



Supplementary Information



The Supplementary Information provides relevant information relating to the Department's operations and performance, in line with the *Financial Management Act 1994* and Financial Reporting Directions.

Turkish Liaison Officer Ilker Secgin, conducts information and awareness sessions on the Department's services, including Sheriff's Operations

Appendix A: Organisational Chart



Correct as at 30 June 2006

The Hon John Pandazopoulos
Minister for Gaming
Minister for Racing

Ms Jenny Mikakos MP
Justice Parliamentary
Secretary

Alan Clayton
Executive Director
Police, Emergency
Services and Corrections

Marisa De Cicco
Director
Justice Policy

Bruce Esplin
Emergency Services
Commissioner Victoria

Fiona Williams
Director
Emergency Services
Strategic and Finance

Kelvin Anderson
Commissioner
Corrections Victoria

John Peoples
Director Major
Procurement Program
Office and BEST

Lucia Giagnorio
Director
Occupational Health
and Safety

David Cousins
Executive Director
Consumer Affairs

David Cousins
Director
Consumer Affairs
Victoria

Geoff Browne
Deputy Director
Consumer Affairs
Victoria

Warwick Knight
General Manager
Corporate Resources

Paul Myers
General Manager
Consumer Policy

Peter Hiland
General Manager
Compliance and
Enforcement

Julia Griffith
Executive Director
Community Operations
and Strategy

Mark Thomas
Director
Enforcement
Management

Andrew Jackomos
Director
Indigenous Issues Unit

Albert Bentinacontri
Acting Director
Corrections Inspectorate

Colleen Pearce
Director
Victims Support Agency
and Diversity Issues

Julianne Brennan
A / General Manager
Crime and Violence
Prevention

William McKendry
Director
Road Safety
Enforcement Technology

Peter Hibbins
Director
Working with Children
Check Unit

David Roche
Manager
Infringements System
Oversight Unit

John Griffin
Executive Director
Courts

Gabrielle Levine
Director
Court Services

Samantha Ludolf
Acting CEO
Supreme Court

Neil Twist
CEO
County Court

Mick Francis
CEO
Magistrates' Court

John Ardlie
CEO
Victorian Civil and
Administrative Tribunal

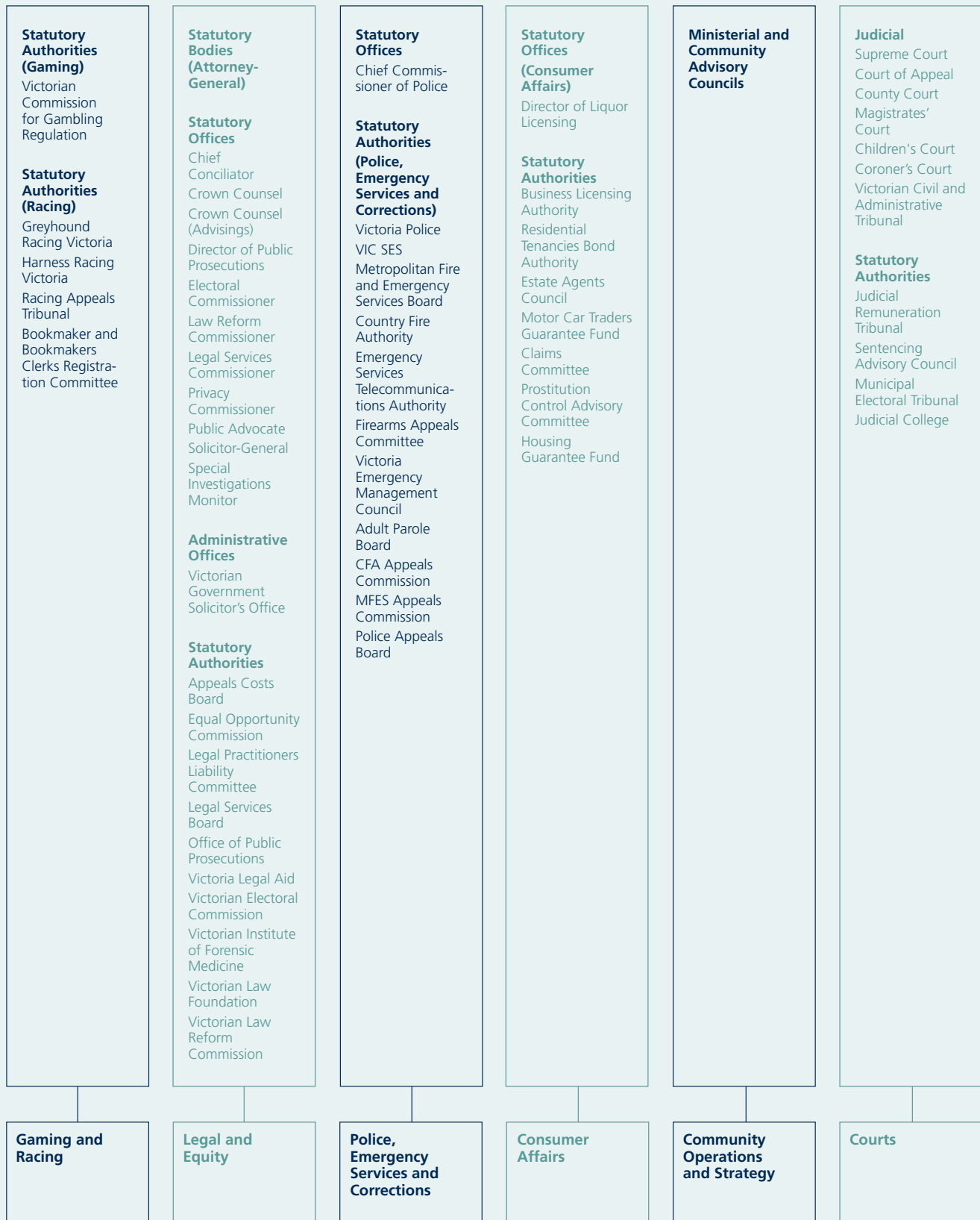
Teresa Zerella
Manager
Dispute Settlement
Centre of Victoria

Michael Lewis
Manager
Victorian Government
Reporting Service

Janelle Morgan
Manager
Courts and Programs
Development Unit

Gil Brooks
Program Manager
Integrated Courts
Management System

Justice Statutory Entities



Appendix B1: Acts administered by the Justice portfolio as at 30 June 2006

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

Children, Youth and Families Act 2005

Jointly administered with the Minister for Children

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 (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)

Defamation Act 2005

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

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)

Magistrates' Court Act 1989

Maintenance Act 1965

Major Crime (Special Investigation Monitor) Act 2004

- Part 3 jointly administered with the Minister for Police and Emergency Services (otherwise administered by the Attorney-General)

Marriage Act 1958

Penalty Interest Rates Act 1983

Perpetuities and Accumulations Act 1968

Police Regulation Act 1958

- Division 4, Part IVA (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)

Royal Victorian Institute for the Blind and other Agencies (Merger) Act 2005

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

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

Whistleblowers Protection Act 2001

Wills Act 1997

Working with Children Act 2005

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

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

Private Agents Act 1966

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

Veterans Affairs Act 2005

- Part 4 (The remaining provisions are administered by the Premier)

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

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 and Emergency Services

Australian Crime Commission (State Provisions) Act 2003

Commissioner for Law Enforcement Data Security Act 2005

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 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 2005

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 2006

Appendix B2: Legislation enacted in 2005–06 (passed between 1 July 2005 and 30 June 2006)

Attorney-General

Defamation Act

Royal Victorian Institute for the Blind and Other Agencies (Merger) Act

Property (Co-ownership) Act

Children, Youth and Families Act

Crimes (Contamination of Goods) Act

Crimes (Homicide) Act

Investigative, Enforcement and Police Powers (Amendment) Act

Crimes (Family Violence) (Holding Powers) Act

Crimes (Document Destruction) Act

Guardianship and Administration (Further Amendment) Act

Crimes (Sexual Offences) Act

Infringements Act

Justice Legislation (Miscellaneous Amendments) Act

Interpretation of Legislation (Further Amendment) Act

Infringements (Consequential and Other Amendments) Act

Charter of Human Rights and Responsibilities Act

Justice Legislation (Further Miscellaneous Amendments) Act

Electoral and Parliamentary Committees Legislation (Amendment) Act

Electoral Legislation (Further Amendment) Bill

Liquor Control Reform (Amendment) Act

Vagrancy (Repeal) and Summary Offences (Amendment) Act

Working with Children Act

Terrorism (Community Protection) (Further Amendment) Act

Consumer Affairs

House Contracts Guarantee (Amendment) Act

Residential Tenancies (Further Amendment) Act (Sections 4c and 22 only)

Motor Car Traders and Fair Trading Acts (Amendment) Act

Veterans Act (Part 4 only)

Liquor Control Reform (Amendment) Act

Gaming and Racing

Casino Control (Amendment) Act

Gambling Regulation (Miscellaneous Amendments) Act

Victoria Racing Club Act

Racing and Gambling Acts (Amendment) Act

Racing and Gaming Acts (Police Powers) Act

Police and Emergency Services and Corrections

Prisoners (Interstate Transfer) (Amendment) Act

Firearms (Further Amendment) Act

*Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Act*¹

Commissioner for Law Enforcement Data Security Act

Victoria State Emergency Service Act

¹ The Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Act was introduced by the Minister for Police and Emergency Services. It amends the Road Safety Act (and other miscellaneous Acts) which is the responsibility of the Minister for Transport.

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 controls and manages 82 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.

New buildings conforming to standards

For the 2005–06 financial year, all works carried out on buildings controlled by the Department 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 are exempt from lodging building plans with local councils.

10-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. 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 to ensure that buildings are maintained in a safe and serviceable condition include:

- A 3-year contract with 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, and
- 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 requires building practitioners carrying out building works to be registered and for registration to be maintained throughout the course of the works.

MAJOR WORKS COMMENCED BY THE DEPARTMENT THROUGHOUT THE 2005–06 FINANCIAL YEAR

Building Works	Forecast Project Cost \$ 000's	Building Permit issued or works certified
Neighbourhood Justice Centre	12,100	Yes
Moorabbin Courthouse	29,700	Yes
Major Crimes Resourcing Needs – Asset Enhancement – Prisons	11,670	Yes
Community Transitional Units – Corrections Facilities	7,730	Yes
Wulgunggo Ngalu Centre	1,825	Yes
Beechworth Prison – Industries Building	1,108	Yes

MAJOR WORKS IN PROGRESS AND COMMENCED BY THE DEPARTMENT PRIOR TO THE 2005–06 FINANCIAL YEAR

Building Works	Forecast Project Cost \$ 000's	Building Permit issued or works certified
Ararat Medium Security Prison Redevelopment	10,465	Yes
10 year Cell and Building Safety Redesign Project	39,710	Yes

MAJOR WORKS COMPLETED BY THE DEPARTMENT THROUGHOUT THE 2005–06 FINANCIAL YEAR

Building Works	Forecast Project Cost \$ 000's	Building Permit issued or works certified
	Nil	Nil

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

The Victorian Industry Participation Policy applies to all government projects with a value of more than \$3 million in metropolitan Melbourne and more than \$1 million in country Victoria. All short-listed bidders who fall within the Victorian Industry Participation Policy guidelines are required to complete a statement outlining the level of local content, and possible skills and technology transfer the project could create. If two or more bidders are found to offer equivalent value for money in the tender evaluation phase, the Victorian Industry Participation Policy statements are used to help identify the bidder with the best outcomes for Victorian industry.

CONTRACTS COMMENCED DURING 2005–06 TO WHICH THE VICTORIAN INDUSTRY PARTICIPATION POLICY APPLIED

Contracts	Regional / Metropolitan	Value	Jobs	% Local	Skills and Technology Content Transfer
12	4 Regional 8 Metropolitan	\$183.6m	201	Average 90–100%	A re-tendered contract for a panel of legal firms and the Victorian Government Solicitor's Office, all of which are Victorian-based. Various Melbourne-based contracts related to research and development, testing product refinement, manufacturing and equipment sales, and marketing.

CONTRACTS COMPLETED IN 2005–06 TO WHICH THE VICTORIAN INDUSTRY PARTICIPATION POLICY APPLIED

Contracts	Regional / Metropolitan	Value	Jobs	% Local	Skills and Technology Content Transfer
1	Regional	\$210m	Committed 380 Achieved 700	Committed 90% Achieved 90%	Many of the suppliers and sub-contractors developed skills and/or greater experience in relation to the specialist fields. Apprentices were able to complete their apprenticeships on a large scale project. Specialist training on OHS and First Aid was widely encouraged.

Appendix E: Environmental Management

The environmental reporting data below is primarily based on four¹ of the Department of Justice's office locations, 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.

ENERGY ²

Measure	2005–06 Total
Units of energy (megajoules) used per Full Time Employee (FTE ³)	5,256
Units of energy used per unit of office space (megajoules per m ²)	262
Total energy usage (gigajoules)	8,420
Associated greenhouse gas emissions ⁴ (tonnes of CO ₂ equivalent)	3,452
Units of Green Power purchased (kWh)	226,979
Expenditure on Green Power (\$)	8,026

PAPER

Measure	2005–06 Total
Total units of paper (reams)	46,187
Units of paper (reams) per FTE	29

TRANSPORTATION

Measure	2005–06 Total
Fuel consumption ⁵ (gigajoules ⁶)	57,304
Fuel consumption (gigajoules) per FTE	10.17
Associated greenhouse gas emissions ⁷ from passenger vehicle use (tonnes of CO ₂ equivalent ⁸)	4,170
Associated greenhouse gas emissions from passenger vehicle use (tonnes of CO ₂ equivalent) per FTE	0.74
Passenger vehicle trip kilometres associated with Departmental operations	13,562,754
Passenger vehicle trip kilometres associated with Departmental operations per FTE	2,408
Percentage of employees regularly ⁹ (>75% of work attendance days) using public transport, cycling, or walking to and from work	86

1. 452 Flinders Street, 55 St Andrews Place, 436 Lonsdale Street and Level 24, 80 Collins Street. Some data included from 121 Exhibition Street.

2. Includes tenancy light and power use at all offices, excluding 121 Exhibition Street. Due to leasing arrangements, base building energy consumption is not reported.

3. The Department's FTE as at 31 March 2006 is used for environmental reporting due to staff progressively moving to the Southern Cross building from May 2006 to July 2006.

4. Calculated using the *Australian Greenhouse Office (AGO) Factors and Methods Workbook* December 2005.

5. Includes all executive and operational Department of Justice (DOJ) vehicles and vehicles hired from the State Government Vehicle Pool (SGVP). Fuel consumption of vehicles hired under the SGVP for DOJ operations was estimated by applying 12 litres per 100km.

6. Gigajoules determined from fuel consumption (litres) using EPA Victoria's Vehicle Greenhouse Calculator.

7. Greenhouse gas emissions calculated from fuel consumption (litres) using EPA Victoria's Vehicle Greenhouse Calculator.

8. The Victorian Government invests in activities such as tree planting and fuel switching to offset the CO₂ emissions from their vehicle fleet.

Contracting the supply of offsets for all Victorian Government vehicles is the responsibility of the Department of Sustainability and Environment. Offsetting is done in arrears and is based on actual fuel usage data.

9. Derived from a survey of Department of Justice employees based in the Melbourne central business district.

WASTE PRODUCTION ¹⁰

Measure	2005–06 Total
Units (kg) generated per FTE	75
Units of waste recycled (kg)	104,370

WATER CONSUMPTION ¹¹

Measure	2005–06 Total
Units of water (litres) consumed per FTE	14,169
Total units of water (litres)	22,698,137

Other Information

1. Actions taken during the year to reduce energy use in buildings:
 - The Department moved to the 121 Exhibition Street building commencing in May 2006. Features of the new building include: flat screen computer monitors for all computers, power saving features on office equipment and an advanced digitally-controlled building automation system to achieve optimum lighting and air conditioning performance.
 - Awareness campaigns conducted on the energy features at the 121 Exhibition Street building.
2. Actions taken during the year to reduce energy use in the Department's vehicle fleet:
 - The Department maintained its policy requirement that all passenger vehicles travelling over 30,000 km per annum must be either 4 cylinder vehicles or 6 cylinder dedicated LPG vehicles, and all passenger vehicles travelling over 20,000 km per annum must be 4 cylinder vehicles.
 - The Department acquired two Toyota Prius, a petrol and electric hybrid vehicle, and there are another two Toyota Prius on order.
3. Actions taken to promote environmental purchasing:
 - Forty-eight per cent of all office paper purchased during 2005–06 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. The purchasing of non-recycled office paper was discontinued as at 1 May 2006 and there was a dramatic increase in recycled paper purchased throughout the whole Department. This will be further tracked in the 2006–07 figures.
 - All white A4 office paper purchased at the 121 Exhibition Street building contains 80 per cent recycled content.

10. Excludes confidential paper.

11. This year data was provided and included from 452 Flinders Street (previously not available). Normalisations: Level 24, 80 Collins Street, 452 Flinders Street and 436 Lonsdale Street apportioned from total building water consumption by floor area. Early billing data from migration to 121 Exhibition Street was not yet available and was not included.

Appendix F: People Management

F1: Workforce data

2005–06 ANNUAL REPORT STATISTICS

Staffing Numbers (FTE)	As at 30 June 2005	As at 30 June 2006
Executive Management	5.0	7.0
Police, Emergency Services and Corrections *	2178.0	2440.7
Corporate Services †	239.7	264.3
Strategic Projects and Planning §	107.5	126.6
Consumer Affairs @	354.3	412.8
Legal and Equity	365.1	314.8
Courts ^	1362.1	1469.4
Community Operations and Strategy #	372.9	417.9
Gaming and Racing ¥	157.4	179.3
Total	5142.0	5632.8

* Increase in numbers is primarily attributable to the recruitment of staff to the new prisons in Corrections Victoria. Additional staff were also required for the establishment of the Occupational Health and Safety Unit.

† Increase due to the establishment of the Southern Cross Program Office to facilitate the move of 1900, staff to the Department's new Head Office in early 2006, as well as the establishment of roles in Executive Services in relation to Information Privacy and FOI.

§ Establishment of the Neighbourhood Justice Centre Unit as well as creation of new roles in the Criminal Justice Enhancement Project.

@ Staff numbers have increased as a result of staffing the Regional Offices that were established in 2005. Additional roles have been created for Conciliators, Enquiries Officers and Education and Liaison Officers.

^ Establishment of the Courts and Programs Development Unit as well as the Integrated Courts Management System Unit. Transfer of the State Trustees to Supreme Court. In addition, there have been a number of appointments to newly established roles in the County, Supreme and Magistrates' courts, including an intake of Trainee Registrars at the Magistrates' Court.

Establishment of the Working with Children Check Unit as well as the Infringement System Oversight Unit. Additional staffing of the Road Safety Enforcement Technology Unit (established in 2005).

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

The increase in staff numbers can be attributed to the establishment of the Problem Gambling Unit within Gambling Policy and Research.

AGGREGATE WORKFORCE DATA (FTE)

Employee Status	As at 30 June 2005			As at 30 June 2006		
	Male	Female	Total	Male	Female	Total
Ongoing	2146.8	2001.9	4148.7	2366.8	2318.9	4685.7
Fixed Term	251.4	325.2	576.6	236.7	341.7	578.4
Casual	82.4	69.9	152.3	48.6	59.3	107.9
Statutory Appointments	173.0	91.4	264.4	172.3	88.5	260.8
Total	2653.6	2488.4	5142.0	2824.4	2808.4	5632.8

Appendix F2: Major classifications by gender as at 30 June 2006 (FTE)

MAJOR GRADES BY GENDER AS AT 30 JUNE 2006 (FTE)

Grade	Full-time			Part-time			Casual/sessional			Totals by gender		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
VPSG Levels												
Public Service 1	13.0	22.0	35.0	2.5	5.9	8.4	0.2	3.1	3.3	15.7	31.0	46.7
Public Service 2	285.0	492.0	777.0	8.2	72.8	81.0	15.9	20.7	36.6	309.1	585.5	894.6
Public Service 3	201.0	407.0	608.0	5.3	38.6	43.9	–	3.7	3.7	206.3	449.3	655.6
Public Service 4	178.0	224.0	402.0	3.6	28.3	31.9	–	1.7	1.7	181.6	254.0	435.6
Public Service 5	226.0	226.0	452.0	6.1	27.6	33.7	0.6	–	0.6	232.7	253.6	486.3
Public Service 6	203.0	128.0	331.0	3.2	19.2	22.4	1.0	–	1.0	207.2	147.2	354.4
Public Service 7	11.0	2.0	13.0	–	–	–	–	–	–	11.0	2.0	13.0
Total	1117.0	1501.0	2618.0	28.9	192.4	221.3	17.7	29.2	46.9	1163.6	1722.6	2886.2
Allied Health Levels												
Allied Health 2	7.0	16.0	23.0	–	1.0	1.0	–	–	–	7.0	17.0	24.0
Allied Health 3	7.0	21.0	28.0	–	1.5	1.5	–	0.2	0.2	7.0	22.7	29.7
Allied Health 4	4.0	13.0	17.0	0.6	0.6	1.2	–	–	–	4.6	13.6	18.2
Total	18.0	50.0	68.0	0.6	3.1	3.7	–	0.2	0.2	18.6	53.3	71.9
Community Corrections Officers												
Community Corrections 1	35.0	131.0	166.0	4.0	18.5	22.5	0.7	2.4	3.1	39.7	151.9	191.6
Community Corrections 2	8.0	44.0	52.0	–	0.6	0.6	–	–	–	8.0	44.6	52.6
Community Corrections 3	9.0	38.0	47.0	–	3.4	3.4	–	–	–	9.0	41.4	50.4
Community Corrections 4	4.0	8.0	12.0	–	–	–	–	–	–	4.0	8.0	12.0
Community Corrections 5	10.0	8.0	18.0	–	–	–	–	–	–	10.0	8.0	18.0
Community Corrections 6	3.0	3.0	6.0	–	–	–	–	–	–	3.0	3.0	6.0
Total	69.0	232.0	301.0	4.0	22.5	26.5	0.7	2.4	3.1	73.7	256.9	330.6
Custodial Officers												
Custodial Officer COG1	32.0	19.0	51.0	–	–	–	–	–	–	32.0	19.0	51.0
Custodial Officer COG2a	552.1	234.0	786.1	5.2	8.6	13.8	30.0	27.0	57.0	587.3	269.6	856.9
Custodial Officer COG2b	300.0	63.0	363.0	0.8	2.3	3.1	–	–	–	300.8	65.3	366.1
Custodial Officer COG3	106.0	15.0	121.0	–	0.9	0.9	–	–	–	106.0	15.9	121.9
Custodial Officer COG4	26.0	3.0	29.0	–	–	–	–	–	–	26.0	3.0	29.0
Custodial Officer COG6	8.0	1.0	9.0	–	–	–	–	–	–	8.0	1.0	9.0
Total	1024.1	335.0	1359.1	6.0	11.8	17.8	30.0	27.0	57.0	1060.1	373.8	1433.9

Grade	Full-time			Part-time			Casual/sessional			Totals by gender		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Legal Officers												
Solicitor Grade 2	–	2.0	2.0	–	–	–	–	–	–	–	2.0	2.0
Solicitor Grade 3	4.0	3.0	7.0	–	–	–	–	–	–	4.0	3.0	7.0
Senior Solicitor	4.0	2.0	6.0	–	2.0	2.0	–	–	–	4.0	4.0	8.0
Principal Solicitor	4.0	2.0	6.0	–	–	–	–	–	–	4.0	2.0	6.0
Total	12.0	9.0	21.0	–	2.0	2.0	–	–	–	12.0	11.0	23.0
Clerks of Court												
Trainee Registrar	36.0	95.0	131.0	–	0.4	0.4	–	–	–	36.0	95.4	131.4
Deputy Registrar	15.0	19.0	34.0	–	1.0	1.0	–	–	–	15.0	20.0	35.0
Registrar Grade 3	61.0	85.0	146.0	0.4	16.3	16.7	–	0.4	0.4	61.4	101.7	163.1
Registrar Grade 4	23.0	12.0	35.0	–	0.6	0.6	–	–	–	23.0	12.6	35.6
Registrar Grade 5	12.0	5.0	17.0	–	0.7	0.7	–	–	–	12.0	5.7	17.7
Registrar Grade 6	17.0	5.0	22.0	–	–	–	–	–	–	17.0	5.0	22.0
Total	164.0	221.0	385.0	0.4	19.0	19.4	–	0.4	0.4	164.4	240.4	404.8
Sheriff's Officers												
Sheriff's Officer	13.0	9.0	22.0	–	–	–	–	–	–	13.0	9.0	22.0
Senior Sheriff's Officer	69.0	16.0	85.0	–	0.6	0.6	–	–	–	69.0	16.6	85.6
District Supervisor	18.0	8.0	26.0	–	–	–	–	–	–	18.0	8.0	26.0
Divisional Operations Manager	3.0	2.0	5.0	–	–	–	–	–	–	3.0	2.0	5.0
Regional Operations Manager	2.0	–	2.0	–	–	–	–	–	–	2.0	–	2.0
Total	105.0	35.0	140.0	–	0.6	0.6	–	–	–	105.0	35.6	140.6
Staff not part of Career Grade Structure												
Other Classifications †	218.0	106.0	324.0	2.0	5.2	7.2	7.0	3.6	10.6	227.0	114.8	341.8
Grand Total	2727.1	2489.0	5216.1	41.9	256.6	298.5	55.4	62.8	118.2	2824.4	2808.4	5632.8

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

Appendix F3: Reconciliation of executive numbers at 30 June 2006

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 contain information on:

- executive classifications
- gender composition of the classifications, and
- variations between the current and previous reporting period.

The reconciliation of executive numbers between the report of operations and note 22 (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 2006:

- Table 1 discloses the number of executive officers in the categories of 'Ongoing' and 'Special Projects', and the total numbers of executive officers for the Department
- Table 2 provides a breakdown of executive officers according to 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 22 (remuneration of executives) to the financial statements, and
- Table 4 provides the total executive numbers for the Department's portfolio authorities.

Table 1 to 4 also discloses 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	-	2	-	-	-
EO-2	24	2	23	2	1	-
EO-3	42	-3	42	-3	-	-
Total	68*	-1	67	-1	1	-

* Includes four vacancies as at 30 June 2006.

TABLE 2 BREAKDOWN OF EXECUTIVE OFFICERS EMPLOYED AT 30 JUNE 2006 INTO GENDER FOR 'ONGOING' AND 'SPECIAL PROJECTS'

Classification	Ongoing					Special Projects				
	Male		Female		Vacancies	Male		Female		Vacancies
	No.	Var	No.	Var		No.	Var	No.	Var	
EO-1	1	-	1	-	-	-	-	-	-	-
EO-2	17	1	6	2	-	1	-	-	-	-
EO-3	24	-3	14	-1	4	-	-	-	-	-
Total	42	-2	21	1	4	1	-	-	-	-

TABLE 3 RECONCILIATION OF EXECUTIVE OFFICER POSITIONS

	2006	2005
Total number of executives with remuneration over \$100,000 (note 22)	60	60
Add Total number of executives with remuneration below \$100,000	13	11
Accountable Officer (Secretary)	1	1
Less Separations	-10	-7
Total executive officers employed at 30 June*	64	65
Add Vacancies at 30 June (table 2)	4	4
Total executive officer positions at 30 June	68	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		Male		Female	
	No.	Var	No.	Var	No.	Var	No.	Var
	Legal Services Commissioner*	2	2	1	1	1	1	1
Office of Public Prosecutions	2	-	-	-	2	-	-	-
Office of the Chief Commissioner of Police	15	2	1	-	11	1	4	1
Total	19	4	2	1	14	2	5	2

* Established December 2005 (formally Legal Practice Board / Legal Ombudsman).

Portfolio authorities	Total Positions Occupied		Vacancies		Male		Female	
	No.	Var	No.	Var	No.	Var	No.	Var
	Country Fire Authority	29	-1	1		24	-2	5
Emergency Services Telecommunications Authority*	7	1	-		7	1	-	-
Greyhound Racing Victoria	2	-	-		2	-	-	-
Harness Racing Victoria	2	-1	1		2	-1	-	-
Metropolitan Fire and Emergency Services Board	32	-2	3		28	-3	4	1
Victoria Legal Aid	8	-	-		5	-	3	-
Victoria State Emergency Service#	3	3	-		1	1	2	2
Victorian Institute of Forensic Medicine	2	-	-		2	-	-	-
Total	85	-	5	5	71	-4	14	4

* Established July 2005 (formally Emergency Communications Victoria).

Established November 2005 (formally part of the Department of Justice).

Appendix F4: Merit and equity programs

Total number of decisions to exempt vacancies from advertisement

There were 165 exemptions from advertisement during 2005–06. Five of these related to the appointment of a person from a disadvantaged group.

The majority related to:

- the appointment of a person on a temporary basis, via a merit-based selection process, to a role which then became ongoing, or
- employees in roles which have been reviewed and reclassified to recognise a significant increase in work value.

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

The decision of the Secretary to exempt a vacancy from advertisement is notified to all staff 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 Secretary for consideration.

Reviewing personal grievances

In the 2005–06 reporting year, the total number of grievances was 60.

The table below outlines the quantum of grievances by outcome and gender.

Outcome	Quantum
Ineligible	0
Withdrawn	12
Suspended	3
Resolved	32
Selection Grievance: upheld	1
Selection Grievance: rejected	7
Active	5
Total	60

Gender

Male	37
Female	23

Work value disputes

In the 2005–06 reporting year, the total number of work value disputes was 22. The table below outlines the quantum of work value disputes by outcome.

Outcome	Quantum
Withdrawn	11
Grievance upheld	6
Grievance rejected	2
Active	3
Total disputes lodged	22

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, 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 schools initiative program
- Gateways to Justice Calendar and Job Fairs
- A Koori staff support network and annual Koori Staff Conference
- Meeting Ground, an internal website focusing on Indigenous initiatives that all Department of Justice staff can access
- A Koori staff mentoring program, to include a youth career development forum
- Indigenous Cultural Awareness Training, and
- Layun Nguttay – Managers' kit.

The Department's Identified Positions Policy has recently been reviewed to reflect the changes in the workplace in terms of Koori program and service delivery with the launch of the Victorian Aboriginal Justice Agreement Phase 2. Identified 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.

With the growth of the Koori Staff Network from below 10 self-identified Indigenous staff in 2000 to approximately 50 Indigenous staff in 2006, the Indigenous Issues Unit and Human Resources have been working closely to review current recruitment, career development and retention strategies for Indigenous people. The Indigenous Issues Unit has developed a training schedule for the Layun Nguttay Managers' kit. This training will be delivered in 2006–07, targeting direct line managers and supervisors of Indigenous staff and those staff working closely in the delivery of Indigenous initiatives across the Justice portfolio.

The Department strives to be an employer of choice for Indigenous people in the delivery of initiatives of the Victorian Aboriginal Justice Agreement and more broadly within mainstream career paths.

Equity Training Programs

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

- Indigenous Cultural Awareness Training
- Vietnamese Cultural Awareness
- Workplace Sexual Harassment, Discrimination and Bullying Awareness, and
- 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.

The Department has also taken a proactive approach to educating its staff about their rights and responsibilities in relation to workplace discrimination, harassment and bullying. In the 2005–06 year, Human Resources conducted 59 awareness sessions on these topics across the Department.

Justice Learning Program

The Department offers a range of development programs to staff through its Justice Learning Program. This year, the corporate training program was significantly changed. A review was conducted to assess common learning needs across the Department and identify ways these could be addressed. A new set of programs was guided by the following:

- Employee Attitude Survey
- Justice Strategic Priorities, and
- Legislative requirements and duty of care as an employer.

The Justice Learning Program focussed on project management, selection skills, communication skills, conflict and negotiation management.

Recognising that collaborative policy skills are a critical capability to ensure our sustainability, a "Strategy and Collaboration in the Public Sector" program was run in association with the Australia, New Zealand School of Government (ANZSOG) and two other Victorian Government Departments.

Leadership and Management Development

Leadership and management development continues to be a focus in the Department of Justice. The Department's values guide leaders and managers in their behaviours.

A major Departmental initiative has been the Workplace Leadership Program, to build leadership capability in the workplace. This program includes elements on performance management, stress in the workplace and communication and influence. This program commenced in 2005 and will be run for three years. In this financial year, 289 staff attended 21 programs (15 in Regional Victoria and 6 in Metropolitan Centres).

As an integral part of the leadership and management development strategy, the Department has a strong commitment to supporting staff attendance at quality public sector leadership programs such as the ANZSOG Masters of Public Administration, Executive Fellows Program and the Williamson and Cranlana programs.

Youth Employment Scheme

The Department participates in the Youth Employment Scheme and is committed to providing meaningful work experience and training to disadvantaged young people. The Department provides 12-month work placements for youth trainees each financial year.

In 2005–06, 64 trainees were placed within Justice, with over 40 per cent of trainees coming from disadvantaged backgrounds.

Graduate Recruitment Scheme

The Department participates in the Victorian Public Service (VPS) Graduate Recruitment Scheme (GRS). Graduates rotate throughout the VPS during the graduate training year and participate in an extensive learning and development program. The Department recognises the importance of the graduate program as a means of attracting and developing our future leaders.

Eighty per cent of Justice graduates who participated in the 2005 GRS were retained by the Department. The Department employed nine graduates in 2006.

Appendix F5: Employee Relations Statement 2005–06

During the financial year, a new VPS Agreement covering all non-executive Departmental employees was negotiated and certified by the Australian Industrial Relations Commission. The period of the agreement is three years, from March 2006 to March 2009. The key features of the agreement include: three salary increases of three per cent over the life

of the agreement; the incorporation of the agency specific occupational category outcomes; and the inclusion of other conditions of employment generally consistent with the earlier 2004 agreement.

During 2005–06 there were no industrial relations incidents that resulted in lost time.

Appendix G: Business Management

Appendix G1: Financial review of operations and financial condition

Five year financial summary	A-IFRS		GAAP			
	2006 \$'000	2005 \$'000	2005 \$'000	2004 \$'000	2003 \$'000	2002 \$'000
Revenue from Government	2,613,398	2,324,539	2,324,539	2,149,886	2,065,575	1,828,629
Other revenue	131,557	73,800	73,993	64,612	61,308	54,442
Total revenue	2,744,955	2,398,339	2,398,532	2,214,498	2,126,883	1,883,071
Net result from ordinary activities	40,394	33,245	45,265	25,337	50,762	34,346
Net cash flow from operating activities	140,359	79,437	70,954	57,331	47,529	46,378
Total assets	1,990,864	1,488,012	1,243,934	1,081,461	943,141	844,738
Total liabilities	980,550	552,743	304,380	262,982	226,757	234,647

In the financial year ending June 2006, the Department's result from ordinary activities was affected by:

- The funding of new initiatives commenced in 2005–06 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
 - Machinery of government changes: financial counselling and problem gambling programs transferred from Department of Human Services to Department of Justice
 - Reclassification of privately run prisons and County Court complex leases previously recognised as operating leases are now to be recognised as finance leases following a review of IFRS and under instruction from VAGO
 - The Fairer, Firmer Fines initiative which saw an amnesty (until end May 2006) put in place to clear outstanding debt, and
 - Continued investment in Justice 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.
- In general, delivery of services by the Department were within defined budgetary objectives. A comparison of budget and actual financial statements is contained in the Budget portfolio outcomes section of the Annual Financial Statements.
- Subsequent events** No events have occurred subsequent to 30 June 2006 that would require adjustments to, or disclosure in, the Department's financial statements.

Appendix G2: A statement on the implementation and compliance with National Competition Policy and Competitive Neutrality Policy Victoria

The Department has addressed issues with respect to National Competition Policy including the requirement of the Competitive Neutrality Policy statement.

In the National Competition Council's 2005/6 assessment, the Council noted that Victoria had made significant reforms in the area of legal profession regulation and had continued to progress matters in the area of professional indemnity insurance. Work continues through the Standing Committee of Attorneys-General to develop permanent national model provisions that will establish nationally

consistent standards in relation to professional indemnity insurance for the legal profession in order to facilitate interstate practice.

The Council assessed Victoria as not having met its CPA clause 5 obligations in relation to trade measurement legislation because it did not meet its reforms.

Victoria is party to a national agreement for model uniform trade measurement legislation which is managed by the Ministerial Council on Consumer Affairs (MCCA). The model legislation was subject to an NCP review which identified that the restrictions on

the sale of meat could not be justified at that stage and the unit pricing of pre-packed articles warranted further investigation.

MCCA in response to the NCP review:

- conducted a public benefit test on the sale of meat restrictions which supported the restriction and resulted in the development of national Guidelines to clarify the extent of the restriction; and
- agreed to the amendment of the model legislation for the unit pricing restrictions.

Victoria has adopted the amendments for unit pricing in the making of the proposed Trade Measurement Regulations 2006.

The Council stated that Victoria was potentially forgoing significant benefits from reform by failing to expedite its review and reform of conveyancing practice restrictions.

The Government's response to the 2005 review of Victoria's conveyancing industry proposed significant reforms to the industry that are designed to harmonise closely with neighbouring states. These reforms include allowing conveyancers to complete legal work related to the conveyance of a title in a property to improve competition within the industry, a new licensing scheme and strengthened consumer protections

through provisions to regulate the handling of client monies and require conflict of interest disclosure.

Other consumer protections proposed include requirements that all non-lawyer conveyancers have completed certain education requirements, gained at least 12 months' relevant work experience and hold professional indemnity insurance.

Appendix G3: Chief Executive Officer, senior office holders and Audit Committee – members, roles and functions as at 30 June 2006

Audit Committee

Independent Members

Mr Frank King
Chairman

Mr Malcolm Simister
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
Chief Finance Officer

Mr Ray Turnley
Manager, Internal Audit

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 the Audit Committee Charter.

The Audit Committee provides advice to 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 its findings directly to the Accountable Officer, particularly when issues are identified that could present a material risk or threat to the Department.

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 Department, taking into account the financial and operational environment in which it operates and its performance management framework
- Assess and enhance the Department's corporate governance, including its systems of internal control and the internal audit function

- Facilitate the practical discharge of the internal audit function, particularly in respect of planning, monitoring and reporting, and
- Oversee and appraise the Department'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 efficient, effective and economic delivery of Department outputs to obtain optimal value for money
- Optimising Department performance in terms of quality, quantity, timeliness, cost and, where appropriate, location
- Reporting Department financial and operational information in a relevant, reliable and timely manner, and
- Ensuring the integrity and consistency of the Department's corporate culture in relation to its ethical conduct and probity, in particular, its tendering, contracting and other procurement processes.

Appendix G4: Disclosure of major contract compliance

Disclosure Statement

The Department has disclosed all contracts – goods and services and construction related – with a value greater than \$100,000 which it entered into during 2005–06.

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

Where contracts exceeded \$10 million, the contracts were disclosed in part or full, except for certain material that is

categorised within one or more criteria contained in Part IV of the *Freedom of Information Act 1982*.

Appendix G5: Summary of consultancies engaged in 2005–06

A. CONSULTANCIES WITH A VALUE GREATER THAN \$100,000

Summary of project	Consultant engaged	Approved amount (excl GST)	Expenditure for reporting period (excl GST)	Future commitments (excl GST)
Modelling Forensic Medical Services	PricewaterhouseCoopers	\$181,237	\$9,062	\$172,175
Review of Sensitive Information and Data Management Processes	KPMG	\$141,680	\$141,680	\$0
Legal Advice – Gambling Licensing Review	Deacons Consulting	\$327,273	\$280,951	\$46,322
Racing Industry Review	Ernst & Young	\$122,532	\$122,532	\$0
Criminal Justice Procedures (Committal and Trial) Review Project	Boston Consulting	\$250,000	\$0	\$250,000
Funds in Court Review	KPMG	\$146,855	\$111,298	\$35,557

B. CONSULTANCIES LESS THAN \$100,000

Number of engagements approved during 2005–06	37
Total approved amount (excl GST) for new consultancies	\$1,452,905
Total expenditure (excl GST) for new consultancies	\$729,158

Appendix H: Occupational health and safety

Health and Safety was a strategic priority for the Department during 2005–06. By committing to continually improving our work environment so that all employees remain safe and healthy at work, a comprehensive Occupational Health and Safety Strategy focusing on hazard prevention, capability building and injury management is being implemented.

Effective early intervention strategies are a core component of creating a healthy and safe work environment, and the Department has introduced a number of new initiatives to drive change and enhance safety.

At Barwon Prison and the Dame Phyllis Frost Centre, a Suitable Duties Register has been implemented to provide people returning to work the opportunity to quickly and easily identifying suitable return to work duties. This register aims to reduce the time lost component of claims.

Other initiatives included:

- Provision of dedicated OHS resources through the employment of internal OHS experts on a portfolio and regional basis
- Focusing on implementing OHS legislative and regulatory compliance projects in target business units such as Corrections Victoria, Courts and Enforcement Management. Corrections Victoria commenced implementing the plant safety program, which includes manual handling assessments and proper management of hazardous substances
- Developing and delivering an OHS training program for Managers to increase capability, improve skills and commitment to a safety culture
- Undertaking an air and noise assessment program to ensure proper safe practice in high risk operations such as Prison Industries

- Conducting a health and safety conference for staff that included an interactive expo with health service providers, and
- Introducing a stress management pilot program at Langi Kal Kal Prison and North-Metro Community Correctional Services.

Reported Incidents (actual and near miss) are now included in the data of OHS related matters. The implementation of an incident reporting system across the Department has enabled access to data for the two preceding years. Incident rates of 5.01 per 100 FTE in 2004–05 and 5.31 per 100 FTE in 2005–06 have been recorded.

Viewed proportionately, the Department is now a safer workplace. As detailed below, standardised claim rates per 100 FTE have reduced; however the number of standardised claims increased marginally. The average cost per claim increased by 19 per cent but this is significantly below the 2003–04 average of \$34,851. The rise in claim costs reflects an increase in claim numbers and the costs of claims from non-employees (CCS). The non-employee claims cost increased from \$173,893 in 2004–05 to \$868,079 in 2005–06, giving an average cost in 2005–06 of \$36,170 per claim. This has had a disproportionate affect on the Department's average cost of claims.

Claims exceeding 13 weeks have reduced considerably indicating good injury management and effective early intervention strategies.

Days lost as a measure of severity

Days lost to standard claims have reduced 28 per cent over the premium period. The length of time off work can be used as an indication of the severity of injuries and the effectiveness of early intervention strategies.

Most days have been lost in the 61 to 240 day range and both of these have reduced considerably over the last three years. The injuries causing the majority of days lost (71 per cent) over the three years are:

Stress	3,147 (32%)
Sprain/strain	2,731 (28%)
Slip, trip, falls	2,087 (21%)

	2003–04	2004–05	2005–06
Incidents *	N/A	275	320
Rate per 100 FTE		5.01	5.31
Standardised Claims	133	137	139
Rate per 100 FTE	2.65	2.49	2.31
Time Lost Claims	55	53	63
Rate per 100 FTE	1.10	0.97	1.05
Claims Exceeding 13 Weeks	20	30	19
Rate per 100 FTE	0.40	0.55	0.32
Average Cost per Claim	34,851	25,319	30,194
Fatality Claims	Nil	Nil	2**
RTW Plans in place *	N/A	N/A	97%

Note: * Data on incidents plans is sourced from the OHS Units' records.

**The two fatality claims received in 2005–06 have not been accepted as work-related as of 30 June 2006.

Statistics for Return To Work (RTW) plans in place within 30 days of receipt of a claim, when the claimant has lost time of more than 20 days are sourced from the OHS units' records.

All other data is sourced from the Victorian WorkCover Authority (VWA) and includes claims and costs of Offender (CCS) injuries.

The WorkCover Premium for 2006–07 and comparative Industry rates will not be determined until September 2006.

Days lost range	Sum of days lost					
	2003–04		2004–05		2005–06	
	Claim no's	Days lost	Claim no's	Days lost	Claim no's	Days lost
11-20 days	13	207	9	140	14	208
21-60 days	19	758	28	966	15	512
61-120 days	14	1212	14	1301	7	652
121-240 days	9	1558	4	671	5	864
> 240 days	1	272	0	0	2	549
TOTAL	56	4007	55	3078	43	2785

Appendix I: *Whistleblowers Protection Act 2001*

Disclosures for the period of 1 July 2005 to 30 June 2006

Number and type of disclosures made to the Department

The Department assessed five disclosures under the Act this financial year. This includes one matter referred from the Ombudsman to the department.

Of the five disclosures:

- One matter was declined because the complainant could not substantiate the complaint
- One matter was not substantiated upon investigation
- One matter is currently being determined by investigation
- One matter was referred by the Department to the Ombudsman for investigation, and
- One matter was taken over by the Ombudsman for investigation.

A full list of Department of Justice whistleblower procedures can be found on the Justice website at: <http://www.justice.vic.gov.au>

Procedure for enacting the *Whistleblowers Protection Act 2001*

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by the Department of Justice or its employees. Disclosures may be made by employees or by members of the public. These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

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 oversees the internal reporting system. He or she will receive and assess all disclosures made under the Act, including all correspondence, phone calls and emails from external whistleblowers, and will report directly to the Secretary of the Department, Ms Penny Armytage. More details about the role of the Protected Disclosure Co-ordinator and Protected Disclosure Officers are on page 181.

The Protected Disclosure Co-ordinator for the Department of Justice is:

Mr Colin Brown
Director, Human Resources
Level 27, 121 Exhibition Street
Melbourne VIC 3000
Phone: (03) 8684 0031
Email: colin.brown@justice.vic.gov.au

Protected Disclosure Officers

The Department of Justice has eight Protected Disclosure Officers. There is a Protected Disclosure Officer for each portfolio group.

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) 8684 0590
Email: ray.turnley@justice.vic.gov.au

Consumer Affairs

Mr Stephen Devlin
General Counsel
Phone: (03) 8684 6277
Email: stephen.devlin@justice.vic.gov.au

Legal and Equity

Ms Eliza Poulton
Legal Policy Officer, Civil Law Policy
Phone: (03) 8684 0846
Email: eliza.poulton@justice.vic.gov.au

Community Operations and Strategy

Ms Lana Kolyunski
Strategic Advisor
Office of Executive Director
Phone: (03) 8684 1773
Email: lane.kolyunski@justice.vic.gov.au

Courts

Mr John Griffin
Executive Director Courts
Phone: (03) 8684 0808
Email: john.griffin@justice.vic.gov.au

Corrections Victoria

Mr Peter Johnston
Senior Consultant
Phone: (03) 8684 0046
Email: peter.johnston@justice.vic.gov.au

Strategic Projects and Planning

Mr John Webb
Senior Advisor
Phone: (03) 8684 1502
Email: john.webb@justice.vic.gov.au

Office of Gaming and Racing

Ms Tannith Galliot
Business Services Manager
Phone: (03) 8684 1917
Email: tannith.galliot@justice.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 following table sets out where disclosures about persons other than employees of the Department of Justice should be made. A contact list for the public bodies listed in the table is available. Alternatively, a person wishing to make a disclosure about another public body may call Information Victoria on 1300 366 356 to be referred to the correct contact person. A guide to making a disclosure under the *Whistleblowers Protection Act 2001*, entitled 'Making a Disclosure – Blowing the Whistle on Improper Conduct in the Victorian Public Sector', is also available.

Roles and responsibilities

Protected Disclosure Co-ordinator

The Protected Disclosure Co-ordinator has a central 'clearing-house' role in the internal reporting system. He or she will:

- Receive all disclosures forwarded from the Protected Disclosure Officers
- Receive all phone calls, emails and letters from members of the public or employees seeking to make a disclosure
- Impartially assess each disclosure to determine whether it comes under the *Whistleblowers Protection Act 2001* and is a public interest disclosure
- Refer all public interest disclosures to the Ombudsman
- Ensure that matters which do not meet the definition of a public interest disclosure are dealt with appropriately, after consultation with the person who made the allegation or report
- Be responsible for carrying out, or appointing an investigator to carry out, an investigation referred to the public body by the Ombudsman
- Be responsible for overseeing and co-ordinating an investigation where an investigator has been appointed
- Appoint a welfare manager to support the whistleblower and to protect him or her from any reprisals
- Advise the whistleblower of the progress of an investigation into the disclosed matter
- Establish and manage a confidential filing system
- Collate and publish statistics on disclosures made
- Take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential, and
- Liaise with the Secretary of the Department.

Protected Disclosure Officers

Protected Disclosure Officers will:

- Be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action
- Make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace
- Receive any disclosure made verbally or in writing (from internal and external whistleblowers)
- Commit to writing any disclosure made verbally
- Impartially assess the allegation, in consultation with the Protected Disclosure Co-ordinator, and advise the person making the disclosure whether the disclosure comes under Part 2 of the *Whistleblowers Protection Act 2001*
- Take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential, and
- Forward all disclosures and supporting evidence to the Protected Disclosure Co-ordinator.

Employees

Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All employees of the Department of Justice have an important role to play in supporting those who have made a legitimate disclosure. Employees must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, employees should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

Person who is the subject of the disclosure

Employee of a public body
Member of Parliament (Legislative Assembly)
Member of Parliament (Legislative Council)
Councillors
Chief Commissioner of Police
Member of the police force

Person/body to whom the disclosure must be made

That public body or the Ombudsman
Speaker of the Legislative Assembly
President of the Legislative Council
The Ombudsman
The Ombudsman or Deputy Ombudsman
The Ombudsman, Deputy Ombudsman or Chief Commissioner of Police

Investigator

The Investigator will be responsible for carrying out an internal investigation into a disclosure where the Ombudsman has referred a matter to the public body. The Department of Justice may appoint a person from within the Department or engage a consultant for that purpose.

Welfare Manager

The Welfare Manager is responsible for looking after the general welfare of the whistleblower. The Welfare Manager will:

- Examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and 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, and
- Discuss with the whistleblower what would be a realistic expectation for the outcome of an investigation of the disclosure.

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. All printed material will be kept in files that are clearly marked as a *Whistleblower Protection Act 2001* matter, and warn of the criminal penalties that apply to any unauthorised divulging of information concerning a protected disclosure. All electronic files will be produced and stored on a stand-alone computer and be given password protection. Back-up files will be kept on floppy disc. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the whistleblower files.

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 of Justice. 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.

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 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 at 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-cooperation 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.

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.

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.

Review

These procedures will be reviewed annually to ensure they meet the objectives of the Act and accord with the Ombudsman's guidelines.

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

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 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 are 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). Files can be broadly categorised as personal files, procedure and policy (on legislation or particular aspects of legislation administered by the respective Ministers), operational and administrative responsibilities, and general correspondence files.

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 a document is suitable for release, 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 are exempt. They include, among others, information relating to the personal affairs of third parties, information provided in confidence, documents affecting legal proceedings, information which if released might endanger the lives or physical safety of individuals, cabinet documents, commercial-in-confidence information, and internal working documents, the release of which would be contrary to the public interest.

Who are the decision makers under the FOI Act?

Decisions are made under the FOI Act by the Secretary of the Department or delegates authorised under sections 21 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, Freedom of Information
Department of Justice
121 Exhibition St
Melbourne Victoria 3001
Requests can also be lodged online at www.foi.vic.gov.au.
Telephone inquiries can be made on (03) 8684 0063.
2. All FOI requests are subject to a \$21.50 application fee. In accordance with the *Monetary Units Act 2004*, the cost of submitting an FOI request increased from \$21.00 to \$21.50 effective on 1 July 2006. 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 photocopying and search and retrieval charges. Further information on current charges is available online at www.foi.vic.gov.au. 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 1998–99 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?

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.

The Department of Justice website (www.justice.vic.gov.au) provides comprehensive information about the Department and its operations.

The Corrections Victoria Resource Centre, on Level 22 at 121 Exhibition 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 at 121 Exhibition 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 organisation chart contained in the appendices of this report.

CASES RECEIVED

Month	Received (excl. transfers)	MP	Media	Others	Internal reviews received	VCAT appeals lodged
July	21	1	1	19	1	1
August	35	6	2	27	4	0
September	45	3	5	37	3	0
October	30	1	5	24	7	0
November	27	0	2	25	2	1
December	33	3	2	28	5	1
January	41	7	3	31	4	0
February	23	0	0	23	7	2
March	37	2	0	35	4	3
April	30	0	5	25	1	1
May	46	0	1	45	5	1
June	47	6	4	37	8	0
TOTAL	415	29	30	356	51	10

Appendix K: Additional Information

- A statement that declarations of pecuniary interests have been duly completed by all relevant officers
- Details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary
- Details of publications produced by the entity about itself and how these can be obtained
- Details of changes in prices, fees, charges, rates and levies charged by the entity, including services that are administered
- Details of any major external reviews carried out by the entity
- Details of major research and development activities undertaken by the entity
- Details of overseas visits undertaken, including a summary of the objectives and outcomes of each visit
- Details of major promotional, public relations and marketing activities undertaken by the entity, to develop community awareness of the entity and its services
- Details of assessments and measures undertaken to improve the occupational health and safety of employees, not otherwise detailed in the Report of Operations
- A general statement on industrial relations within the entity and details of time lost through industrial accidents and disputes, which are not otherwise detailed in the Report of Operations
- A list of major committees sponsored by the entity, the purposes of each committee and the extent to which the purposes have been achieved.
- A statement to the extent applicable, on the implementation and compliance with National Competition Policy, including compliance with the requirements of the policy statement *Competitive Neutrality Policy Victoria* and any subsequent reforms.