



DEPARTMENT OF JUSTICE

# Annual Report

## Contract for the Provision of Court Security and Custodial Services



30 September 2004



DEPARTMENT OF J U S T I C E

**CONTRACT FOR THE PROVISION OF  
COURT SECURITY AND CUSTODIAL SERVICES  
FOURTH SERVICE YEAR**

To the Hon Michelle Roberts  
Minister for Justice

In accordance with section 45 of the *Court Security and Custodial Services Act 1999*, I hereby submit for your information and presentation to Parliament the Annual Report of the Court Security and Custodial Services Contract for the service year ending 30 July 2004.

The report provides an overview of services provided under the contract by Australian Integration Management Services Corporation (AIMS Corporation).

Alan Piper  
Director General

30 September 2004



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## FROM THE DIRECTOR GENERAL

It has been a year of challenges for the Department of Justice in its management of the Court Security and Custodial Services (CS&CS) contract, notwithstanding significant improvements in service delivery in some areas.

The Department focused its energy for a considerable part of the year on negotiating with AIMS Corporation a reduction in the cost of the contract which was more than \$18.5m this year – well in excess of the price originally anticipated when the contract was established four years ago. In this context, services were being rescoped and annual savings of \$1.5m had been identified by year end.

This year, AIMS Corporation delivered basic services in accordance with the contract. It has:

- undertaken an extra 4,000 prisoner movements;
- provided security services to an extra two court sittings per day, on average;
- provided additional security services for a number of high profile and high security trials;
- managed an extra 2,000 prisoners in court custody centres; and
- managed an increase of 30% in escorts to funerals.

However, a training and recruitment shortage throughout the year has meant AIMS Corporation was unable to keep up with rising demand and service standards remain a concern. In the face of insufficient resources to meet demand, services were focused on areas such as transporting prisoners to courts, court security, critical prisoner movements and urgent medical requirements. The need to prioritise services meant deficiencies in other areas including:

- the rescheduling or cancellation of non-urgent medicals;
- delays in providing staff for hospital escorts; and
- security services for low-risk trials.

The Department and AIMS Corporation have addressed this issue with an extra \$325,726 funding for training and a recruitment drive which will see new employees start early in the new year.

In the meantime, the decision on whether to renew the contract for court security and custodial services with AIMS Corporation was suspended following the escape of nine prisoners from the Supreme Court on 10 June 2004.

The subsequent inquiry by senior barrister, Richard Hooker, found serious breaches in security, which compromised community safety.

The Department also recognises that the escapes from the Supreme Court highlighted some deficiencies in the way in which the performance of AIMS Corporation under the CS&CS contract was being managed and monitored.

In the wake of the escape, the Department made immediate changes including removing AIMS Corporation from security and custodial duties at the Supreme Court and bringing forward more than \$130,000 in work to upgrade security. Security audits of all court facilities throughout the State were also undertaken.

Following receipt of the Hooker Report, the Department also issued a default notice to AIMS Corporation in August 2004. The notice required immediate action in a number of areas and formally alerted AIMS Corporation to the seriousness with which the Department views the breaches.

AIMS Corporation also suffered significant financial penalties as a result of the breaches in service standards. It could have earned \$809,113 in performance-linked fees for the year, but instead current assessments result in penalties of more than \$420,000.

The Hooker Report was also the catalyst for an immediate and significant shift in the Department's approach to the management of this contract. In the past, the Department has brought AIMS Corporation's attention to deficiencies in service standards but taken limited responsibility for them. The appointment of a new AIMS Corporation general manager to the CS&CS contract in July 2004, and the Department's heightened sense of responsibility, has resulted in a more collaborative approach to resolving service issues. The Department is also much more proactive in following up and enforcing improvements required of AIMS Corporation to meet their obligations under the contract.

An audit conducted by the Department in the three months to 30 July 2004, prior to the new general manager's appointment, identified several issues which required immediate attention. Perhaps most disturbing was the limited information available. This issue has been included in the remedial action required under the default notice issued by the Department.

While there has been a great deal of work done to drive efficiencies in this contract, none of these efficiencies invite a compromise of the standards of service and the Department will properly maintained pressure on AIMS Corporation to lift service standards.

In the meantime, the Department was, at year end, preparing for the upcoming coronial inquiry into the death in custody that occurred on 6 May 2003. The inquiry was scheduled for September 2004 and the finding will be reported upon next year. As a result of the Department's own investigations, it provided approximately \$75,000 to AIMS Corporation for the removal of obvious ligature points and ordered the gradual replacement of cameras in the vehicles with fish-eye lens cameras. The Department will



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take over the management of the secure vehicle fleet in the year ahead and the existing fleet will be progressively replaced with a higher standard of vehicle.

As AIMS Corporation and the Department move into the fifth operational year, there are serious issues to be resolved in the structure and management of the CS&CS contract. Despite some basic services being delivered well, the report of Richard Hooker into the Supreme Court escapes, tabled in Parliament in August 2004, confirms issues of concern and reinforces the imperative that the Department carefully considers the options for managing court security and custodial services in the future.

Alan Piper  
**DIRECTOR GENERAL**

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## BACKGROUND

Under the provisions of the *Court Security and Custodial Services Act 1999* (the Act), the Department of Justice entered into a five-year contract (with two three-year options) for the provision of court security and custodial services (CS&CS) with the Corrections Corporation of Australia (CCA) on 17 January 2000.

Subsequent to the execution of the contract, Sodexo Alliance, a French corporation with a 50% shareholding in CCA, acquired the 50% share holding held by Corrections Corporation of America. In December 2000, CCA was renamed Australian Integration Management Services Corporation (AIMS Corporation).

The CS&CS contract is executed pursuant to section 18 of the Act and the full contract was tabled in both Houses of Parliament in compliance with statutory requirements.

The intention of the contract is to create an improved, integrated service that releases police and justice staff from non-core activities of court security and prisoner transport.

The contract requires the contractor to provide in-court security and court custody services in all metropolitan courts and seven regional courts – Broome, South Hedland, Carnarvon, Geraldton, Kalgoorlie, Bunbury and Albany. The contract also includes adult offender transport throughout the State and juvenile offender transport in the metropolitan area.

The contracted services are provided by a separate Court Security and Custodial Services (CS&CS) business unit established by AIMS Corporation. AIMS Corporation is also contracted by the Department to operate Acacia Prison.

The Department's CS&CS Contract Management branch (part of the Prisons directorate) manages the contract. Responsibility for day-to-day operational management issues may be delegated to other departmental officers as required.

In taking responsibility for the quality management of the service, the Department's contract management team and the directorate's monitoring team undertakes formal monitoring and auditing of the service and monitoring of the AIMS Corporation operational management information systems.

The contract outcomes and guiding principles are included as appendices to this report.

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## CONTRACT OPERATIONS

### THE SERVICE

The provision of services during the second half of the service year fell below the required levels.

Issues arising from the escape of nine prisoners from the Supreme Court are dealt with separately in this report (see page 9).

In addition, the contractor failed to react in sufficient time to an increasing attrition rate caused in large part by the public prisons and expanding State rail services advertising for new employees. Many areas required to be serviced under the contract were either not serviced or were only partially serviced. The services were also concentrated on less staff-intensive tasks at the expense of the more intensive tasks such as medicals.

Following the escape of nine prisoners from the Supreme Court on 10 June, the Director General of the Department of Justice used his powers under the *Court Security and Custodial Services Act* to remove the provision of custody services at the Supreme Court from the contract.

This freed up a small number of AIMS Corporation staff and resulted in other improvements in service standards elsewhere.

AIMS Corporation could have earned \$809,113 in performance-linked fees, but following lapses in service standards including 14 escapes, current assessments result in penalties of \$420,305.

### SERVICE DIMENSION

There was a total of 423,882 service delivery hours for 2003/04 – a slight increase of 1,901 over the previous year.

The most significant increase was in the number of prisoners moved – 4,275 or 7.8% more than in the previous year.

The increase in demand was due to the increase in the total prisoner population as well as increases in service demands.

Table 1 shows the services provided in court security and custody, people in custody transported and road kilometres covered.

Hospital sit hours for years three and four are included in the court security and custody hours figure.

**Table 1. Service dimension**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
Court security and court custody hours	293,720	271,513	299,031	307,835
Prisoner movement hours	137,741	126,037	122,950	116,047
<b>Total service delivery hours</b>	<b>431,461</b>	<b>397,550</b>	<b>421,981</b>	<b>423,882</b>
Prisoners in custody transported	43,149	58,641	54,650	58,925
Road kilometres	2,205,310	1,991,159	1,890,673	1,904,166

**Notes:**

1. Data for August, September and October 2000 was not collected because AIMS Corporation did not have the appropriate systems in place.
2. Year two does not include hospital sit hours.

The “prisoners in custody transported” figure is the number of individuals who were transported from one place to another. The figure reflects the number of prisoners transported rather than the number of vehicle movements.

## **COURT SECURITY AND COURT CUSTODY**

Court security includes the provision of court orderlies in lower courts, gallery guards in superior courts and perimeter security to the external premises and internal public areas of a court.

Court custody includes the deployment of dock guards in both higher and lower courts and the management of court custody centres attached to courts.

Tables detailing the services provided in relation to court security and court custody are included in the appendices of this report.

It is noted that correlation of defendant numbers in custody with service delivery (staffing hours) does not necessarily provide a useful efficiency measure. Court custody service delivery hours are directly influenced by the order of court listings and by the static nature of some custodial functions required in court custody centres, as determined by safety and security requirements.

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### **Demand management**

The tables included in the appendices of this report show the significant fluctuations in demand for court security and court custody services managed by the contractor.

Compared with the previous year, in 2003/04:

- court sitting hours increased by 11.5%;
- people managed in court custody centres increased by 9% (following an increase of only 2% over the average of the previous two years); and
- resourcing hours increased by 3%.

The small increase in resourcing hours was due to a combination of efficiencies, and staff shortages that left a number of courts unserved. An average of two courts per day at the Central Law Courts were left unserved and on a number of days there were seven or more courts without appropriate services.

### **New demand management systems**

In the fourth operational year, a new demand management system was proposed by the Department. The proposal involved client agencies (Court Services and Prisons) being more responsible for the services they required of AIMS Corporation and establishing a budget for resource hours and prisoner movements.

The new system was being developed at year end and is expected to be implemented in October 2004.

### **Impacts on demand**

The number of courts sitting increased by an average of two per day at the Central Law Courts in the last half of the contract year. The number of high-security risk and high-profile trials also increased, placing additional pressure on security resources.

A high-profile trial of outlaw motorcycle gang members, for example, required security in and around the trial room as well as at the remote public gallery within the Supreme Court building. Another high-profile and high-risk trial at Albany during the year required staff numbers to be nearly doubled at considerable cost.

The inadequate design of some court buildings to cope with such high-risk trials added to the resourcing implications.

While the number of high-risk trials is expected to increase, it is anticipated that the new court security features of the CBD Courts Project will enable a more efficient court security service to be delivered.

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### **Management information systems**

To better manage demand, the Department has worked with AIMS Corporation in developing a cross-party web-based system through which demand can be monitored more closely and the resources can be allocated more effectively.

The first stage of this system will be fully operational in October 2004 providing demand information to both the contractor and client agencies such as Court Services, Prisons and the WA Police Service. Further stages, involving interfaces with other external agencies will be incorporated in later years. The system involves information from Prisons, the WA Police Service, Court Services, AIMS Corporation and other relevant agencies being fed into a data warehouse with designated access levels for users. Each level of user will have access only to the information that is relevant to their area and service provision.

The result will be access to up-to-date “live”, relevant information allowing vastly improved service and management of people in custody, while reducing the current human resource expenditure in gathering and interpreting information.

### **SUPREME COURT ESCAPES**

Nine prisoners escaped from the Supreme Court custody area on 10 June 2004. Following the findings of the Hooker Report, which was tabled in Parliament in August 2004, \$300,000 will potentially be deducted from the performance-linked fee payable to AIMS Corporation for escapes.

A full and independent inquiry led by senior barrister Richard Hooker started less than a week after the escape and his report was received by the Department on 30 July 2004. The Department had already addressed many of the key issues of concern raised formally in Mr Hooker’s report.

Immediately following the escapes, action was taken to improve security, including:

- the Department suspended AIMS Corporation from court custody duties, including dock guards, at the Supreme Court and replaced AIMS Corporation staff with the Department’s Emergency Support Group;
- a scheduled upgrade was brought forward and more than \$130,000 was spent within weeks on structural upgrading of security at the Supreme Court;
- a joint AIMS Corporation/Department of Justice Court Security and Court Custody Program was established, with security audits completed in all major courts in WA and some immediate infrastructure, management and intelligence improvements being made;
- the Department improved intelligence gathering and management;
- a review of management of high security escort prisoners in court custody centres;
- AIMS Corporation reviewed its management structure and appointed a new general manager of Court Security and Custodial Services who took up his position in July 2004;

- AIMS Corporation reviewed its policies and procedures; and
- AIMS Corporation committed to giving site orders, which had been outstanding since the start of the contract, greater priority in the year ahead.

It is noted that changes to security processes and policies require additional resourcing by AIMS Corporation.

Further detail of the Department's response to the escapes and the deficiencies it highlighted is included in the Contractual Matters section of this report starting on page 14.

### **Prisoner transport services**

The service includes the transport of adult prisoners and juvenile detainees to and from all prisons, detention centres and courts but does not include the transport of juveniles in regional areas. The service also includes the transport of prisoners and juveniles to medical appointments, funerals and other locations as permitted. AIMS Corporation is also contracted to provide staff to sit with prisoners required to attend hospital. The transport and supervision of prisoners attending funerals or visiting close relatives who are ill, also form part of the services.

Prisoner transport services also includes the clearance of remand and sentenced prisoners from WA Police Service lock-ups in regional and remote locations serviced by AIMS Corporation.

A full table of prisoner movements, kilometres travelled and resourcing hours is included in the appendices of this report.

### **Hospital escorts**

The contract requires AIMS Corporation to provide hospital guards in all circumstances where a prisoner or juvenile detainee is admitted to a public hospital from a prison or detention centre. The length of hospital-stay and security rating of the people in custody influence the total resource hours involved.

A full table showing the number of hospital admissions, resourcing hours by month and average and the number of resourcing hours per incident of admission is included in the appendices of this report.

The performance of prisoner transport services during the year has been unacceptably sub-standard. Reasons for this include:

- increases in the prison population resulting in increased demand;
- inadequate resourcing by AIMS Corporation; and
- poor co-ordination of services by AIMS Corporation.

While services increased by approximately 10% over the past year, AIMS Corporation's resources remained the same or decreased.

## **RESOURCES**

### **Vehicles**

At year end, AIMS Corporation operated a fleet of 39 escort vehicles – 20 in the metropolitan area and 19 in the regions.

The vehicle fleet is now four years old and reliability decreased during the operational year. There were three inter-prison vehicles off the road in the last three months of the year, which affected the efficiency and effectiveness of the service in the metropolitan and regional areas. During the year, approximately six vehicles broke down and took an average of a week and a half to be repaired and returned to service. The severity of these failures also increased, with several vehicles requiring replacement motors and/or gearboxes. The high level of repair clearly indicates that the fleet is nearing the end of its useful life.

In the second half of the year, the Department, in agreement with the contractor, started to implement a process that would move the fleet ownership to the Department. This was a more cost effective means of implementing a vehicle replacement strategy.

Ownership and replacement of the fleet will take effect in year five of the contract and will include:

- bringing the present fleet under the management of the Department; and
- evaluating each vehicle for the replacement program.

The replacement vehicles will further address the service quality issues raised by the Inspector of Custodial Services in his report tabled in Parliament in December 2001, following the inspection which started in May 2001.

Those issues and the response to them are detailed on page 24 of this report.

AIMS Corporation also improved vehicle safety and security during the year by:

- replacing all padlocks securing the escape hatches in their vehicles, reducing the hanging points at a cost of approximately \$75,000;
- installing padding on the seating of the inter-prison vehicles to provide a safer and more comfortable ride for prisoners travelling long distances; and
- putting windows in vehicles to improve natural lighting.

AIMS Corporation also started to replace the cameras in the vehicles with fish-eye lenses to give a clearer and wider view of the prisoners when travelling.

### **Prisoner transport staffing**

The fleet of vehicles should be staffed by 78 employees with an additional pool of staff to facilitate hospital sits, funerals and other escorts. This further requirement could be as high as 20 additional staff.

Greater flexibility is required in regional areas where transport staff are also required to perform court services.

### **Prisoner transport staff shortages**

AIMS Corporation experienced staff shortages throughout the year, which reduced service provision. The number of designated prisoner transport staff fell by 25.71%, while the pool rose by 14.24% resulting in an overall drop of 11.24% in available staff. Regional staffing levels fell by 16.3% over the same period.

This was despite the expansion of the management information systems to cover human resources implemented last year.

The Department provided additional funding of \$325,726 for the recruitment and training of new staff. These funds were approved in June 2004 and will result in a total of 30 new staff becoming available early in the new operational year.

It is expected that this increase in staff will help AIMS Corporation to fulfil its obligations under the contract.

## **DEMAND MANAGEMENT**

There were significant increases in the demand for services in the fourth year of the contract.

*Table 2. Service demand*

<b>SERVICE</b>	<b>NUMBER OF PRISONER MOVEMENTS</b>	<b>INCREASE/DECREASE OVER PREVIOUS YEAR</b>
Medical appointments	5,318	4.32%
Inter-prison transfers	6,822	-11.59%
Prisons to court and return	44,145	11.37%
Funerals	640	35.59%
Lock-up clearances	1,755	10.87%
Average hospital sit hours	136.44	17.98%

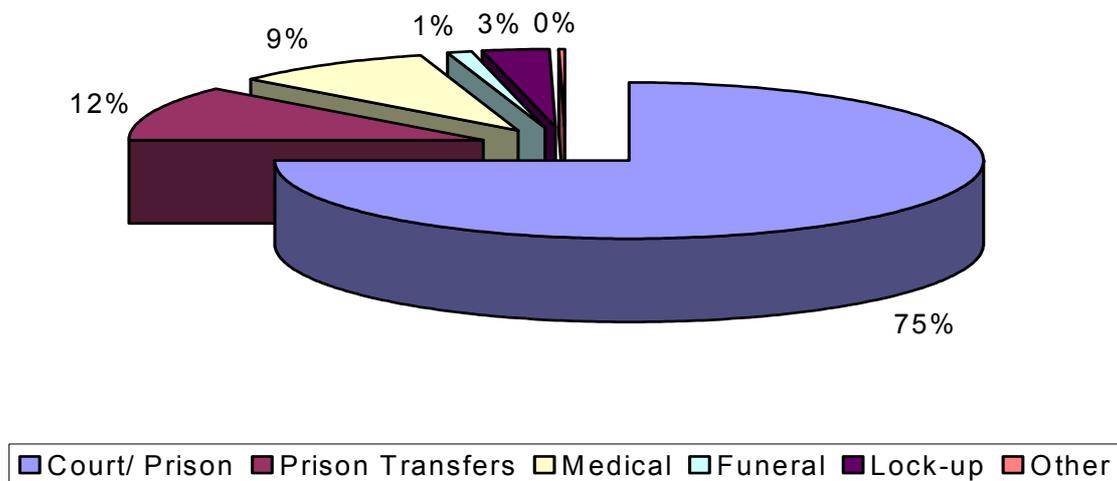
Hospital sits were performed on 213 people in custody. Though this is a decrease from last year, the average hours per sit increased by 17.98%.

It is noted that AIMS Corporation concentrated its services on those that required minimal staff resources, to the detriment of services where staff requirements were intensive, such as medicals.

The increase in service demand is attributed to the rise in the prison population over the previous years and the fact that a number of people in custody remained in hospital for extended periods during the year.

It is disappointing that the vehicle management system, that would have provided scheduling and tracking of vehicles, was not operational at the end of the year. However, the contactor had made some progress and advised that the system would be operational in the first quarter of the new operational year.

### Prisoner Movements



The chart above clearly shows that three quarters of all prisoner movements is prison → courts → prison. Options for managing this demand, including greater use of video conferencing, will continue to be explored.

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## CONTRACTUAL MATTERS

### CONTRACT MATERIAL BREACH

During the end of the operational year, there was a series of events culminating in the escape of nine prisoners from the Supreme Court on 10 June 2004 that clearly demonstrated that the contractor had fallen well below the level of service required under the contract. The matter required a strong response and the following measures were implemented:

#### **Default Notice**

The Department issued a default notice to AIMS Corporation in August 2004 advising that it has failed to comply with clause 2.1(a) and, in particular, had failed to meet the service requirements specified in Schedule 2 of the contract. AIMS Corporation had also failed to comply with clause 2.5(a) of the contract, by failing to provide all reasonable information and assistance to the contract manager to enable the contract manager to respond to requests made by the CEO.

The default requires AIMS Corporation to take steps to remedy the failure within five days of receipt of the notification. The State required AIMS Corporation to:

- (a) demonstrate its ability to address the matters described above in an effective and timely manner;
- (b) address matters raised after the Supreme Court escape and the subsequent Inquiry into the Supreme Court Escape of 10 June 2004;
- (c) describe measures that will be implemented by AIMS Corporation to meet the service requirements under the contract; and
- (d) prepare an action plan, a timetable and a process for weekly updates on progress within seven working days of the public release of the inquiry for approval by the State.

#### **Variation of the notification period**

There is a requirement within the contract that the State is to provide 12 months notice of its intent to extend the contract. Before the material breaches of contract described earlier, the Department was negotiating a proposal that would have seen the contract extended for a further three years.

However, following the escapes from the Supreme Court, any decision on a possible extension to the contract was suspended and the prescribed notification date was varied from 30 July 2004 to 30 March 2005 to allow the findings of the independent inquiry by Mr Hooker to be considered and then to give AIMS Corporation the opportunity to address its failures.

The delay will allow the Department to make an informed judgement whether the measures introduced by AIMS Corporation will address the failures in a sustainable manner.

## **SUPREME COURT ESCAPES**

As detailed on pages 21 and 22 of this report, nine prisoners escaped from the Supreme Court custody area on 10 June 2004. This was clearly the most significant in a total of 14 escapes, which will result in \$300,000 being deducted from the performance-linked fees. As well as the immediate action detailed earlier, the new general manager of CS&CS, appointed in July 2004, started a review of all procedures, particularly those relating to security. Some of the immediate changes included the use of double handcuffs and the appointment of an interim security manager.

### **Funding implications**

Implementing the recommendations of the independent review by Mr Hooker would require an estimated \$9.7m over the next five years. The breakdown is as follows:

Capital works	\$3m	over the next two years
Video conferencing	\$0.9m	over the next year
Recurrent expenditure	\$5.8m	over the next five years

The recurrent expenditure is made up of:

- \$3m for additional security expertise in prisons and courts;
- \$0.9m for improved security equipment; and
- \$1.9m for “airport-style” security at Supreme Court and the Central Law Courts.

### **CS&CS security project**

The CS&CS Security Project started in June 2004 in response to the escapes from the Supreme Court and in response to the findings of the security audit of courts conducted by the Department and AIMS Corporation officers.

At year end, the Department was working on a revised program that would reflect the response to Mr Hooker’s inquiry and include:

- enhanced security and risk management;
- court security/court custody program;
- audio visual conferencing; and
- CS&CS improvement program.

### **Security audits**

Following the escapes from the Supreme Court, security risk audits were completed in all major courts in WA in July 2004. Those audits identified a number of asset and procedural issues that will be addressed in the year ahead.

These included:

- strengthening the secure line in court custody centres with improved keying and procedures;
- strengthening doors and improving barrier security; and
- reviewing the policy on the use of restraints in court custody centres and court environs in consultation with the judiciary.

### **The Revitalisation Program**

The Revitalisation Program started in January 2004 in response to recommendations of the December 2003 Evaluation Report for the Provision of Court Security and Custodial Services. Program teams met monthly or fortnightly and reported to the CS&CS Revitalisation Steering Committee.

The program was established in the context of the first term of the CS&CS contract concluding on 30 July 2005 and any renewal requiring significant changes to improve service and alter the cost-plus contract arrangements to deliver better value for money to the State.

A significant amount of work was done during the year following a proposal from AIMS Corporation that involved improving services and reducing the existing contract costs by \$1.5m per year.

However, any decision – and all work – on contract renewal was suspended following the escape from the Supreme Court in June 2004. Some of the revitalisation program issues which had not been resolved were absorbed into the CS&CS security program.

### **Staffing**

At 30 July 2004, AIMS Corporation employed 262 permanent, permanent flexi-time and casual staff to deliver and support the contract services. Of these, 51 were based in regional areas. This compared with 264 permanent, permanent flexi-time and casual staff, 62 of whom were based in regional areas, in the previous year.

A direct comparison, however, is not valid because of the increasing demand during the year.

### **Staffing changes**

To address a steady decline in service provision, AIMS Corporation started a process to enhance the company's focus on security and risk management. Part of that process was the transfer of David Nicholson, general manager of Acacia Prison, to the position of general manager of CS&CS in July 2004. Mr Nicholson has strong international security and risk management expertise and, at year end, was developing a plan to review the CS&CS operation.

This review would focus on the suitability of the current process and identify areas for the upgrade of security measures utilised in the provision of services.

As part of its review, the contractor identified the need to increase its focus on tactical and operational security issues by integrating information and risk assessments with operational tasking and resourcing. The Department approved a proposal to fund the creation of a new position – Security and Intelligence Manager – within the CS&CS operation. The position will be responsible for preparing, co-ordinating and implementing intelligence, risk assessment and risk management plans across CS&CS. The new manager will be required to perform specific duties including assessing of security requirements in a high-risk environment and determining any gaps between the identified risks and existing security processes.

### **Regional prisoner movement audit**

In April and May 2004, an audit of the prisoner transport services provided by AIMS Corporation in regional areas of W A, was undertaken by the Department. The sites audited were Albany, Broome, Bunbury, Geraldton, Kalgoorlie and Roebourne. Many of the recommendations had been agreed with AIMS Corporation by year end and were being acted upon. They included:

- a recruitment drive to address the current staff shortages in regional areas should be undertaken with an emphasis on recruiting local, and particularly Aboriginal people, wherever possible;
- an inter-prison transfer vehicle should be relocated to Roebourne as soon as practicable;
- the scheduling of lockup clearances between Broome and Kununurra should be addressed to better fit with the Magistrate’s schedule. This will address the complaints of Kununurra police who currently have to hold people in custody for periods of up to two weeks;
- AIMS Corporation senior staff should meet with senior prison staff at Eastern Goldfields Regional Prison with a view to ending the current impasse over ‘new’ people in custody being received during the lunchtime period. The current practice is unacceptable because of potential risk of self harm;
- AIMS Corporation and the Department should resolve the matter of priority given to people in custody granted permission to attend funerals over those attending medical appointments; and
- AIMS Corporation should ensure that equipment and vehicle maintenance and repairs are completed expeditiously.

### **PROPOSED CONTRACT VARIATIONS**

At year end, the decision about whether to proceed with the extension of the contract was suspended. Nonetheless, some of the initiatives developed during the revitalisation program were being progressed to improve service provision or update the contract to reflect current or future service delivery.

The measures proposed would be restricted to the current contract that is due to expire in July 2005. It is expected the variations to the contract could be made towards the end of 2004 and would:

- introduce a schedule of rates to facilitate the contractor to perform duties identified in the contract in areas other than those stipulated by the contract;
- introduce a definition of “absconds”, and the respective measures, into the contract to better manage to contractor’s compliance;
- move the ownership of the vehicle fleet from the contractor to the State;
- expand the role of the contractor to include participation in matters involving high-risk prisoners; and
- update the contract locations to reflect existing and future state facilities.

Any variations to the contract would be tabled in both houses of Parliament as required by the *Court Security and Custodial Services Act*.

## **OPERATIONAL PERFORMANCE**

This courts security and custodial services contract was designed to deliver significant benefits including improved accountability and transparency. While the contract has produced some other benefits as intended, it has failed to deliver on these important improvements in accountability and transparency. AIMS Corporation and the Department continue to work on expanded management information systems, which will provide demonstrable improvements in accountability and transparency. It is hoped this will improve performance and accountability.

The performance-linked fee is an incentive for AIMS Corporation to improve in the key operational areas measured under the contract, however, the effect of this has been substantially reduced due to the cost-plus nature of the contract.

### **Performance measures and performance-linked fee**

Table 3 shows AIMS Corporation’s performance in each of the fee-link areas compared with the annual service standard and previous service years. The bracketed figures indicate matters that are not finalised.

**Table 3. Performance**

<b>Performance measure</b>	<b>1<sup>st</sup> year PLF</b>	<b>2<sup>nd</sup> year PLF</b>	<b>3<sup>rd</sup> year PLF</b>	<b>4<sup>th</sup> year PLF</b>	<b>Annual service standard</b>
Death in custody	0	0	0 (1)	0	0
Escape	6	2	4	14(12)	2
Self-harm	0	1	0	1(1)	0
Assault upon a judicial officer	0	0	0	0	1
Loss of control	1	0	0	0	1
Unlawful release	5	2	4	1	0
Failure to accurately report contractually required information	3	1	0	2	2
Assault on a member of the public	0	0	0	0	2
Assault on client agency staff	1	0	0	0	2
Assault on a person in custody	2	0	0	0	1
Breach of legislation	0	2	0	0	4
Breach of a service requirement	37	4	3	2(1)	5
Disruption to court proceedings	1	0	1	0	1
Traffic accident	0	0	0	0	1
Assault on a person in custody by a person in custody	0	0	0	0	1
Substantiated complaint	3	2	2	0	10
Untimely prisoner movements	171	75	46	2	900
Inappropriate use of powers	0	0	0	0	1
Loss of property of a person in custody	2	0	1	3	1

Note : PLF refers to performance-linked fee.

Note: The numbers in brackets indicate unresolved matters at year end such as matters still under inquiry.

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### **Customer satisfaction survey**

Each contract year, 10% of the performance-linked fee relies upon AIMS Corporation achieving a minimum level of customer satisfaction that should be measured by a customer satisfaction survey. The contract requires an agreed survey methodology and after a period of negotiation, the Department engaged a consultant to undertake a customer/client agency satisfaction survey in September 2003.

The survey canvassed the opinions of key client groups – the judiciary, court officers, prison health administrators and police and prison administrators – related to the 2002/03 contract year.

The two key issues arising from the report received in July 2004 related to training required to improve AIMS Corporation’s staff behaviour in courtrooms and the manner in which they carry out their responsibilities, and the need to reduce delays in prisoner transport services.

Both were addressed over the past year.

### **INCIDENTS**

#### **Incident reporting**

The contract makes provision for reporting of “critical” and “reportable” incidents. These reports are provided in hard copy form by AIMS Corporation. All critical incidents are to be reported initially by telephone within an hour and followed up with an interim report.

The Department’s incident reporting database also supports the performance-linked fee measurement system. This database provides the Department with ready access to information on incidents.

Table 4 shows aggregated data on incidents since the start of the contract.

The decrease in incident reporting figures was primarily due to a refinement in the types of occurrences to be reported. For example, untimely prisoner movements (where the contractor was late or there were unreasonable delays) were only reported when there was a significant delay in the delivery or receipt.

The incidents are spread across 23 different categories of critical incidents and 15 reportable incident categories, and range from untimely prisoner movements to assaults and breaches of contract. The changes in the types of incidents to be reported meant that reports for assaults made up 15.2% of all incidents reported during the year, significant changes in behaviour made up 12.9%, the removal of a person in custody for

medical treatment made up 12.5% and untimely prisoner movements – the most common report in the previous year – made up only 8.9% of all incidents reported in 2003/04.

**Table 4. Incidents reported**

	Year 1	Year 2	Year 3	Year 4
<b>Incidents reported</b>	254	313	449	224

#### **Deaths in custody**

There were no deaths in custody during the year. However the findings of the inquest into the death of a person in custody in the back of an AIMS Corporation vehicle in May 2003 was held in September 2004 will be handed down in October 2004 and reported on next year. As a result of the Department's own investigations, it provided approximately \$75,000 to AIMS Corporation for the removal of obvious ligature points and ordered the gradual replacement of cameras in the vehicles with fish-eye lens cameras. AIMS Corporation also developed new specifications for the secure vehicle fleet. The Department will take over the management of the secure vehicle fleet in the year ahead and the existing fleet will be progressively replaced with a higher standard of vehicle.

#### **Escapes**

There were 14 escapes during the year, compared with four in the previous year.

**Table 5: Actual escapes by date and location**

<b>Escapes from custody</b>	
22 December 2003	Central Law Courts
4 January 2004	Sir Charles Gairdner Hospital
1 April 2004	Broome Courthouse
9 June 2004	Central Law Courts
10 June 2004	Supreme Court (9 prisoners)
13 July 2004	Rockingham Hospital

The escapes for the operational year fell into three broad categories:

- **Transition between secure environments:** three escapes occurred when prisoners were being escorted to or from facilities and vehicles for purposes such as attending medical appointments or court;
- **Escape from courts:** in two instances, prisoners escaped legal custody while waiting in courtrooms;
- **Escape from custody centre:** Nine prisoners escaped the Supreme Court custody centre. The prisoners escaped when the cell door was opened to remove a prisoner. There were 11 prisoners in the cell at the time.

There is no impact on performance-linked fee earnings for the first two escapes occurring during any one service year. AIMS Corporation is penalised \$25,000 per escape for the third and each subsequent escape and therefore suffered a reduction of \$300,000 in 2003/04.

### **Monitoring and reviews**

The Department of Justice has continued to undertake service reviews and investigate options for improving the efficiency of the service.

During the year the CS&CS Monitoring Plan was revised, with an emphasis on re-evaluating the associated risk components of service delivery and a streamlined auditing framework strategy was introduced. Both will provide for structured, timely and regular value-added feedback on the day-to-day provision of services to ensure AIMS Corporation contractual commitments are met. They will also help determine AIMS Corporation's level of compliance with the contract.

In April 2004, the Department's monitoring services started to integrate with contract management. This resulted in effective organisational processes being implemented providing for a more transparent and efficient flow of information to key relevant stakeholders. It also achieved the goal set in the previous year to align the monitoring program as part of the new structure with the performance measures detailed in the contract.

During the year, the Monitoring Services branch (part of the Custodial Contracts directorate) was granted an extension of the license for third party certification to ISO 9001. The audit noted that the Monitoring Services branch maintained a very satisfactory level of compliance.

### **Contract compliance**

Notwithstanding the Supreme Court escapes, significant gains were made in the area of contract compliance during the year. The contract compliance schedule is monitored daily and was supported by improved and streamlined information system dissemination. Department staff played an important role in maintaining standards and identifying areas where significant improvements could be made, not just in compliance but in security and duty of care.

### **Monitoring of processes and procedures**

As well as the day-to-day management of the contract, a review of processes and procedures during the year included:

- 1,982 programmed tests;
- 395 unprogrammed tests; and

- 45 site visits including all regional sites. These were in addition to more regular monitoring of the five central locations regularly monitored in the Perth central business district.

### **Deficiencies and shortcomings**

The following deficiencies and shortcomings were identified and referred to AIMS Corporation for action:

- people in custody awaiting return to prison custody were routinely held for long periods in the courts detention centres while awaiting transport;
- people in custody arriving at courts from prison were not being searched consistently, resulting in a steady amount of tobacco, cigarettes and minor contraband finding their way into the court detention centres;
- unsightly conditions continued in the Central Law Courts detention centre cells, mainly due to graffiti and food stains. Their removal was the responsibility of the cleaning contractor, however, the daily reporting of such conditions was the responsibility of AIMS Corporation;
- the secure escort vehicles used for prisoner transportation continued to present hazardous features such as suspension points and inadequate closed-circuit television monitoring;
- there was consistently poor record keeping including:
  - incorrect prisoner security ratings being entered on movement authority receipts; prisoner departure/release times not being recorded;
  - prisoner searches not being recorded;
  - security searches of the public entering courts buildings not being recorded;
  - prisoner property not being properly recorded and/ or secured; and
  - escort vehicles service/maintenance records.

These issues were raised with the contractor and many were resolved quickly. Others require ongoing management and monitoring by the Department to ensure they are resolved and some require long-term solutions such as the upgrade of the secure fleet.

The Department is confident that delays in addressing important issues will be reduced in the year ahead. Constant reinforcement and reductions in performance-linked fees have not always proved effective in ensuring matters were addressed. However, a more proactive approach in the Department's management of the issues and a better, shared understanding of risk management, resource requirements and demand management will ensure swifter action.

### **Departmental audit**

The Department conducted an audit of the contract in the last three months of the operational year. The audit covered areas including payroll accounting and reporting,

fleet management and management information systems. Several issues were identified and of most concern was the unavailability of information relating to some areas.

This issue was raised with the contractor and included as part of the remedial action sought in the default notice.

### **Inspector of Custodial Services**

The Inspector of Custodial Services undertook a review of non-metropolitan court custody centres in July 2003 and his report was tabled in Parliament in March 2004.

This followed an earlier review of metropolitan court custody centres tabled in Parliament in June 2002.

The reviews made several recommendations relating to AIMS Corporation's performance in regard to staffing and rostering policies and procedures; training and management strategies. Further recommendations related to the Department's performance in terms of the practice of placing high-security escort prisoners into AIMS Corporation's custody; the development of a service culture, and the suitability of facilities.

By year end, most had been or were being addressed by actions including:

- a revision of staff duties and hours;
- progressing the management information system to better forecast demand and allocate appropriate resources;
- increased funding for staff training;
- improved training for AIMS Corporation staff;
- improved client agency interaction; and
- completion of court risk assessments.

A \$4.2m building program to address accommodation standards at the Supreme Court including the custody area has been scheduled with \$1m worth of work due for completion by June 2005 and more than \$130,000 worth of works made by 30 July 2004 following the escape of nine prisoners from the Supreme Court. Many of the other recommendations for less major works at various sites have been programmed into the Department's ongoing building program.

### **Record keeping**

Ongoing monitoring by the Department indicated there had been a slow, but steady, improvement in record keeping across sites. AIMS Corporation has particularly addressed the issue of consistency across sites and the recording of occurrences.

### **Disability plans**

AIMS Corporation has a disability plan accessible to all staff in printed and electronic forms.

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### **Site manuals**

Site manuals detail the specific work routines of sites and are necessary to take into account the variety of workplace-specific routines that constitute the services. They allow AIMS Corporation staff to quickly assimilate the requirements of client groups such as courts and prisons, and the duties of staff at each site.

At year end, changes were being made to improve the site manuals drafted by AIMS Corporation. The new drafts include a more structured format and a “ready-reckoner” for ease of use. The new site manuals are scheduled for completion by October 2004.

## **CONTRACT PAYMENTS**

### **The contract**

The contract is a “cost-plus” contract, which provides that the contractor operates the service and the Department remunerates the contractor by payment of:

1. all of the direct and indirect costs actually and reasonably incurred;
2. the contractor’s margin (1.5% of (1) above); and
3. the performance-linked fee (up to 4.5% of (1) above).

The contract is performance-based with 4.5% of total contract price allocated on the basis of the contractor’s performance measured against the 19 performance indicators listed on page 19 of this report.

The percentage of the performance-linked fee payments attributed to each performance measure is relative to the risk associated with non-performance, the perceived impact on the services and the reputation of the parties. Other than for deaths in custody and escapes, a percentage of the performance-linked fee is reduced in respect of each service breach, up to a capped percentage. There is no cap on performance-linked fees for deaths in custody or escapes.

### **Payments to the contractor**

Table 6 details the costs for the fourth service year and shows comparisons with previous years.

As detailed earlier in this report, the cost of this contract – and the Department’s inability to leverage efficiencies resulting from the cost-plus structure – is of serious concern and options for a more efficient service that delivers better value for money have been progressed, though the decision about whether to renew the contract had been suspended at year end.

The contract price for the first year of operation was \$11,725,485. There were variations in the contract for the first year following an analysis of the actual contract services and additional services being delivered by AIMS Corporation, and projections of its forward demand. The variation added \$4,149,900 to the first year contract cost and, with the addition of the contractor’s margin and the performance-linked fee, the final cost for the first year was \$16,170,010.

The total cost of the contract in the second service year was \$17,409,990.

During the period of the contract, AIMS Corporation has consistently failed to meet the contract service standard required to receive the maximum performance-linked fee. In the first and second years of service, AIMS Corporation received 79% and 86% of the available performance-linked fee.

The total cost of the contract in the third service year was \$17,852,587, though this figure may yet vary pending the outcome of the Coroner’s inquiry into a death in custody during this period.

AIMS Corporation will also suffer significant financial penalties as a result of the breaches in service standards during the fourth service year. It could have earned \$809,113 in performance-linked fees for the year but current assessments result in penalties of more than \$420,000.

AIMS Corporation’s *total* performance-linked fee payments for the four service years of the contract could have been as high as \$3,126,201. However, following reconciliation of the third and fourth year’s performance-linked fee payment, the failure to achieve service standards could result in total performance-linked fee payments of no more than \$2,220,748.

**Table 6: Payments to AIMS Corporation**

Year		Total Cost	
First Service Year		\$16,170,010	
Second Service Year		\$17,409,990	
Third Service Year		\$17,852,587*	
Fourth Service Year	Item	Cost	\$18,607,496
	Contract	\$17,225,820	
	Contractors Margin	\$ 238,384	
	Quarterly Reviews	\$ 754,484	
	PLF 1 <sup>st</sup> Six months	\$ 375,953	
PLF 2 <sup>nd</sup> Six months	\$ 12,855**		

Note PLF refers to performance-linked fee.

\* Maximum cost of third service year. Performance-linked fee payment subject to Coronial inquiry.

\*\* This figure may vary following the reconciliation of the performance-linked fee.

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### **Escape dispute arbitration**

Negotiations regarding the dispute over escapes during the first service year continued during the year, with agreement of a protocol for handling matters raised by the media concerning incidents whereby the State issues any notice under the contract about such incident.

Matters yet to be resolved included:

- the introduction of two escape categories for “secure” and “non-secure” people in custody, with non-secure escapes being termed abscondments and a range of consequential amendments which follow from the new categories;
- amendment to the contract termination provisions; and
- variation to performance-linked fee measures.

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## APPENDICES

### CONTRACT OUTCOMES

The outcomes to be realised by the CS&CS contract are:

- a. specified levels of safety and security of the public, persons in custody, judicial officers, staff, court premises and custodial places involved in the provision of the services are assured;
- b. appropriate duty of care is applied for all categories of persons in custody;
- c. service efficiency and effectiveness is improved for the overall service delivery including interfacing components provided by the WA Police Service and the Department of Justice as measured against previously agreed performance measures;
- d. appropriate use of powers and compliance with client direction by the contractor;
- e. the contractor complies with the terms and conditions of the contract;
- f. the contractor provides ongoing improvement to the services based on strategic service planning;
- g. minimal risk of disruption to the judicial process; and
- h. minimal risk of damage to state facilities and the property of a person within custodial places.

### Guiding principles

In its *Request for Proposal*, the State gave unequivocal expression to the view that the power to detain people in lawful custody must be exercised properly, responsibly and in accordance with the relevant legislative provisions. It stated furthermore that the State's decision to outsource justice-related functions to a private provider did not diminish the State's responsibility to ensure that services were delivered in a compliant manner for which the State remains accountable.

In managing the contract, the Department seeks to fully satisfy its duty of care obligations to people in custody and to maintain community confidence in the delivery of the services. Accordingly, the following guiding principles apply to the operation of court custody centres:

- 
- a. all defendants are entitled to presumption of innocence;
  - b. an obligation exists to ensure a duty of care to all persons in custody;
  - c. provision is to be made to accommodate the needs of people from diverse cultural backgrounds;
  - d. provision is to be made for persons with special needs;
  - e. the human dignity, privacy, care and well being of every person is to be safeguarded; and
  - f. people in custody are entitled to be detained in a safe and secure environment.

Major benefits arising from the take-up of the contract were to include:

- a. the release of police officers, prison officers and juvenile group workers to other duties, making better use of their training. This is of particular benefit in regional areas, where resources are limited;
- b. the creation of new private sector jobs, approximately 70 of which are in regional areas;
- c. significantly improved security and safety in courts; and
- d. improved accountability and transparency in the delivery of court security and custodial services, and prisoner transport services.

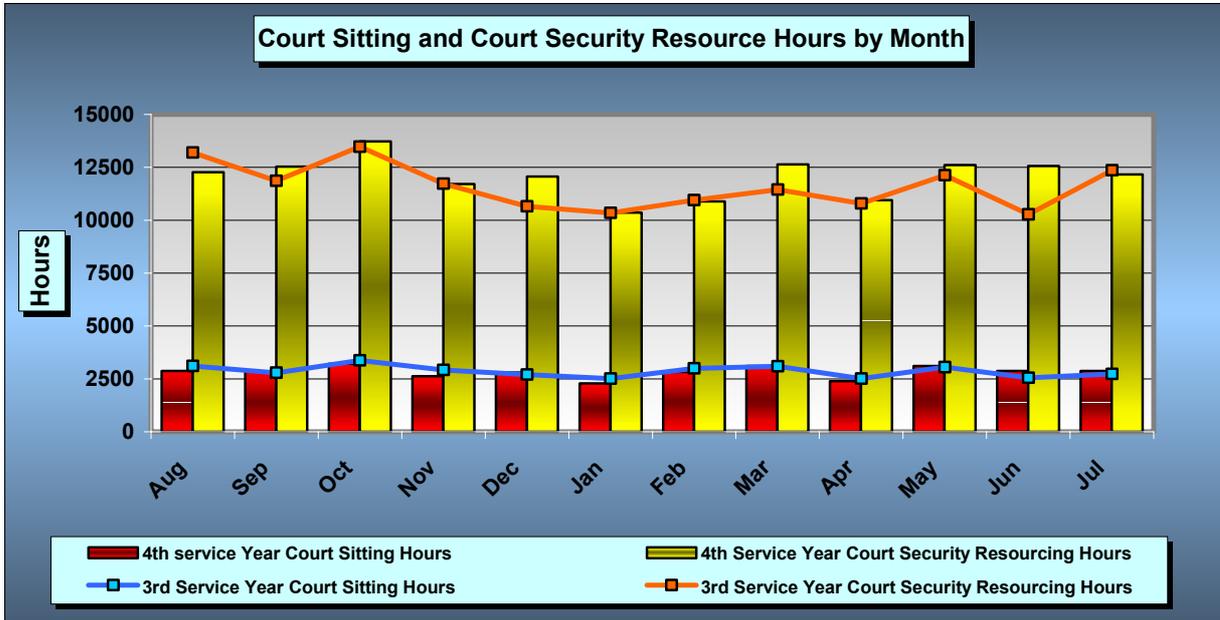
## COURT SECURITY

Table 7 shows the total hours during which courts sitting in the criminal jurisdiction are presided over by a judicial officer, as recorded by courts. The court security resourcing hours are the staff hours provided by AIMS Corporation to the courts for the purpose of court security.

The ratios shown are provided to demonstrate the extent to which there is correlation between staff hours and court sitting hours. A lower ratio value may indicate improved service efficiency, however ratios can be distorted by demand for increased staff during high-risk and long-running trials.

**Table 7: Court sitting hours and resourcing hours by month: August 2003 – July 2004**

Month	Court sitting hours 2002/03	Court sitting hours 2003/04	Court security resourcing hours 2002/03	Court security resourcing hours 2003/04	Ratio of resourcing hours to sitting hours 2002/03	Ratio of resourcing hours to sitting hours 2003/04
Aug	3,114	2,896	13,197	12,276	4.24	4.24
Sep	2,783	2,868	11,864	12,536	4.26	4.37
Oct	3,373	3,216	13,468	13,721	3.99	4.27
Nov	2,921	2,622	11,729	11,716	4.02	4.47
Dec	2,699	2,808	10,659	12,060	3.95	4.29
Jan	2,516	2,295	10,348	10,357	4.11	4.51
Feb	2,987	2,832	10,953	10,893	3.67	3.85
Mar	3,092	3,108	11,448	12,630	3.70	4.06
Apr	2,503	2,396	10,792	10,956	4.28	4.57
May	3,055	3,111	12,120	12,614	3.97	4.05
Jun	2,552	2,871	10,269	12,560	4.02	4.37
Jul	2,733	2,874	12,352	12,171	4.52	4.23
<b>Total</b>	<b>34,328</b>	<b>33,897</b>	<b>139,199</b>	<b>144,490</b>	<b>4.06</b>	<b>4.27</b>



**Note:** Court sitting hours are derived from court records, while court security resourcing hours are provided from AIMS data (*Source: Monthly Contractor Operational Report – July 2004*).

## COURT CUSTODY

Table 8 shows the total number of defendants managed in all court custody centres in the State by adult or juvenile status. It is noted that correlation of defendant numbers in custody with service delivery (staffing hours) does not necessarily provide a useful efficiency measure.

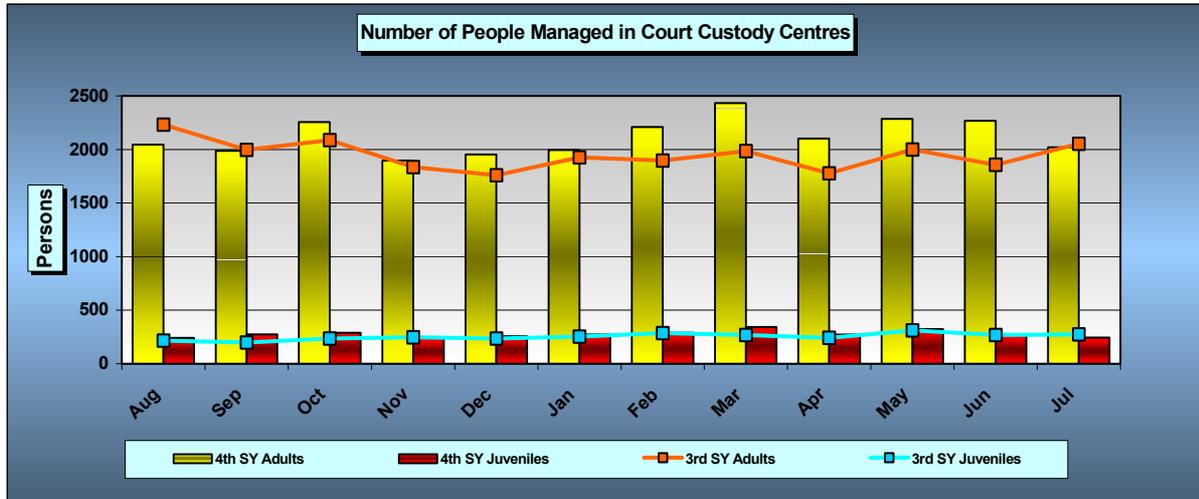
Court custody service delivery hours are directly influenced by the order of court listings and by the static nature of some custodial functions required in court custody centres, determined by safety and security requirements.

**Table 8 People managed in court custody centres and resourcing hours by month:  
August 2003 – July 2004**

Month	Number of people managed in court custody centres						Court custody resourcing hours	
	Adults 2002/03	Adults 2003/04	Juveniles 2002/03	Juveniles 2003/04	Total 2002/03	Total 2003/04	2002/03	2003/04
Aug	2,231	2,045	216	242	2,447	2,287	11,956	13,318
Sep	1,996	1,987	198	276	2,194	2,263	10,254	10,984
Oct	2,087	2,256	235	289	2,322	2,545	11,840	12,643
Nov	1,837	1,896	248	240	2,085	2,136	10,943	10,554
Dec	1,760	1,953	236	257	1,996	2,218	9,265	10,453
Jan	1,926	1,994	254	272	2,180	2,266	10,124	9,718
Feb	1,897	2,209	286	290	2,183	2,499	11,049	10,832
Mar	1,986	2,433	268	342	2,254	2,775	10,287	11,505
Apr	1,777	2,102	242	273	2,019	2,375	10,308	10,346
May	1,999	2,286	313	325	2,312	2,611	10,964	11,605
Jun	1,858	2,267	269	269	2,127	2,536	10,731	11,557
Jul	2,053	2,021	274	245	2,327	2,266	11,526	10,769
<b>Total</b>	<b>23,407</b>	<b>25,449</b>	<b>3,039</b>	<b>3,320</b>	<b>26,446</b>	<b>28,777</b>	<b>129,247</b>	<b>134,284</b>

**Note: Court custody resourcing hours are provided from AIMS data.**

**Source: Monthly Contractor Operational Report – July 2004).**



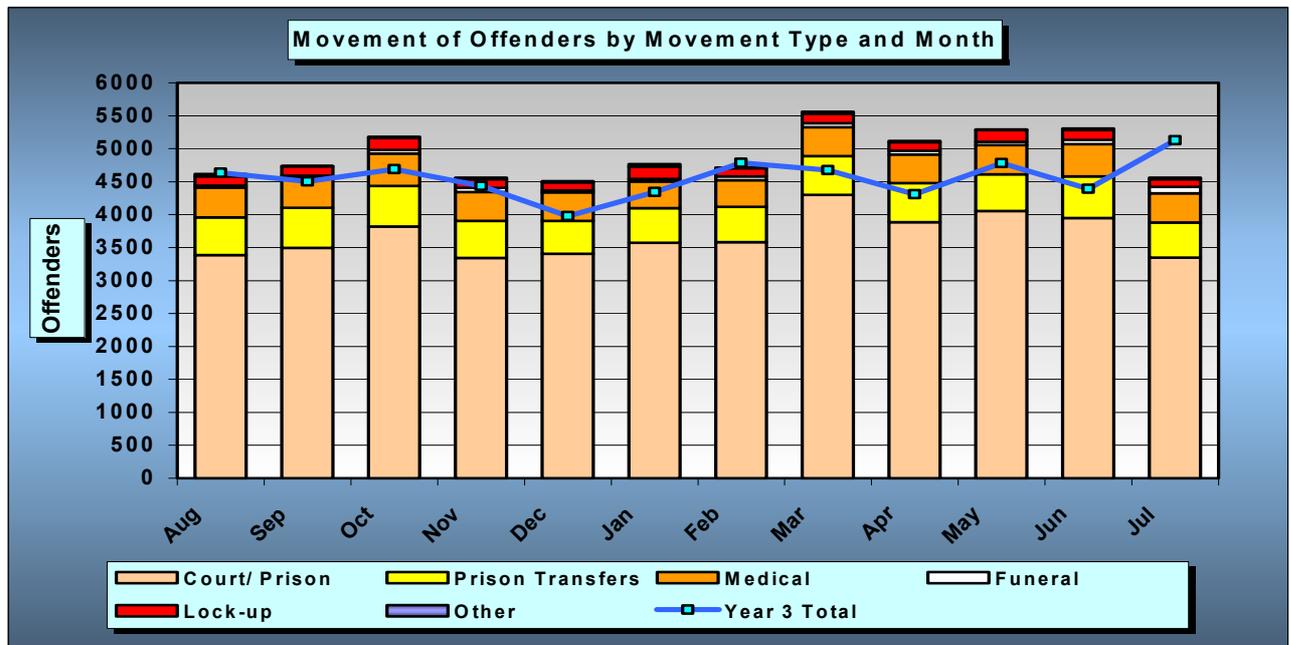
## PRISONER MOVEMENTS

*Table 9 Prisoner movements*

Month	OFFENDER MOVEMENTS							Kms	Resourcing Hours
	Court /Prison	Prison transfers	Medical appt <sup>1</sup>	Funeral escorts	Lock-up	Other	Total		
Aug 03	3,387	573	450	31	143	33	4617	169,969	9,954
Sept 03	3,495	610	446	40	141	4	4736	143,280	10,073
Oct 03	3,819	617	490	54	184	17	5181	177,510	11,313
Nov 03	3,343	559	439	66	131	24	4562	162,827	10,117
Dec 03	3,405	498	433	29	125	17	4507	153,342	10,010
Jan 04	3,574	526	405	38	186	38	4767	158,535	9,428
Feb 04	3,584	534	407	57	121	9	4712	166,129	9,156
Mar 04	4,298	591	438	59	147	29	5562	148,055	10,271
Apr 04	3,886	594	434	60	126	16	5116	165,017	8,618
May 04	4,055	556	444	49	181	8	5293	162,444	9,555
Jun 04	3,950	634	487	61	151	25	5308	134,336	8,977
Jul 04	3,349	530	445	96	119	25	4564	162,722	8,575
<b>Total</b>	<b>44,145</b>	<b>6,822</b>	<b>53,188</b>	<b>640</b>	<b>1,755</b>	<b>245</b>	<b>58,925</b>	<b>1,904,166</b>	<b>116,047</b>

Notes: Medical appointments include transfers to hospitals for the purpose of admission.

1. Resourcing hours are provided by AIMS (*Monthly Contractor Operational Report – July 2004*).



**Table 10: Number of hospital admissions, resourcing hours by month and average number of resourcing hours per incident of admission**

Month	No of hospital admissions 2002/03	No of hospital admissions 2003/04	Resourcing hours 2002/2003	Resourcing hours 2003/2004	Average resourcing hours per admission 2002/03	Average resourcing hours per admission 2003/04
Aug	16	13	1,817	1,531	114	118
Sep	26	16	3,780	3,497	145	219
Oct	25	16	2,837	2,739	113	171
Nov	20	14	2,220	2,423	111	173
Dec	22	17	2,445	2,134	111	126
Jan	23	25	2,442	2,767	106	111
Feb	26	19	2,071	2,383	80	125
Mar	36	15	4,084	3,022	113	201
Apr	24	14	2,369	1,552	99	111
May	37	21	5,007	1,469	135	70
Jun	32	16	3,467	2,346	108	146
Jul	26	27	2,489	3,198	96	118
<b>Total</b>	<b>313</b>	<b>213</b>	<b>35,028</b>	<b>29,061</b>	<b>111</b>	<b>141</b>

Note: Resourcing hours are provided from AIMS data (Source: Monthly Contractor Operational Report).

