

Magistrates' Court (Judicial Registrars and Court Rules) Act 2005

Major Crime Legislation (Special Investigations Monitor) Act 2004

Major Crime Legislation (Seizure of Assets) Act 2004

Sentencing (Further Amendment) Act 2005

Victorian Civil and Administrative Tribunal (Amendment) Act 2004

Minister for Consumer Affairs

Fair Trading (Enhanced Compliance) Act 2004

Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004

Petroleum Products (Terminal Gate Pricing) (Amendment) Act 2004

Retirement Villages (Amendment) Act 2005

Minister for Corrections

Corrections and Major Crime (Investigative Powers) Act (Amendment) Act 2004

Corrections (Transition Centres and Custodial Community Permits) Act 2005

Minister for Gaming

Gambling Regulation (Amendment) Act 2004

Gambling Regulation (Further Amendment) Act 2004

Gambling Regulation (Public Lottery Licences) Act 2005

Minister for Police and Emergency Services

Emergency Services Telecommunications Authority Act 2004

Major Crime (Investigative Powers) Act 2004

Major Crime Legislation (Office of Police Integrity) Act 2004

Serious Sex Offenders Monitoring Act 2005

Sex Offenders Registration Act 2004

Sex Offenders Registration (Amendment) Act 2005

Appendix C: Statement of compliance with the *Building Act 1993*

The Minister for Finance guidelines, pursuant to section 220 of the *Building Act 1993*, promote better standards for buildings owned by the Crown and Public Authorities and require entities to report on achievements. The Department of Justice controls and manages 73 properties on behalf of the Crown that are utilised for legal, court, prison, and emergency services. Other corporate entities within the Justice Portfolio, such as the Country Fire Authority, the Metropolitan Fire and Emergency Services Board, and Victoria Police will report separately on building compliance issues. The following comments are made in relation to the Minister's guidelines.

New buildings conforming to standards

For the 2004-05 financial year, all works carried out on buildings controlled by the Department of Justice were required to be conducted in accordance with the provisions of the *Building Act 1993*, relevant building regulations, and other statutory requirements. The Department has established appropriate mechanisms to ensure compliance, including the issue of building permits and occupancy certificates, and inspection of works. Agencies of the Department of Justice are exempt from lodging plans with local councils. The separate tables provide the relevant project details.

Ten-year liability cap

All departmental building works carried out and which were subject to building permits or certifications have been issued with a certificate of occupancy or final inspection, so invoking the 10-year liability cap. The major departmental building works are shown in the tables. There have been no exemptions from invoking the 10-year liability cap. Where there is an exemption from invoking the 10-year liability cap, it is identified as part of contract documentation for the works. The 10-year liability cap is invoked upon the issue of a certificate of occupancy. This allows a building owner to make a claim against any practitioner associated with the building's construction up to 10 years from the occupancy certificate date.

Buildings to be maintained in a safe and serviceable condition

The mechanisms in place within the Department of Justice to ensure that buildings are maintained in a safe and serviceable condition include:

- a three year contract has been awarded to an external service provider to manage all building essential service tasks, in accordance with legislative requirements;
- the identification of works and their priority;
- the development of a departmental works program forming part of the overall departmental investment strategy;
- a program to monitor and review effectiveness of these mechanisms.

Existing buildings conforming to standards

All departmental buildings comply with Minister for Finance guidelines. The mechanisms established by the Department are intended to maintain compliance and the effectiveness of those mechanisms are being continuously monitored.

Registered building practitioners

The Department of Justice requires building practitioners carrying out building works to be registered, and for registration to be maintained throughout the course of the works.

Appendix C:
Statement of compliance with the *Building Act 1993* continued

Major works commenced by the Department throughout the 2004-05 financial year

Building works	Forecast project cost Building Permit issued \$ 000's or works certified
NIL	

Major works in progress and commenced by the Department prior to the 2004-05 financial year

Building works	Forecast project cost \$ 000's	Building Permit issued or works certified
Ararat Medium Security Prison	8,980	Yes
Beechworth Low Security Prison	20,236	Yes
Ten year Cell Safety Project	50,750	Yes
Mildura Court House	16,700	Yes
Warrnambool Court House	15,500	Yes

Major works completed by the Department throughout the 2004-05 financial year

Building works	Forecast project cost \$ 000's	Building Permit issued or works certified
Langi Kal Kal Prison (stage 1)	3,304	Yes

Appendix D: Report on implementation of the Victorian Industry Participation Policy

Contracts commenced to which the VIPP applied:

- During Financial Year 2004—05, the Department extended one contract for a further two year period totalling \$105,000,000 in value over the life of the contract to which the VIPP applied.
- No new contracts under the Department, to which VIPP applies, commenced during the 2004—05 Financial Year.
- The commitments by contractors under VIPP included:
 - An overall level of local content of 95 per cent of the total value of the contract;
 - The extended contract is a panel of firms and the Victorian Government Solicitor's Office which are all Victorian based.
 - Individual firms' employment levels are not dependent on this contract. However, it is probable that some employment opportunities have arisen as a result of the contract, though the number is almost impossible to quantify.

Contracts completed to which the VIPP applied:

- During Financial Year 2003—04 a total of six contracts were reported as commenced to which the VIPP applied. Those contracts continue to be ongoing, therefore no contracts are in a position to be reported as completed.

Appendix E: Environmental management

The environmental reporting data below is for four¹ of the Department's office locations (with the exception of transportation, which covers all Departmental use) where over 70 per cent of the Department's office-based staff members are located. This information has been prepared in accordance with the financial reporting directions issued by the Minister for Finance.

Energy²	
Measure	2004-05 Total
Units of energy ³ (megajoules) used per full time employee (FTE ⁴)	11,812
Units of energy used per unit of office space (megajoules per m ²)	517
Total energy usage (gigajoules)	16,613
Associated greenhouse gas emissions ⁵ (tonnes of CO ₂ equivalent)	4,091
Units of Green Power purchased (kWh)	159,314
Expenditure on Green Power (\$)	7,223
Paper	
Measure	2004-05 Total
Total units of paper (reams)	36,582
Units of paper (reams) per FTE	26
Transportation	
Measure	2004-05 Total
Fuel consumption ⁶ (gigajoules ⁷)	56,359
Fuel consumption (gigajoules) per FTE	10.96
Associated greenhouse gas emissions ⁸ from passenger vehicle use (tonnes of CO ₂ equivalent)	4,127
Associated greenhouse gas emissions from passenger vehicle use (tonnes of CO ₂ equivalent) per FTE	0.80
Passenger vehicle trip kilometres associated with Departmental operations	15,196,095
Passenger vehicle trip kilometres associated with Departmental operations per FTE	2,955
Percentage of employees ⁹ regularly (>75% of work attendance days) using public transport, cycling, or walking to and from work	83
Waste Production	
Measure	2004-05 Total
Units (kg) generated per FTE ¹⁰	147
Units of waste recycled ¹¹ (kg)	187,787
Water Consumption¹²	
Measure	2004-05 Total
Units of water (litres) consumed per FTE	15,934
Total units of water ¹³ (litres)	9,950,501

Appendix E: Environmental management continued

Other Information

- Actions taken during the year to reduce energy use in buildings:
During the period from 1999 to 2002, the Department undertook all remedial actions to reduce energy consumption, including installation of light sensors, efficient lighting and optimal start up. Further building works are not warranted in view of the Department's move to the Southern Cross building in 2006. The Department is now focusing on improving operational energy use, including purchasing flat screen computer monitors, enabling power saving features on office equipment and increasing duplex printing.
 - Actions taken during the year to reduce energy use in the Department's vehicle fleet:
The Department maintained its policy requirement that all vehicles travelling over 30,000 km per annum must be either four cylinder vehicles or six cylinder dedicated LPG vehicles, and all vehicles travelling over 20,000 km per annum must be four cylinder vehicles.
 - Actions taken to promote environmental purchasing:
Twenty-three per cent of all office paper purchased during 2004-05 contained a minimum of 50 per cent recycled content. A requirement has been introduced under the Department's Environmental Management System for all white A4 office paper purchased to contain a minimum of 50 per cent recycled content by December 2005.
- 1 452 Flinders Street, 55 St Andrews Place, 436 Lonsdale Street and Level 24, 80 Collins Street.
 - 2 Includes tenancy light and power use at all offices and natural gas consumption at 55 St Andrews Place and 436 Lonsdale Street. Due to leasing arrangements, base building energy consumption data (with the exception of gas usage at 55 St Andrews Place and 436 Lonsdale Street) could not be obtained.
 - 3 Units of energy per FTE was higher in 2004-05 than in the previous financial year due to a faulty direct digital control (DDC) system at 436 Lonsdale Street. An energy improvement project was instigated in this building in September 2005.
 - 4 The Department's FTE as at 30 June 2005 is used for environmental reporting, with the exception of waste production where the FTE for the month in which waste audits were conducted is used.
 - 5 Calculated using the Victorian greenhouse gas coefficients provided in Energy and Greenhouse Management Toolkit, Module 3: Calculating energy use and greenhouse emissions (State Government of Victoria, 2002).
 - 6 Includes all executive and operational Department of Justice (DOJ) vehicles and vehicles hired from the State Government Vehicle Pool (SGVP). DOJ vehicle fuel consumption and kilometres travelled normalised to 365 days from 271 days of data available at the time of publication. Fuel consumption of vehicles hired under the SGVP for DOJ operations was estimated by applying the proportion of DOJ kilometres of all SGVP kilometres travelled to the total SGVP fuel consumption.
 - 7 Gigojoules determined from fuel consumption (litres) using EPA Victoria's Vehicle Greenhouse Calculator.
 - 8 Greenhouse gas emissions calculated from fuel consumption (litres) using EPA Victoria's Vehicle Greenhouse Calculator.
 - 9 Derived from a survey of Department of Justice employees based in the Melbourne central business district.
 - 10 The FTE used for assessing waste production is the FTE in the month in which waste audits were conducted.
 - 11 As determined by annual physical waste audits. Units of paper recycled based on estimated number of 240-litre mobile garbage bins collected (includes confidential paper), with kilograms estimated using a conversion factor of 35kg per full 240-litre bin.
 - 12 Exclusions: 452 Flinders Street (not available from building manager). Normalisations: Level 24, 80 Collins Street and 436 Lonsdale Street apportioned from total building water consumption by floor area.
 - 13 The 2004-05 water consumption is higher than that reported in the 2003-04 annual report due to incorrect data supplied for 436 Lonsdale Street in 2003-04 by the building manager. Water consumption per FTE was lower in all three buildings in 2004-05 than in 2003-04.

Appendix F

People management

F1 Workforce data

2004/2005 Annual Report Statistics

Staffing numbers (FTE)	As at 30 June 2004	As at 30 June 2005
Executive Management	10.0	5.0
Police, Emergency Services & Corrections *	2095.1	2178.0
Corporate Services £	198.3	239.7
Strategic Projects & Planning §	85.1	107.5
Consumer Affairs @	331.0	354.3
Legal & Equity	351.2	365.1
Courts ^	1308.0	1362.1
Community Operations & Strategy #	355.1	372.9
Gaming & Racing ¥	161.4	157.4
Total	4895.2	5142.0

* Increase in numbers is primarily attributable to the recruitment of staff to the new prisons in Corrections Victoria, including an increase in the use of casuals. Furthermore, there were appointments to newly established roles at Melbourne Assessment Prison, Beechworth Correctional Centre and the Correctional Programs Centre. Additional staff were also engaged by the Bureau of Emergency Services & Telecommunications to manage multi-departmental/agency public safety contracts and projects.

£ Increase due to the consolidation of the delivery of IT services across the Department, as well as the expansion of functions of the Corporate Communications business unit, which was established in 2004.

§ Increase due to the appointment of staff to manage the Integrated Justice System, and the transfer of functions of accounts payable from Enforcement Management, Consumer Affairs Victoria and Corrections Victoria.

@ Staff numbers have increased as a result of a Government decision, following 'The Way Forward' Report, to adopt a new service model and to insource functions previously performed by community agencies under contract to CAV.

New CAV regional offices have been established in five rural regions.

^ Establishment of the Sentencing Advisory Council. In addition, there have been a number of appointments to newly established roles and an increase in the use of casuals in the County, Supreme and Magistrates' courts.

Establishment of the Road Safety Enforcement Technology Unit.

¥ Gaming & Racing numbers include Victorian Commission for Gambling Regulation (VCGR). Note: VCGR are also reported in the Victorian Commission for Gambling Regulation Annual Report.

Aggregate workforce data (FTE)	As at 30 June 2004			As at 30 June 2005		
	Male	Female	Total	Male	Female	Total
Employee status						
Ongoing	2084.1	1869.2	3953.3	2146.8	2001.9	4148.7
Fixed term	237.6	324.9	562.5	251.4	325.2	576.6
Casual	63.1	48.5	111.6	82.4	69.9	152.3
Statutory appointments	179.2	88.6	267.8	173.0	91.4	264.4
Total	2564.0	2331.2	4895.2	2653.6	2488.4	5142.0

Appendix F
People management continued

F2 Major grades by gender as at 30 June 2005 (FTE)

Grade	Full-time			Part-time			Casual/ sessional			Totals by gender		Grand total
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	
VPSG Levels												
Public Service 1	14.0	29.0	43.0	2.0	6.3	8.3	0.3	4.2	4.5	16.3	39.5	55.8
Public Service 2	458.5	774.0	1232.5	11.7	99.9	111.6	14.6	21.9	36.5	484.8	895.8	1380.6
Public Service 3	327.8	491.6	819.4	3.2	55.6	58.8	2.1	7.0	9.1	333.1	554.2	887.3
Public Service 4	222.5	213.3	435.8	5.1	23.8	28.9	0.7	2.3	3.0	228.3	239.4	467.7
Public Service 5	231.0	205.5	436.5	5.3	37.9	43.2	0.0	0.2	0.2	236.3	243.6	479.9
Public Service 6	210.7	100.0	310.7	3.2	11.6	14.8	0.0	0.0	0.0	213.9	111.6	325.5
Public Service 7	7.0	1.0	8.0	0.0	0.0	0.0	0.0	0.0	0.0	7.0	1.0	8.0
Total	1471.5	1814.4	3285.9	30.5	235.1	265.6	17.7	35.6	53.3	1519.7	2085.1	3604.8
Custodial Officers												
COG1	0.0	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
COG2a	453.0	167.0	620.0	3.3	3.2	6.5	63.3	33.9	97.2	519.6	204.1	723.7
COG2b	233.5	38.0	271.5	1.8	1.7	3.5	1.1	0.0	1.1	236.4	39.7	276.1
COG3	93.0	11.0	104.0	0.0	1.0	1.0	0.0	0.0	0.0	93.0	12.0	105.0
COG4	27.0	3.0	30.0	0.0	0.0	0.0	0.0	0.0	0.0	27.0	3.0	30.0
COG6	8.0	1.0	9.0	0.0	0.0	0.0	0.0	0.0	0.0	8.0	1.0	9.0
Total	814.5	221.0	1035.5	5.1	5.9	11.0	64.4	33.9	98.3	884.0	260.8	1144.8
Solicitors												
Principal Solicitor Lv1	5.0	5.0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0	5.0	10.0
Principal Solicitor Lv2	1.0	2.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	2.0	3.0
Senior Solicitor Lv1	1.0	2.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	2.0	3.0
Senior Solicitor Lv2	2.0	2.0	4.0	0.0	0.6	0.6	0.0	0.0	0.0	2.0	2.6	4.6
Solicitor Lv2	0.0	9.0	9.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	9.0	9.0
Solicitor Lv3	2.0	5.0	7.0	0.0	0.5	0.5	0.0	0.0	0.0	2.0	5.5	7.5
Total	11.0	25.0	36.0	0.0	1.1	1.1	0.0	0.0	0.0	11.0	26.1	37.1
Staff not part of career grade structure												
Other Classifications †	224.0	96.2	320.2	2.3	6.7	9.0	12.4	13.7	26.1	238.7	116.6	355.3
Grand Total	2521.0	2156.6	4677.6	37.9	248.8	286.7	94.5	83.2	177.7	2653.4	2488.6	5142.0

† Other Classifications include executive officers, statutory appointees and other ongoing and fixed term staff who are not part of the career grade structure.

People management continued

F3 Reconciliation of executive numbers

The number of executives in the report of operations is based on the number of executive positions that are occupied at the end of the financial year. The 'remuneration of executives' note to the financial statements lists the actual number and remuneration paid to executive officers over the course of the reporting period. The note to the financial statements does not distinguish between executive levels, disclose separations, vacant positions, executives whose remuneration is below \$100,000, nor does it include the Accountable Officer. Separations are those executives who have left the Department during the financial year.

Disclosures in the report of operations contains information on:

- executive classifications;
- gender composition of the classifications; and
- variances between the current and previous reporting period.

The reconciliation of executive numbers between the report of operations and note 18 remuneration of executives to the financial statements improves the transparency and completeness of the information that is disclosed.

For executive numbers across the Victorian public service, the Department has included executive numbers for all portfolio authorities.

Executive officers definition

For a department, an executive officer (EO) is a person employed as an executive under Part 3, Division 5 of the *Public Administration Act 2004*.

Additionally, the total group of executives must be classified into two distinct categories based on the following definitions:

- 'Ongoing' executives are executives who are responsible for functions or outputs that are expected to be ongoing at the reporting date; and
- 'Special projects' executives are executives who are employed for a specific project. These projects are generally for a fixed period of time and relate to a specific government priority.

For portfolio authorities an executive officer is a person employed as an executive officer at an annual remuneration rate not less than an executive officer employed by a department.

The definition of an executive officer does not include Governor-in-Council appointments as statutory office holders.

Portfolio authorities definition

A portfolio authority is defined as a public authority under the *Public Administration Act 2004*.

The following tables disclose the executive officers of the Department and its portfolio authorities for 30 June 2005:

- Table 1 discloses the number of executive officers (EO) in the categories of 'ongoing' and 'special projects' and the total numbers of EOs for the Department;
- Table 2 provides a breakdown of EOs according to the gender of male and female for the categories of 'ongoing' and 'special projects';
- Table 3 provides a reconciliation of executive numbers between the report of operations and note 18 remuneration of executives to the financial statements; and
- Table 4 provides the total executive numbers for the Department's portfolio authorities.

Tables 1 to 4 also disclose the variations, denoted by 'Var' between the current and previous reporting periods and current vacancies.

Table 1 Number of executive officer positions classified into 'ongoing' and 'special projects'

Classification	All		Ongoing		Special projects	
	No.	Var.	No.	Var.	No.	Var.
EO-1	2	0	2	0	0	0
EO-2	22	0	21	0	1	0
EO-3	45	0	45	1	0	-1
Total	69*	0	68	1	1	-1

* Includes four vacancies as at 30 June 2005

Table 2 Breakdown of executive officers employed at 30 June 2005 into gender for 'ongoing' and 'special projects'

Classification	Male		Female		Vacancies
	No.	Var.	No.	Var.	No.
EO-1	1	0	1	0	0
EO-2	16	-1	4	0	1
EO-3	27	3	15	0	3
Total	44	2	20	0	4

Classification	Male		Female		Vacancies
	No.	Var.	No.	Var.	No.
EO-1	0	0	0	0	0
EO-2	1	0	0	0	0
EO-3	0	0	0	-1	0
Total	1	0	0	-1	0

Appendix F People management continued

Table 3 Reconciliation of executive officer positions

	2005	2004
Total number of executives with remuneration over \$100,000 (note 18)	60	57
Add Total number of executives with remuneration below \$100,000 Accountable Officer (Secretary)	11	19
Less Separations Inactive	-7	-12
	0	-1
Total executive officers employed at 30 June*	65	64
Add Vacancies at 30 June (table 1)	4	5
Total executive officer positions at 30 June	69	69

* Includes five executive officers from the Victorian Commission for Gambling Regulation

Table 4 Number of executive officer positions for the Justice portfolio

Portfolio agencies	Total Positions Occupied		Vacancies	
	No.	Var	No.	Var
Office of Public Prosecutions	2	0	0	0
Office of the Chief Commissioner of Police	13	1	1	1
Total	15	1	1	-1
Portfolio agencies	Male		Female	
	No.	Var	No.	Var
Office of Public Prosecutions	2	0	0	0
Office of the Chief Commissioner of Police	10	-1	3	2
Total	12	-1	3	2

Portfolio agencies	Total Positions Occupied		Vacancies	
	No.	Var	No.	Var
Victoria Legal Aid	8	1	0	0
Victorian Institute of Forensic Medicine	2	0	0	0
Country Fire Authority	30	4	0	-2
Emergency Communications Victoria	6	2	0	-1
Greyhound Racing Victoria	2	1	0	0
Harness Racing Victoria	3	0	0	0
Legal Practice Board	3	0	0	0
Metropolitan Fire and Emergency Services Board	34	0	0	0
Total	88	8	0	-3

Portfolio agencies	Male		Female	
	No.	Var	No.	Var
Victoria Legal Aid	5	0	3	1
Victorian Institute of Forensic Medicine	2	0	0	0
Country Fire Authority	26	3	4	1
Emergency Communications Victoria	6	2	0	0
Greyhound Racing Victoria	2	1	0	0
Harness Racing Victoria	3	0	0	0
Legal Practice Board	1	0	2	0
Metropolitan Fire and Emergency Services Board	31	3	3	-2
Total	76	9	12	0

F4 Merit and equity programs

Total number of decisions to exempt vacancies from advertisement

There were 180 exemptions from advertisement during 2004-2005. Five of these exemptions relate to the appointment of a person from a disadvantaged group.

Processes that inform employees who may be affected by decisions as they are made in relation to an exemption

The Department Secretary's decision to exempt a vacancy from advertisement is notified to all staff of the Department through the Department's internal Employment Bulletin. The Employment Bulletin has a section specifically provided for exemptions notification and includes the following statement: The Secretary of the Department of Justice has certified that there has been no breach of merit and equity and has exempted the vacancy from advertisement. Also published are the instructions about the lodgement of grievances against an exemption.

Processes that ensure consistency of decision making

To ensure that decisions to exempt a vacancy from advertisement are consistent, all requests are first considered by the Director, Human Resources before being forwarded to the Department Secretary for consideration.

Reviewing personal grievances

In the 2004-05 reporting year, the total number of grievances was 66.

The table on page 145 outlines the quantum of grievances by outcome and gender.

Outcome	Quantum
Ineligible	1
Withdrawn	9
Conciliated/mediated	19
Heard: upheld	1
Heard: rejected	11
Ongoing	25
Total	66

Gender

Male	41
Female	25

Work value disputes

As a result of transition to the new VPS career structure, the Department of Justice dealt with a number of work value disputes in the 2004-05 reporting year. The table below outlines the quantum of disputes subject to over grade and work value review.

Outcome	Over Grade Quantum	Work Value Quantum
Withdrawn	17	4
Heard: upheld	5	0
Heard: rejected	2	0
Ongoing	4	15
Total disputes lodged	28	19

Koori recruitment and career development strategy

With the introduction of Wur-cum barra - the Victorian Government's strategy for creating employment opportunities in the Victorian Public Service (VPS) for Indigenous people - the Department of Justice, under the banner of the Koori Recruitment and Career Development Strategy (KRCDS) an initiative of the Victorian Aboriginal Justice Agreement, has continued the work initiated in the previous year and expanded to include projects further aimed at recruiting and retaining Indigenous staff.

Programs include:

- The Koori Tertiary Scholarship scheme.

- Pathways and Gateways to Justice.
- A Koori staff support network to include both employees and volunteers to Justice related initiatives.
- An internal website focusing on Indigenous initiatives which all Department of Justice staff can access.
- A Koori staff mentoring program, to include a youth career development forum.
- Indigenous Cultural Awareness Training.
- Layun Nguttay - Managers kit.

The Department also has an Identified Positions Policy. Identified Indigenous positions within the Justice portfolio help ensure the effective development and delivery of policies and programs affecting Indigenous people. It provides an important source of recruitment of Indigenous employees with appropriate skills and knowledge for these positions.

The outstanding work being carried out under the KRCDS was recognised when the Department accepted three People Management Awards in 2004.

Equity training programs

As a component of the Corporate Training Program, merit and equity awareness courses are offered to all staff. These include:

- Cross Cultural Awareness Training (Indigenous Awareness)
- Vietnamese Awareness
- Sexual Harassment
- Working Effectively with Diversity.

In addition, all new staff in the Department are made aware of their rights and responsibilities in relation to discrimination, sexual harassment and bullying via the Department's Induction Program.

Corporate training program

The Department of Justice offers a range of development programs to staff through its Corporate Training Program. The majority of the programs are based on competencies endorsed by the Australian National Training Authority (ANTA) specifically for people working in government at the national, State and local level. Staff are able to gain certificate or diploma level qualifications including frontline management through completing both the training program and a work-based project. The overall objective of the Corporate Training Program is to impart skills and provide experience in managing self and others more effectively. Approximately half of the competency-based training programs are also available through self-paced learning options. This makes them more accessible to regional staff. In 2004-2005 staff completed over 1,000 training days.

Leadership and management development

The Department of Justice continued its comprehensive leadership development strategy. The strategy is based on the Department's leadership and management competencies and the recently developed Values which provide a guide for appropriate behaviour at all levels of the organisation. One of the key issues identified through OH&S statistics and the annual Employee Attitude Survey is the importance of the role of team leaders and

Appendix F

People management continued

middle managers in providing a positive and motivating work environment for staff. A team leadership program to address these specific management issues has been developed and piloted and will be rolled out to all middle managers over the next three years. Executive officer development is also a focus of the leadership strategy with an expectation that all executive officers will undertake some form of development each year. The Department conducts executive forums throughout the year and has a strong commitment to supporting senior staff to attend quality public sector leadership programs such as ANZSOG, Cranlana and Williamson Leadership programs. Six senior managers per year are supported to undertake the ANZSOG Masters of Public Administration. Two are supported to attend the Executive Fellows program. The Department funds three senior staff to participate in the Cranlana program each year and supports nominations for the Williamson Leadership program.

Youth employment scheme

The Department of Justice enrolls approximately 130 youth trainees across the Justice Portfolio each financial year. In 2004-05, 135 trainees were placed within Justice, with over 50 per cent of trainees from disadvantaged backgrounds.

Graduate recruitment scheme

The Department of Justice employed 10 graduates in 2005. Graduates rotate throughout the VPS during the graduate training year and participate in a learning and development program. The Department recognises the importance of the graduate program as a means of attracting and developing our future leaders.

F5: Employee relations statement 2004-2005

During 2004-05 there were no industrial relations incidents that resulted in lost time.

The Department has worked with central agencies on various cross departmental working groups to finalise the Agency Specific Occupation Category (ASOC) reviews, including Community Corrections Officers, Legal Officers, Custodial Officers, Sheriff's Officers, Allied Health officers and Clerks of Courts.

In addition the Department has worked with central agencies on the development of the Victorian Public Service Award 2005.

Appendix G

Business management

G1 Report on operations

Financial review of operations and financial condition

Five year financial summary

	2005	2004	2003	2002	2001
	\$'000	\$'000	\$'000	\$'000	\$'000
Revenue from Government	2,324,539	2,149,886	2,065,575	1,828,629	1,705,985
Other revenue	73,993	64,612	61,308	54,442	53,322
Total revenue	2,398,532	2,214,498	2,126,883	1,883,071	1,759,307
Net result from ordinary activities	45,265	25,337	50,762	34,346	47,075
Net cash flow from operating activities	70,954	57,331	47,529	46,378	72,351
Total assets	1,243,934	1,081,461	943,141	844,738	701,839
Total liabilities	304,380	262,982	226,757	234,647	195,843

In the financial year ending June 2005, the Department's result from ordinary activities was significantly affected by:

- the funding of new initiatives commenced in 2004-05 as well as the incremental impacts of initiatives commenced in previous financial years and which are now fully operational
- the indexation of the cost of ongoing services and programs including the impact of Enterprise Bargaining Agreements
- the introduction of finance lease arrangements in respect of the Department's motor vehicle fleet impacting both reported total assets and liabilities
- continued investment in Justice system infrastructure including prisons, courts and emergency services telecommunications systems.

Detailed financial information about the performance of each of the Department's output activities is contained in note 2 to the financial statements. Some significant aspects of the performance from respective output activities were the:

- progressive implementation of three major statewide emergency services communications systems: Mobile Data Network, Emergency Alerting System and Metropolitan Mobile Radio impacting the output costs in the Emergency Prevention and Response output group
- progressive implementation of a number of road safety initiatives impacting the cost of traffic fines processing
- funding of additional police
- the progressive commissioning of additional bed capacity in the State's prison system impacting the cost of the Prison Supervision and Support output.

In general, delivery of services by the ten output activities of the Department were within defined budgetary objectives. A comparison of budget and actual financial statements is contained in Appendix 3 Budget portfolio outcomes.

Subsequent events

No events have occurred subsequent to 30 June 2005 that would require adjustments to, or disclosure in, the Department's financial statements.

G2 Implementation of National Competition Policy - scheduled legislative reviews

Legislation	Progress Achieved
Civil Law Policy <i>Legal Practice Act 1996</i>	<p>The review of the <i>Legal Practice Act 1996</i> has resulted in the passage of the <i>Legal Profession Act 2004</i> (the new Act). The new Act repeals the <i>Legal Practice Act 1996</i> and introduces reforms to improve the regulation of the legal profession. It is anticipated to come into operation in late 2005.</p> <p>The proposals for the new Act were subject to a National Competition Policy review and progress has been made in relation to the two areas under the legislation, previously identified as having outstanding national competition policy issues:</p> <ul style="list-style-type: none"> • Retention of the Legal Practitioners' Liability Committee; • Regulation of conveyancing services.
Legal Practitioners' Liability Committee;	<p>In accordance with the recommendations of the National Competition Policy review, the Legal Practitioners' Liability Committee (LPLC) has been maintained as the statutory monopoly provider of compulsory professional indemnity insurance for Victorian solicitors. In relation to Victorian barristers, the new Act allowed a barrister to apply for insurance with the LPLC. However, it also allowed the Victorian Bar Council to resolve that the insurance for a barrister must be with the LPLC. The Victorian Bar Council resolved on 16 December 2004 that Victorian barristers are required to insure with the LPLC.</p>
Regulation of conveyancing services	<p>The National Competition Policy review recommended that a separate review be undertaken to assess the complex and interrelated matters associated with the current regulation of conveyancers and reservation of legal work. On 10 November 2004, the Attorney-General and the Minister for Consumer Affairs jointly announced the terms of reference for such a review. The consultants performing the review were asked to apply national competition policy principles in considering limitations on the nature of work that conveyancers can perform. As part of the review, a discussion paper was publicly released and comments were sought from stakeholders. A final report has recently been presented to the interdepartmental steering committee overseeing the review. Consideration is currently being given to the findings in the report.</p>

G3 Application of competitive neutrality (CN)

Significant Government	Status of CN business activity applied
Attorney-General's portfolio Victorian Government Reporting Service	<p>In 2003-04 the VGRS called tender and contracted a panel of three contractors for the supply of court recording, reporting, transcription and distribution services. This process was effected in accordance with the Victorian Government policy and guidelines of VGPB, including the application of competitive neutrality. The contracts were for three years with an option for a one year extension. Assuming that the option is exercised the expected year of expiry will be 2007. There was no business activities in 2004-05 that had relevance to the application of competitive neutrality (CN). Hence, "NIL" return is submitted.</p>
Consumer Affairs Portfolio	Nil
Police & Emergency Services Portfolio	Nil
Corrections Portfolio	Nil
Gaming Portfolio	Nil
Racing Portfolio	Nil

Business management continued

G4 Chief executive officer, senior office holders and Audit Committee - members, roles and functions as at 30 June 2005

Audit Committee

Independent members

Mr Frank King	Chairman
Ms Jane Harvey	Non Executive Member

Executive members

Dr Claire Noone	Executive Director, Corporate Services
Mr John Griffin	Executive Director, Courts
Dr Roslyn Kelleher	Executive Director, Strategic Projects and Planning
Mr Ross Kennedy	Executive Director, Gaming and Racing

Regular attendees

Mr Des Hill	General Manager, Finance
Mr Ray Turnley	Manager, Internal Audit / Secretary, Audit Committee

Representatives of the Auditor-General's Office

Audit Committee Charter - function, role and duties of the Audit Committee

The role and responsibilities of the Audit Committee and its members are set out in an Audit Committee Charter adopted by the Department in July 2001.

The Audit Committee advises the Accountable Officer to assist in the effective discharge of responsibilities prescribed in the *Financial Management Act 1994* and *Audit Act 1994* and other relevant legislation.

The committee reports on its findings directly to the Accountable Officer, particularly when issues are identified that could present a material risk or threat to the agency.

Audit Committee duties

The committee's key duty in discharging its responsibilities is to provide reasonable assurance to the Accountable Officer that the agency's core business goals and objectives are being achieved in an efficient and economical manner, within an appropriate internal control and risk management framework.

The Audit Committee's core duties are to:

- assess and contribute to audit planning processes regarding risks and threats to the agency, taking into account the financial and operational environment in which it operates and its performance management framework;
- assess and enhance the agency's corporate governance, including its systems of internal control and the internal audit function;
- facilitate the practical discharge of the audit function, particularly in respect of planning, monitoring and reporting; and
- oversee and appraise the agency's financial and operational reporting processes through the internal audit function.

Audit Committee Responsibilities

The Committee's other key responsibilities, through the internal and external audit functions, are to assist the Accountable Officer discharge responsibilities of 'due care and diligence' in relation to:

- the delivery of agency outputs efficiently, effectively and economically to obtain optimal value for money;
- optimising agency performance in terms of quality, quantity, timeliness, cost and where appropriate, location;
- reporting agency financial and operational information in a relevant, reliable and timely manner
- ensuring the integrity and consistency of the agency's corporate culture relative to ethical conduct and probity, especially its tendering, contracting and other procurement processes.

G5 Disclosure of major contract compliance Disclosure statement

The Department has disclosed all contracts greater than \$100,000 which it entered into in 2004-05.

The disclosed contracts can be viewed at www.tenders.vic.gov.au

Appendix G

Business management continued

G6 Summary of consultancies

Business unit	Summary of project	Consultant engaged	Approved amount (excl GST)	Expenditure for reporting period (excl GST)	Future commitments (excl GST)
Consumer Affairs Victoria	Review of National Arrangement for Administering Trade Measurement in Australia		\$109,091	\$0	\$109,091
Office of Emergency Services Commissioner	Feasibility Study - State Emergency Operations Centre	Sinclair knight Merz	\$182,727	\$16,667	\$166,060
Office of Emergency Services Commissioner	Feasibility Study - Resource Tracking & Information Management (RTIM)	Sinclair knight Merz	\$155,455	\$0	\$155,455
Indigenous and Diversity Issues	Review of the Victorian Aboriginal Justice Agreement	Atkinson Kerr & Associates	\$135,182	\$135,181	\$0
Consultancies less than \$100,000					
Number of engagements approved during 2004-05				34	
Total approved amount for new consultancies				\$1,339,845	

In 2004-05 the Department of Justice changed its reporting approach on the amount spent on consultancies to ensure consistency with other government departments. The total approved amount for consultancies now only shows new contracts entered into during the reporting period. Previous annual reports included approved amounts for total consultancies for that period, in addition to the annual amount allocated and approved in prior years.

Appendix H: Occupational health and safety

Occupational health and safety and WorkCover performance indicators:

The number of standard WorkCover claims increased marginally in 2003-04 from the previous year of 133 to 137, however costs per claim decreased from an average of \$36,568 in the previous year to \$27,432. Costs per claim now include actuarial estimates and previous years' estimates have been adjusted. Performance over the year demonstrates the reduction of claims cost due to an intensive commitment to Return to Work policies and procedures and the targeting of high cost causal-specific claims.

	2002-03	2003-04	2004-05
Standardised Claims	135	133	137
Time Loss Claims	39	55	53
Fatality Claims	0	0	0
	2002	2003	2004
Claims exceeding 13 weeks	26	20	30
	2002	2003	2004
Average cost per claim	\$38,787	\$36,568	\$27,432

Note: Data in this table is sourced from Allianz, the Department's WorkCover agent.

Note: Data relating to the number of incidents and percentage of return to work plans is not available and will be reported in the Department's annual report for 2005-06.

Premium, rates and claims costs.

The ongoing improvement in WorkCover performance is reflected in the WorkCover premium rate decrease, the total claims decrease and the premium dollar decrease while total remuneration has increased annually.

	2003-04	2004-05	2005-06
Premium rate	2.6693	2.3007	2.0677
Claims costs	\$17,721,372	\$14,849,319	\$11,150,486
Premium	\$8,894,104	\$8,111,309	\$7,966,572
Remuneration	\$333,216,441	\$352,558,294	\$385,302,192

(GST not included, Allianz supplied data)

Appendix I: *Whistleblowers Protection Act 2001*

Disclosures for the period of 1 July 2004 to 30 June 2005

Number and type of disclosures made to the Department

The Department assessed five disclosures under the Act during 2004-05. This includes one matter which was referred from the Ombudsman to the Department.

Improper conduct	5
Number and type of disclosures referred to the Ombudsman for public interest determination	0
Number and type of disclosed matters referred to the Department from the Ombudsman - Improper conduct	1
Number and type of disclosed matters referred to the Ombudsman for investigation	0
Number and type of investigations of disclosed matters taken over by the Ombudsman	0
Number of requests made to the Ombudsman to investigate matters	0
Number and type of disclosed matters the Department has declined to investigate - Improper conduct	1

Of the four disclosures made directly to the Department, two of improper conduct were found to be unsubstantiated upon investigation. One disclosure of improper conduct was declined. One disclosure of improper conduct remains unresolved. One matter of improper conduct, referred from the Ombudsman, was substantiated with resultant action.

Whistleblowing - reporting serious public wrong-doing Statement of support to whistleblowers

The Department of Justice is committed to the aims and objectives of the *Whistleblowers Protection Act 2001* (the Act). It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

The Department of Justice recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal. A disclosure may be made about improper conduct by a public body or public official.

The Department of Justice will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

Whistleblower

A whistleblower is someone who makes a disclosure about improper or corrupt conduct, or detrimental action by a public body or public official with the view to the matter being investigated and appropriate action being taken.

Objectives of *Whistleblowers Protection Act 2001*

The *Whistleblowers Protection Act 2001* commenced operation on 1 January 2002. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies. The Act provides protection to whistleblowers who make disclosures in accordance with the Act, and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

Reporting system and contact persons for the Department of Justice

Disclosures of improper conduct or detrimental action by Department of Justice or its employees may be made to the protected disclosure co-ordinator or to a protected disclosure officer. Where a person is contemplating making a disclosure and is concerned about approaching the protected disclosure co-ordinator or a protected disclosure officer in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

The protected disclosure co-ordinator

The protected disclosure co-ordinator for the Department of Justice is:

Mr Colin Brown
Director, Human Resources
4th Floor, 452 Flinders Street
Melbourne VIC 3000
Phone: (03) 9627 7301
Email: colin.brown@justice.vic.gov.au

Protected disclosure officers

The protected disclosure officers are available to all Department of Justice staff and to members of the public as an initial point of contact about whistleblower matters. They will give general advice about making a disclosure under the Act and may receive this disclosure verbally or in writing.

All disclosures will be forwarded to the protected disclosure co-ordinator for assessment.

The protected disclosure officers for the Department of Justice are:

Corporate Services

Mr Ray Turnley
Manager, Internal Audit
Phone: (03) 9627 6762
Email: ray.turnley@justice.vic.gov.au

Consumer Affairs Portfolio Group

Mr Stephen Devlin
General Counsel
Phone: (03) 9627 6105
Email: stephen.devlin@justice.vic.gov.au

Legal and Equity Portfolio Group

Ms Joella Marron
Legal Officer, Civil Law Policy
Phone: (03) 9651 0583
Email: joella.marron@justice.vic.gov.au

Justice Operations Portfolio Group

Ms Anna Doganieri
Manager, Transitional Services, Corrections Victoria
Phone: (03) 9627 6767
Email: anna.doganieri@justice.vic.gov.au

Courts

Mr John Griffin
Executive Director, Courts
Phone: (03) 9651 1101
Email: john.griffin@justice.vic.gov.au

Corrections Victoria

Mr Max Johns
General Manager, Internal Review and Investigations
Phone: (03) 9627 6661
Email: max.johns@justice.vic.gov.au

Victoria State Emergency Service

Mr Bob Spowart
Manager, Human Resources
Victoria State Emergency Service
Phone: (03) 9684 6666
Email: bob.spowart@ses.vic.gov.au

Alternative contact person

The Ombudsman

A disclosure about improper conduct or detrimental action by the Department of Justice or its employees may also be made directly to the Ombudsman.

The Ombudsman Victoria
Mr George Brouwer
Level 3, 459 Collins Street
Melbourne VIC 3000
(DX 210174)
Internet: www.ombudsman.vic.gov.au
Email: ombudvic@ombudsman.vic.gov.au
Phone: (03) 9613 6222
Toll free: 1800 806 314

The Department of Justice will appoint a contractor to provide welfare services.

Confidentiality

The Department of Justice will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.

The Act requires any person who receives information due to the handling or investigation of a protected disclosure, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of section 22 *Whistleblowers Protection Act 2001* constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in criminal proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the whistleblower. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report.

The Department of Justice will ensure all files, whether paper or electronic, are kept in a secure room and can only be accessed by the protected disclosure co-ordinator and the investigator.

The Department of Justice will not email documents relevant to a whistleblower matter and will ensure all phone calls and meetings are conducted in private.

Receiving and assessing disclosures

Has the disclosure been made in accordance with Part 2 of the Act?

Where a disclosure has been received by the protected disclosure officer or by the protected disclosure co-ordinator, he or she will assess whether the disclosure has been made in accordance with Part 2 of the *Whistleblowers Protection Act 2001* and is, therefore, a protected disclosure.

Has the disclosure been made to the appropriate person?

For the disclosure to be responded to by the Department of Justice, it must concern an employee, member or officer of the Department. If the disclosure concerns an employee, officer or member of another public body, the person who has made the disclosure will be advised of the correct person or body to whom the disclosure should be directed. If the disclosure has been made anonymously, it will be referred to the Ombudsman.

Appendix I: *Whistleblowers Protection Act 2001 continued*

Does the disclosure contain the essential elements of a protected disclosure?

To be a protected disclosure, a disclosure must satisfy the following criteria:

- Did a natural person (that is, an individual person rather than a corporation) make the disclosure?
- Does the disclosure relate to conduct of a public body or public officer acting in their official capacity?
- Is the alleged conduct either improper conduct or detrimental action taken against a person in reprisal for making a protected disclosure?
- Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?

Where a disclosure is assessed to be a protected disclosure, the protected disclosure co-ordinator will then determine whether the disclosure is a public interest disclosure (see below).

Where a disclosure is assessed not to be a protected disclosure, the matter does not need to be dealt with under the Act. The protected disclosure co-ordinator will decide how the matter should be responded to. The whistleblower will be consulted before the matter is dealt with under any other departmental policy or referred to any other person or body.

Is the disclosure a public interest disclosure?

Where the protected disclosure officer or co-ordinator has received a disclosure that has been assessed to be a protected disclosure, the protected disclosure co-ordinator will determine whether the disclosure amounts to a public interest disclosure. This assessment will be made within 45 days of the receipt of the disclosure.

In reaching a conclusion as to whether a protected disclosure is a public interest disclosure, the protected disclosure co-ordinator will consider whether the disclosure shows, or tends to show, that the public officer to whom the disclosure relates:

- has engaged, is engaging, or proposes to engage in improper conduct in his or her capacity as a public officer; or
- has taken, is taking, or proposes to take detrimental action in reprisal for the making of the protected disclosure.

Improper conduct means conduct that is corrupt, a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal.

The Act makes it an offence for a person to take detrimental action against a person in reprisal for a protected disclosure. Detrimental action includes:

- action causing injury, loss or damage;
- intimidation or harassment; or
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

Where the protected disclosure co-ordinator concludes that the disclosure amounts to a public interest disclosure, he or she will:

- 1 Notify the person who made the disclosure of that conclusion.
- 2 Refer the disclosure to the Ombudsman for formal determination as to whether it is indeed a public interest disclosure.

Where the protected disclosure co-ordinator concludes that the disclosure is not a public interest disclosure, he or she will:

- 1 Notify the person who made the disclosure of that conclusion.
- 2 Advise that person that he or she may request the public body to refer the disclosure to the Ombudsman for a formal determination as to whether the disclosure is a public interest disclosure, and that this request must be made within 28 days of the notification.

In either case, the protected disclosure co-ordinator will make the notification and the referral within fourteen days of the conclusion being reached by the public body. Notification to the whistleblower is not necessary where the disclosure has been made anonymously.

Investigations

Where the Ombudsman refers a protected disclosure to the Department of Justice for investigation, the protected disclosure co-ordinator will appoint an investigator to carry out the investigation.

The objectives of an investigation will be to:

- collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially;
- maintain procedural fairness in the treatment of witnesses and the person who is the subject of the disclosure; and
- make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

Terms of reference

Before commencing an investigation, the protected disclosure co-ordinator will draw up terms of reference and obtain authorisation for those terms from the Secretary of the Department. The terms of reference will set a date by which the investigation report is to be concluded, and will describe the resources available to the investigator to complete the investigation within the time set. The protected disclosure co-ordinator may

Whistleblowers Protection Act 2001 continued

approve, if reasonable, an extension of time requested by the investigator. The terms of reference will require the investigator to make regular reports to the protected disclosure co-ordinator who, in turn, will keep the Ombudsman informed of general progress.

Investigation plan

The investigator will prepare an investigation plan for approval by the protected disclosure co-ordinator. The plan will list the issues to be substantiated and describe the avenue of inquiry. It will address the following issues.

- What is being alleged?
- What are the possible findings or offences?
- What are the facts in issue?
- How is the inquiry to be conducted?
- What resources are required?

At the commencement of the investigation, the whistleblower should be:

- notified by the investigator that he or she has been appointed to conduct the investigation;
- asked to clarify any matters; and
- asked to provide any additional material he or she might have.

The investigator will be sensitive to the whistleblower's possible fear of reprisals and will be aware of the statutory protections provided to the whistleblower.

Natural justice

The principles of natural justice will be followed in any investigation of a public interest disclosure. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by an objective decision maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

The Department of Justice will have regard to the following issues in ensuring procedural fairness.

- The person who is the subject of the disclosure is entitled to know the allegations made against him or her and must be given the right to respond. (This does not mean the person must be advised of the allegation as soon as the disclosure is received or the investigation has commenced.)
- If the investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's defence should be fairly set out in the report.
- All relevant parties to a matter should be heard and all submissions should be considered.
- A decision should not be made until all reasonable inquiries have been made.
- The investigator or any decision maker should not have a personal or direct interest in the matter being investigated.

- All proceedings must be carried out fairly and without bias. Care should be taken to exclude perceived bias from the process.
- The investigator must be impartial in assessing the credibility of the whistleblower/s and any witnesses. Where appropriate, conclusions as to credibility should be included in the investigation report.

Conduct of the investigation

The investigator will make notes of all discussions and phone calls, and all interviews with witnesses will be taped. All information gathered in an investigation will be stored securely. Interviews will be conducted in private, and the investigator will take all reasonable steps to protect the identity of the whistleblower. Where disclosure of the identity of the whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the whistleblower and his or her welfare manager of this probability.

It is in the discretion of the investigator to allow any witness to have legal or other representation or support during an interview. If a witness has a special need for legal representation or support, permission should be granted.

Referral of an investigation to the ombudsman

The protected disclosure co-ordinator will make a decision regarding the referral of an investigation to the Ombudsman where, on the advice of the investigator:

- the investigation is being obstructed by, for example, the non-co-operation of key witnesses; or
- the investigation has revealed conduct that may constitute a criminal offence.

Reporting requirements

The protected disclosure co-ordinator will ensure the whistleblower is kept regularly informed concerning the handling of a protected disclosure and an investigation.

The protected disclosure co-ordinator will report to the Ombudsman about the progress of an investigation.

Where the Ombudsman or the whistleblower requests information about the progress of an investigation, that information will be provided within 28 days of the date of the request.

Action taken after an investigation

Investigator's final report

At the conclusion of the investigation, the investigator will submit a written report of his or her findings to the protected disclosure co-ordinator. The report will contain:

- the allegation/s;
- an account of all relevant information received and, if the investigator has rejected evidence as being unreliable, the reasons for this opinion being formed;
- the conclusions reached and the basis for them; and
- any recommendations arising from the conclusions.

Appendix I: *Whistleblowers Protection Act 2001 continued*

Where the investigator has found that the conduct disclosed by the whistleblower has occurred, recommendations made by the investigator will include:

- the steps that need to be taken by the Department of Justice to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Department of Justice to remedy any harm or loss arising from the conduct. This action may include bringing disciplinary proceedings against the person responsible for the conduct, and referring the matter to an appropriate authority for further consideration.

The report will be accompanied by:

- the transcript or other record of any oral evidence taken, including tape recordings; and
- all documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

Where the investigator's report is to include an adverse comment against any person, that person will be given the opportunity to respond and his or her defence will be fairly included in the report.

The report will not disclose particulars likely to lead to the identification of the whistleblower.

Action to be taken

If the protected disclosure co-ordinator is satisfied that the investigation has found that the disclosed conduct has occurred, he or she will recommend to the Secretary of the Department the action that must be taken to prevent the conduct from continuing or occurring in the future. The protected disclosure co-ordinator may also recommend that action be taken to remedy any harm or loss arising from the conduct.

The protected disclosure co-ordinator will provide a written report to the Attorney-General, the Ombudsman and the whistleblower which sets out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the protected disclosure co-ordinator will report these findings to the Ombudsman and to the whistleblower.

Managing the welfare of the whistleblower Commitment to protecting whistleblowers

The Department of Justice is committed to the protection of genuine whistleblowers against detrimental action taken in reprisal for the making of protected disclosures. The protected disclosure co-ordinator is responsible for ensuring whistleblowers are protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

The protected disclosure co-ordinator will appoint a welfare manager to all whistleblowers who have made a protected disclosure. The welfare manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and, where the whistleblower is an employee, seek to foster a supportive work environment;
- inform the whistleblower of the legislative and administrative protections available to him or her;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure;
- keep a contemporaneous record of all aspects of the case management of the whistleblower including all contact and follow-up action; and
- discuss with the whistleblower what would be a realistic expectation for the outcome of an investigation of the disclosure.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure. The maximum penalty is a fine of 240 penalty units or two years imprisonment, or both. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

Detrimental action includes:

- causing injury, loss or damage;
- intimidation or harassment; or
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business (including the taking of disciplinary action).

Keeping the whistleblower informed

The protected disclosure co-ordinator will ensure the whistleblower is kept informed of action taken in relation to his or her disclosure, and the timeframes that apply. The whistleblower will be informed of the objectives of an investigation, the findings of an investigation, and the steps taken by the Department of Justice to address any improper conduct that has been found to have occurred. The whistleblower will be given reasons for decisions made by the Department of Justice in relation to a protected disclosure. All communication with the whistleblower will be in plain English.

Occurrence of detrimental action

If a whistleblower reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of the disclosure, the welfare manager will:

- record details of the incident;
- inform the whistleblower of his or her rights under the Act; and
- advise the protected disclosure co-ordinator of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the protected disclosure co-ordinator will assess the report as a new disclosure under the Act. Where the protected disclosure

co-ordinator is satisfied that the disclosure is a public interest disclosure, he or she will refer it to the Ombudsman. If the Ombudsman subsequently determines the matter to be a public interest disclosure, the Ombudsman may investigate the matter or refer it to another body for investigation as outlined in the Act.

Whistleblowers implicated in improper conduct

Where a person who makes a disclosure is implicated in misconduct, the Department of Justice will handle the disclosure and protect the whistleblower from reprisals in accordance with the *Whistleblowers Protection Act 2001*, the Ombudsman's guidelines and these procedures. The Department of Justice acknowledges that the act of whistleblowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. Section 17 of the Act specifically provides that a person's liability for his or her own conduct is not affected by the person's disclosure of that conduct under the Act. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

The Secretary of the Department will make the final decision on the advice of the protected disclosure co-ordinator as to whether disciplinary or other action will be taken against a whistleblower. Where disciplinary or other action relates to conduct that is the subject of the whistleblower's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Secretary of the Department must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-whistleblower in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The protected disclosure co-ordinator will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The protected disclosure co-ordinator will clearly advise the whistleblower of the proposed action to be taken, and of any mitigating factors that have been taken into account.

Management of the person against whom a disclosure has been made

The Department of Justice recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. The Department of Justice will take all reasonable steps to ensure the confidentiality of the person

who is the subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The protected disclosure co-ordinator will ensure the person who is the subject of any disclosure investigated by or on behalf of a public body is:

- informed as to the substance of the allegations;
- given the opportunity to answer the allegations before a final decision is made;
- informed as to the substance of any adverse comment that may be included in any report arising from the investigation; and
- has his or her defence set out fairly in any report.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or the fact of the investigation, the protected disclosure co-ordinator will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

The Department of Justice will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Secretary of the Department of Justice will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

Criminal offences

The Department of Justice will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- 1 It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The Act provides a maximum penalty of a fine of 240 penalty units or two years imprisonment, or both.
- 2 It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units or six months imprisonment, or both.
- 3 It is an offence for a person to obstruct the Ombudsman in performing his responsibilities under the Act. The Act provides a maximum penalty of 240 penalty units or two years imprisonment, or both.
- 4 It is an offence for a person to knowingly provide false information under the Act with the intention that it be acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units or two years imprisonment, or both.

Appendix I: *Whistleblowers Protection Act 2001* continued

Collating and publishing statistics

The protected disclosure co-ordinator will establish a secure register to record the information required to be published in the annual report, and to generally keep account of the status of whistleblower disclosures.

The register will be confidential and will not record any information that may identify the whistleblower.

The register will contain the following information:

- the number and types of disclosures made to the Department of Justice during the year;
- the number of disclosures referred to the Ombudsman for determination as to whether they are public interest disclosures;
- the number and types of disclosed matters referred to the Department of Justice by the Ombudsman for investigation;
- the number and types of disclosures referred by the Department of Justice to the Ombudsman for investigation;
- the number and types of investigations taken over from the Department of Justice by the Ombudsman;
- the number of requests made by a whistleblower to the Ombudsman to take over an investigation by the Department of Justice;
- the number and types of disclosed matters that the Department of Justice has declined to investigate;
- the number and types of disclosed matters that were substantiated upon investigation and the action taken on completion of the investigation; and
- any recommendations made by the Ombudsman that relate to the Department of Justice.

More information and frequently asked questions

More information about whistleblowing and answers to frequently asked questions are on the Department's website at www.justice.vic.gov.au

References

Legislation	<i>Whistleblowers Protection Act 2001</i>
Other key documents	Ombudsman's guidelines Contact list for public bodies <i>'Making a Disclosure - Blowing the Whistle on Improper Conduct in the Victorian Public Sector'</i> Whistleblowers' checklist Department of Justice Mail Registry Procedures Pro forma letters
Code of conduct forms	

Appendix J: Freedom of information

Freedom of Information Act 1982

What is the main aim of the FOI Act?

Victoria's *Freedom of Information Act 1982* (FOI Act) gives members of the public the right to apply for access to information held by Ministers, State Government departments, local councils, public hospitals, most semi-government agencies and statutory authorities.

What documentation does the FOI Act cover?

The FOI Act allows people to apply for access to all documents held by an agency, irrespective of how the documentation is stored. This includes, but is not limited to, paper and electronic documents.

The two main categories of information normally requested under the FOI Act include individuals asking for their personal documents and documents relating to the activities of Government.

The Department of Justice maintains an extensive filing system on an Electronic Document Management System (EDMS). Each Justice Portfolio Minister is responsible for the functions outlined in this report. Files are separated into the categories of personal or request files, procedure and policy files (on legislation or particular aspects of legislation administered by the respective Ministers), operational and administrative responsibilities, and general correspondence files. Assistance in determining the categories of documents relevant to a request can be provided by the FOI Manager.

It should be noted that certain documents are destroyed or transferred to the Public Records Office in accordance with the *Public Records Act 1973*.

Are documents requested under FOI automatically released?

In assessing whether it is suitable to release documents, the FOI Manager will consider whether any material requested is exempt from release under the FOI Act.

The *FOI Act* outlines general categories of information which is exempt. This includes information relating to the personal affairs of third parties, information provided in confidence, information which if released might endanger the lives or physical safety of individuals, cabinet documents, commercial-in-confidence information, internal working documents the release of which would be contrary to the public interest, and so on.

Who are the decision makers under the FOI Act?

Decisions are made under the FOI Act by the Secretary of the Department, or in line with arrangements made by the Secretary as required under sections 26 and 51 of the FOI Act.

How does an individual lodge a FOI request?

- 1 A request must be made in writing and should be addressed to:

Manager, Information and Privacy
Department of Justice
55 St Andrews Place
Melbourne Victoria 3002

Requests can also be lodged online at www.foi.vic.gov.au

Telephone inquiries can be made on (03) 9651 0520.

- 2 All FOI requests are subject to a \$21.00 application fee.

As a result of the commencement of the *Monetary Units Act 2004*, the cost of submitting a FOI request increased from \$20.50 to \$21.00 effective on 1 July 2005. This fee may be waived in cases where payment would cause an applicant financial hardship. Where an applicant seeks a waiver of this fee, the request should indicate the grounds on which a waiver is being sought (for example, low income, or holder of Commonwealth Health Care Card). Access charges may also apply once documents have been processed and a decision on access made; for example, 20c per A4 page photocopying charge and a \$20 per hour search and retrieval charge. It should be noted that, under certain circumstances, some of these charges can be waived.

- 3 A FOI request must also be specific enough to allow an agency to identify documents considered relevant to a request. Where the terms of a request are vague, assistance will be provided to applicants to help determine the type of documentation being sought.

Where can the general public find out more about FOI?

To provide more assistance to FOI applicants, the Department of Justice has provided general information about making FOI requests on FOI Online. The FOI Annual Reports, from 1997-1998 onwards, are also available on FOI Online, located at www.foi.vic.gov.au

Where can the general public access information about specific areas of responsibility of the Department?

The Department of Justice website www.justice.vic.gov.au provides information about all areas of the Department, including Legal and Equity, Court Services, Bureau of Emergency Services Telecommunications, Corrections Victoria, Crime Prevention Victoria, Dispute Settlement Centre, Justice Policy, Enforcement Management, Gaming and Racing, Consumer Affairs Victoria, Police and Emergency Services, Indigenous Issues and Freedom of Information.

The Corrections Victoria Resource Centre, on Level 6 at 452 Flinders Street, Melbourne, maintains a comprehensive collection of publications and other materials about adult corrections and related areas.

Information relating to consumer rights and the services offered by Consumer Affairs Victoria is available at the public counter on Level 2 at 452 Flinders Street, Melbourne.

Members of the general public can also write directly to the Department seeking information on any aspect of its operations. The correspondence can be addressed to either the Secretary of the Department or the director of the relevant business unit. Guidance on the relevant business unit can be taken from the Department's organisational chart contained in the Appendices of this report.

Decision-making powers and other powers affecting members of the public are found in the legislation administered by the Justice portfolio ministers. Acts administered by the Justice portfolio ministers are listed in the Appendices.

Appendix K: Additional information

The following information, where it relates to the Department of Justice and is relevant to the financial year 2004-05, is available to the Minister, Members of Parliament and the public on request.

- 1 A statement that declarations of pecuniary interest have been duly completed by all relevant officers of the Department.
- 2 Details of shares held by senior officers as nominee, or held beneficial in a statutory authority or subsidiary.
- 3 Details of publications produced by the Department about the activities of the Department and where the publications can be obtained.
- 4 Details of changes in prices, fees charges, rates and levies charged by the Department including services that are administered.
- 5 Details of any major external reviews carried out in respect of the operations of the Department.
- 6 Further details of any research and development activities undertaken by the Department that are not otherwise covered in the Report of Operations or in a document which contains the financial report and Report of Operations.
- 7 Details of overseas visits undertaken, including a summary of the objectives and outcomes of each visit.
- 8 Details of major promotional, public relations and marketing activities undertaken by the Department, in order to develop community awareness of the services provided by the Department.
- 9 Details of assessment and measures conducted to improve the occupational health and safety of employees, not otherwise detailed in the Report of Operations.
- 10 A general statement on industrial relations within the Department and details of time lost through industrial accidents and disputes, which are not otherwise detailed in the Report of Operations.
- 11 A list of major committees sponsored by the Department, the purposes of each committee and to the extent to which the purposes have been achieved.



Corporate Communications
Department of Justice
55 St Andrews Place
East Melbourne Victoria 3002
Telephone (03) 9651 0308

ISSN 1320-8543
www.justice.vic.gov.au