

**Division 27: Department of Justice — Services 9 and 10, Corrective Services, \$1 118 418 000 —**

Mr S.J. Price, Chair.

Mr W.J. Johnston, Minister for Corrective Services.

Dr A. Tomison, Director General.

Mr G. Budge, Acting Commissioner of Corrective Services.

Mr M. Hainsworth, Director, Advisory Services.

Mr A. Beck, Deputy Commissioner, Women and Young People.

Mr D. Brampton, Deputy Commissioner, Adult Male Prisons.

Ms K. Connolly, Deputy Commissioner, Operational Support.

Mr P. McMullan, Deputy Commissioner, Offender Services.

Ms K. Maj, Executive Director, Strategic Reform.

Mr S. Kerr, Executive Director, Corporate Services.

Mr J. Deery, Director, Finance.

Mr R. Sao, Chief of Staff, Minister for Corrective Services.

Mr B. McShanag, Principal Policy Adviser.

Mr J. Stephens, Senior Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I give the call to the Leader of the Opposition.

[5.20 pm]

**Ms M.J. DAVIES:** As with the previous division, we have lost the member responsible for this particular division due to COVID. We will do our best to make sure that the hours of preparation work that I am sure have gone into this are not wasted. It is not my portfolio area; I am getting up to speed very quickly.

I refer to budget paper No 2, volume 2, page 431. It is point 13 under “Significant Issues Impacting the Agency” but it could easily go under “Service Summary” as well on page 433, because it is about the delivery of services that aim to improve prisoner outcomes and increase operational efficiency. My question is focused on operational efficiency, noting that recently, on 18 May, the Auditor General handed down the report *Staff rostering in Corrective Services*. One of the comments she made was that the department had one of the worse public administration environments she has ever seen in Western Australia. She also found that there have been persistent financial audit findings from Auditor Generals, not just under this government, but previously—it has been long term; we acknowledge that—around accuracy in overtime hours, leave, and payroll certification, and that goes to safety and also financial issues. I would like to know whether there is a response from the minister in general to that matter. I would then like to go into some specifics.

**Mr W.J. JOHNSTON:** I am grateful that the Auditor General has looked at these matters in her report. I am particularly pleased with the positive way in which she has looked at the department’s response to the challenges that she has found. I draw the member’s attention to her comments on page 2 of the report, where she said —

I am encouraged by some of the recent determined tangible efforts by the Director General, new Commissioner and the new Minister in tackling these issues.

I was quite pleased that she singled out Dr Tomison, Commissioner Mike Reynolds and myself for the hard work that we are putting into getting on top of these issues. There is no question that Corrective Services has had challenges

over a long period of time. I assume the reason the Premier asked me to take on this portfolio, given that I do not have a social policy background, was to get on top of the challenges inside the management of the prison service. We have had to respond to the budget challenges. A \$360 million budget cut was left to us by the former government. It was never allocated to operations; it was just said that \$360 million would be saved in the prison service at some time in the future. When I became the minister responsible, that budget saving was still rolling forward, because it had never been allocated to actual activity. The department and I looked at the things that were involved, and we found about \$124 million in savings. We have been forgiven the balance of the savings, but only if we achieve the savings that were identified. That is the reason for the reference the member has drawn on that page to the prison service evaluation. That is a process where Treasury and the department work together to identify savings. A ministerial oversight committee meets every six weeks and is dealing with achieving the identified savings, because it is one thing to identify them; it is another thing to achieve them. That is a big reform piece. We need to change the way the prisons operate.

At the same time, the Premier, as the Minister for Public Sector Management, has asked the Public Sector Commission to review operational matters in human resource management, and that has led to a series of recommendations. That has also been referred to that group that I chair. We now have the Auditor General's report and her conclusion about the good work that we are doing through the PSC. I have briefed the Auditor General on that and she has had access to all our notes, agendas and minutes et cetera. All that stuff was in front of her, which is why I assume she said what she has said in her report. I think I can fairly say that the director general, who of course is responsible for admin in the department, understands my high level of expectation. Sandy Kerr, who is the finance guy, also understands, because he also comes to those meetings when we look at this. I make it clear that the ministerial oversight committee also includes the Attorney General, and representatives from the Department of the Premier and Cabinet, Treasury and the Public Sector Commission, as well as the departmental people. They all attend that committee, so it is a very strong group.

I will give the member an example: workers' compensation. Workers' compensation was always cost-plus. We were funded separately for workers' compensation for whatever the premium was. We are now trying to take a more businesslike approach. That means that we are now incentivising the department to reduce the risk of injury, because there can be a benefit from that. The insurer is the Insurance Commission of Western Australia, but it is fair to say that there was no process for closing out long-term cases. I think there were 48 cases that were more than seven years old. It was extraordinary. As a former workers' compensation officer in a union, I had never heard of workers' compensation claims hanging around for seven years. That is because the Western Australian system is about getting to settlement and closing out cases. The department now has an active process to close out all the workers' compensation claims that have gone on for a number of years. It is using medical boards to make sure that people who are never going to return to the service can get on with their lives, because that, again, is what the workers' compensation system is designed to do. That is just one example.

We have also had a redundancy round on the administration side of the department. We offered 50 redundancies to public servants in support functions of the department. We are placing a much stronger focus on the business—the prisons. I assume that is why the Auditor General was complimentary of the work that we are doing. Part of that is, of course, implementing a fully digital management system for rostering and overtime. The Auditor General made the point that the paper-based system is completely inadequate, and she is right. I think that is a comprehensive answer, but I have the DG here, and Sandy Kerr at the back, if the member wants further commentary.

**Ms M.J. DAVIES:** Thank you, minister. That was very comprehensive, and it needs to be, given the nature of the Auditor General's report, which is the one that we see publicly; we do not see some of the internal issues that the minister has raised. Certainly for me one of those flags was the fact that she mentioned that 49 per cent of prison officers had had a workers' compensation claim in the period that she looked at. That number seems extraordinarily high. Can the minister attribute that just to how the system was set up or are other factors playing into that?

**Mr W.J. JOHNSTON:** I might get the director general to talk about this. We had a meeting with ICWA upstairs, in this building, six months after I became the minister responsible, to go through the issues. There are six main causes. The number one cause is being attacked by a prisoner. There are some genuine issues. There is a reason for a high level of workers' compensation. It is not as though there is malingering. I do not want to be seen to be saying that. That means that there should be a proper health and safety response. One of the things the department is doing is providing resources into health and safety officers inside the agency and taking a more proactive approach. I will ask the DG to outline some of administrative changes, such as the online management scheme and those sorts of things.

**Dr A. Tomison:** As the minister said, we have made some investments to try to improve our response to workers' compensation and also obviously reduce the number of claims that we get. It is an industry where we can get a fair number of workers' compensation claims. That is probably fairly evident across the nation. At the same time, we were not actively managing with ICWA some of those claims, so they were becoming long-tailed and we were not

getting people back to work, which is our intent. We want people to come back and be productive in their jobs if they can; and, if they cannot, we need to resolve those matters, as the minister said. We have now reduced the number of long-tailed claims to well below 50 per cent by having a medical board make a formal assessment about whether the person can come back to work, when it may have been some time since they were last in the workplace.

[5.30 pm]

The nature of prison officer work means that if an officer is not physically able to do the work, there is not much else we can do with them in those sorts of roles. If they cannot apply for jobs in the normal public service—the normal administration-type roles—often the outcome is a payment out and the person leaves the service. We need to resolve that. A lot of work has gone into an electronic management system to actually manage active matters better. We have invested in some staff at some of our key locations where we have high workers' comp claims to better manage people back to work and also identify the risks and mitigate where we can. Of course, that plays into the new WorkSafe legislation and the obligations that the department and senior staff have in creating a safe workplace and maintaining that.

We have also been trying to look at some of the causation around the workers' comp claims. As the minister said, assaults by prisoners is a key driver, and that can be hard to manage. There are also things like literally pulling a hamstring or dislocating a limb when they are actually involved in manhandling a prisoner or restraining them because the prisoner is acting out. It may not be an assault but in the course of the work, physical injuries are not uncommon, particularly when we have a relatively mature workforce—not like 20-year-olds; we have a lot of 60-year-olds. That can also exacerbate some of the risk. We are looking at that as well.

I guess some of the other things we have been looking at is improved systems and processes. We are trying to put in the resources to assist the priority sites. We have improved our working relationship with ICWA and we are also trying to get it to help us actively manage the claims—to resolve them, if you like, either back to work or out of the service if we cannot bring someone back within a reasonable period of time. That has been an important element of the work.

The OAG report goes into other issues as well, also looking around our overtime regime and making sure that we have that balance. We are making sure the facilities that we have are safe, but at the same time, we do not want individual workers or prison officers doing too much overtime because that in itself can become dangerous. We are trying to manage that. The electronic rostering system that we have put in, which is now active at Casuarina Prison, will be rolled out over the next year across the other parts of the estate—the other prisons. That will give us a lot of capacity to monitor what is happening but a lot better capacity than what we have with the paper and pen system that we have had forever. They are some of the things that we are doing. Mr Kerr might have more information.

**Mr S. Kerr:** We are investing in a workers' comp strategy. We have had three reviews, including advice from ICWA. A risk provider has come in and reviewed our processes. We have also had an audit of our personal leave and absenteeism that has informed that strategy. The strategy cuts across the three areas that drive workers' comp or can reduce workers' comp, which are prevention, identifying hazards and eliminating them and better training for staff—making sure their fitness standards are better. Obviously, in the recruitment phase, we are baseline testing, which is when people come in, and we make sure that they are not coming in with existing issues and things like that that could get compounded in our environment. The other stream we are trying to do is better treatment. That is about better case management—reducing the time that they are away from the workplace, reducing that lost time and getting them back to work quicker. The third one is challenging. That is about contesting where there might not be 100 per cent legitimacy to the claims that are coming through and getting better at being able to contest that so that people can see us visibly challenging that and hopefully think twice about putting that in. That also gets back to misconduct and our people, culture and standards division that we have set up to address misconduct better so that people can report through. It is a comprehensive strategy made up of about 10 solutions. We are aware of it and we are taking it very seriously and investing in getting better.

**Ms M.J. DAVIES:** Does the department benchmark workers' comp claims and some of these matters that it is looking at against other jurisdictions? I think someone said that it is below 50 per cent. That still seems high but I am not familiar with what that looks like across other jurisdictions. Can we start with that?

**Mr W.J. JOHNSTON:** Reducing the claim is the ratio of the long-tail claims; it is not all claims. We do not want the long-tail claims because they are more expensive. Resolving them, whether that is a return to work or the person going on to a more interesting job, reduces the costs. It is better for the worker and it is better for the business. The 50 per cent figure was about reducing the long-tail claims; it was not about the total number.

I want to make it clear that the best way to reduce workers' comp is not to have injuries. Therefore, there is an investment in health and safety. The union is correct in saying that we need to focus on that, because the number of injuries is from interactions with prisoners, whether that is being assaulted or as part of the process of gaining control of a prisoner. The WA Prison Officers' Union has some suggestions about that interface. The department does not necessarily agree with each item that the union raises, but we are considering those questions. We have

a higher focus from each facility on health and safety. One example of that, at the suggestion of ICWA, is that we have gone online for claims management. That means that ICWA can see things faster, which means that it can get person-appropriate assistance faster so they get treated for their injury more quickly, even before the claim itself has been accepted. It is going to be cheaper for ICWA to pay up-front for the medical side of the claim than to delay and a person's claim become more complicated by waiting for the claim to be accepted. Likewise, the union thought it was a good idea to have doctors' surgeries that are close to the facilities so that people can go to those clinics straightaway. When I put that proposal to the unions, they thought that was a good idea. That way, people can get treatment faster.

We are trying to look at every aspect of the challenge and not take a one-dimensional response. It is a complex business. If we think about it: if we put 6 500 of the naughtiest people in the state together, it would be hard to manage. Forty per cent of male prisoners have diagnosed mental health problems. It goes on and on. It is a difficult cohort to manage. We want to support the workforce because it is the key to our business, but we have to get better outcomes.

**Ms M.J. DAVIES:** The minister mentioned the safety aspect and the efficiency. I think somewhere in the earlier response, the minister talked about the length of shifts. The Auditor General found that officers were working in excess of 16 hours and people were working more than seven days in a row, often more than once, which is quite excessive. I presume that is due to staffing shortages or is it just a normal practice that has been embedded and become part of the culture?

**Mr W.J. JOHNSTON:** It is a bit complicated. The Auditor General's report refers to an employee who swaps every shift so they only work at night. In theory, that should not occur. There are some management practices that we have to get on top of, and that is about the superintendents, the detailed management of each individual facility and then the culture. Last year, the commissioner issued an instruction that there be only one shift swap and the place went off! We nearly had a strike because that was very negatively received by the workforce. But there has to be better management of the shift swap because the current scheme does not suit. We have the negative outcomes that the Auditor General spoke about and we have negative outcomes from the business because people are not moving through all the occupations on a site.

**Ms M.J. DAVIES:** The department has tried to implement change and that has not been well received. Change is required. What is the next step from a government perspective?

[5.40 pm]

**Mr W.J. JOHNSTON:** I do not think the member should say that change is not being accepted because I think there is an understanding, even from the union, that change is happening. There are things the union thinks I am doing a good job on and some things the union thinks I am not doing a good job on. The job of a corrections officer is very difficult. Many of the guys in prison they deal with are not the nicest people. I understand and support the prison officers in the need to have adequate staffing to provide security. Our prisons are about two-thirds full, so we do not have a capacity problem anymore. If we go back five years, there was a capacity problem. Fran Logan did a great job in effectively building a new prison inside the existing prisons. Given that the perimeter is the most expensive part, that saved a lot of money. Now we do have more flexibility in the system because we are not triple-bunking everybody. The union says that our adaptive routines, which is our response to the staffing issues, are raising the pressure in the prisons. I understand its perspective, but we think we are on top of that because, in the end, we think prisoners have enough time to engage in social and other activities. They cannot be left in their cells all the time. Of course, we have COVID in the prisons at the moment and that is a really big challenge. We have had to have a lot of COVID management over the last three months. In fact, if the member wanted to, I would invite the DG to talk about COVID. We might get some other people to talk about what has happened in prisons with COVID because it is quite a remarkable story. Given that prison is a cross-section of society, we have had pretty good outcomes in the circumstances.

**Dr A. Tomison:** Thank you, minister. To follow what the minister was saying, as he said, we use an adaptive regime that essentially goes to how much overtime a particular prison site can utilise on a particular day. That is set to ensure that the prison remains safe, but it is a reduction in some of the overtime we have had in the past when the facilities were full of prisoners—at full capacity. We are not at full capacity; it is about 25 per cent down at the moment. That has been the case for the last two years, since about March 2020. At this time, we are not seeing the rise we would have expected. COVID has had a significant impact there. There is always going to be some overtime, because overtime gives us the capacity to manage absentees, when people take planned and unplanned leave, and also the workers' compensation-type issues that we have been talking about. We manage that and we have been doing that quite well. As the minister said, COVID has made that more difficult, because we have had officers away isolating or officers away who were COVID-positive. I can give members the figures for how many officers are away at the moment, as of today. We have a regular count and it does vary from day to day. Although one could argue that in the community, we are seeing some reduction in COVID prevalence, in our facilities it is still quite high and we are still managing quite significant risk but doing it very well. I will talk about how we are doing that in

a minute. Essentially, as of today, 133 prison officers across the state are away isolating and 190 are away because they are COVID-positive. We have an additional 45 civilian staff in the prison estate who are COVID-positive and 150 are isolating. At the moment, we have 213 COVID-positive prisoners in the estate across the whole state and we have 1 543 who are in isolation.

We have been managing those figures for a few weeks now because we have had quite a significant amount of COVID risk coming in. Of course, prisoners come and go as they get arrested and charged, remanded or sentenced and they also finish their time. A lot of those prisoners are Aboriginal prisoners. Mr Budge can talk to members about their vaccination rates and how we have managed to keep the rate of vaccinations very strong in prisons. We have done a whole range of things and that started two years ago when we set up an incident management team, which has been in place now for a bit over two years. It was designed to set up business continuity plans for all our sites and to set up a central coordination model that could also work with police and with health, ensuring that we were doing the right thing and following all the directions but, at the same time, trying to keep COVID out of prisons or, if it got in, to manage it with limited effects. I am very pleased to say that, as of today, we have not yet had a case of a prisoner having to go hospital because he or she was so sick with COVID. I am very surprised. No-one has died from COVID in our facilities, which is great. Staff numbers have been affected, of course, but, again, that is being managed. Although we have had to call on people on overtime to do that, and in the last couple of weeks it has been quite challenging, the reality is we have actually managed our sites pretty well. We have managed the isolation regimes across multiple sites and we have managed prisoners who are COVID-positive in a safe and secure way as well, without exacerbating the risk. I am actually pretty proud of what the team has been doing. It has been a big effort. We have utilised personal protective equipment and social distancing. We have a range of mandatory directions around reduced social visits and we reduced professional visits for a period as well. People have to be vaccinated to get into one of our prisons, whether they are a staff member or a visitor. Essentially, we have been doing a whole range of other things to prevent spread and also reduce the impact of that spread. As I said, part of that also involves a vaccination regime. We have had more than three vaccination rounds in prison. If the minister is okay, I will get Mr Budge to talk us through the actual details of where we are at with our vaccinations at the moment.

**Mr W.J. JOHNSTON:** Mr Budge.

**Mr G. Budge:** Thanks, minister. The task force had a strong philosophy of preparation and prevention prior to COVID arriving in prisons in February this year. Much work was done on airflow testing in prisons to ensure that we were aware of the infrastructure in prisons, and the limitations of some of the infrastructure, and the closeness of the cohort living together. We are very aware of PPE issues and we have purchased PortaCount machines to do fit-testing of N95 masks for all our staff. We have also been very strong in reviewing our outbreak management plans, containment plans and emergency plans over the period of time. The foundation, of course, of our preparations was vaccinations for our staff and for prisoners. From a prisoner perspective, currently 89.9 per cent of all the population have had at least one dose and 5 300, which is 83.9 per cent, have had two doses or more. About 875 prisoners declined to have a vaccination and it is not mandated that they have to. We are reasonably pleased with the rate of vaccination of the prisoner population. They have been very good, in fact, in stepping forward and having vaccinations. We do not have a permanent population within prisons, so with many still coming in who have not been vaccinated and some leaving who have been vaccinated, it keeps it around the 90 per cent mark.

For Aboriginal prisoners, the vaccination rate was not good in the early stages and a lot of work was done by the prisons to encourage prisoners, particularly in the north of the state, to have a vaccination. There had been some poor communication in the north of the state on the dangers of vaccines. I am very pleased to say that the rate of first-dose vaccinations for Aboriginal prisoners is now 90.6 per cent, which is in fact higher than that for the general population. We are very pleased to be able to say that. Of those, 82 per cent have had two doses or more. The reason they have not had three doses is that, after the second dose, there is a waiting period before they can have their booster. We now have a program in place with a private provider that has a contract to go to the prisons across the state and provide those extra doses when they are needed. We have also done the planning for the fourth dose for prisoners who are over 65 years old, Aboriginal prisoners who are over 50 years old and those who have some comorbidities or health issues.

The raw statistics for our detention centre are not as good. About 61 per cent of people have had vaccinations. We have a very large number of detainees who are with us for a short period and that has impacted that statistic. Overall, just over 2 000 prisoners and 49 detainees have had COVID.

The reduction in prison numbers has been an issue for us. In the past two years, from March 2020, there has been a reduction of 957 prisoners.

[5.50 pm]

**Mr V.A. CATANIA:** Were people in prison offered Pfizer or AstraZeneca vaccines? Did they have a choice?

**Mr G. Budge:** There was not a choice. It was —

**Mr V.A. CATANIA:** AstraZeneca.

**Mr G. Budge:** No, it was not AstraZeneca. It was Pfizer. The three doses have been Pfizer and it is planned to use Pfizer again for the booster.

**Mr W.J. JOHNSTON:** I want to make a comment about this. There has been some commentary in the media about the vaccination program. The media did not fully understand that we cannot make prisoners get vaccinated because they have to come into prison. Are we going to tell them they cannot come in because they are not vaccinated? The community might see that negatively. Of course, just because a person was in prison in October last year does not mean that they were in a prison in January of this year, because we have a churn of people coming in and going out. The people who arrived to replace the people who left were not in prison in October last year; they were in the community. Their ability to get vaccinated was not related to their sentence status; it was related to where they had been in the community and they had the same access to vaccines as the broader community. The Department of Health helped us with two rounds of vaccination. Now, as the director general and Mr Budge explained, we are using a private provider. But that was misunderstood and people thought we were being “unfair” to prisoners. Everybody who had been in prison in the long term had had the opportunity to get two doses, but at that time many chose not to be vaccinated because of a range of reasons, and the ones who arrived later had had their chance in the community to be vaccinated and whether they were vaccinated or not was not up to us. When we went to the private provider, it was to catch-up the people who had not wanted to be vaccinated previously in either the community or the prison previously but now wanted to be vaccinated. We gave them that opportunity but that was not fully understood by the media.

**Mr V.A. CATANIA:** As the rates of infection have increased in jail, have the rates of vaccination increased?

**Mr W.J. JOHNSTON:** Yes, that is right. Last year, a lot of prisoners chose not to be vaccinated because they did not think it was relevant, or whatever was on their mind. If they were with us in October, they had had the chance to be vaccinated. If they were not vaccinated, it was not because they could not be vaccinated; it was because they had chosen not to be vaccinated. Others who had been in the community who joined us later had had their chance in the community. This is about catching up those who chose not to be vaccinated and who then wanted to be vaccinated, and we got it done as quickly as we could.

**Mr V.A. CATANIA:** If a person in jail who is not vaccinated wakes up one morning and decides that they want to get the jab, how easy is it for that prisoner to get that jab?

**Mr W.J. JOHNSTON:** I will go to Mr Budge but I make the point that it is not straightforward because they do not do one vaccination at a time.

**Mr V.A. CATANIA:** People cannot just walk down to a room and get it done.

**Mr W.J. JOHNSTON:** Yes. It is a little bit complicated. I will ask Mr Budge to explain.

**Mr G. Budge:** There is a rolling program of works by Aspen Medical, the company doing the vaccination program, but it depends on which prison the person is in. It is reasonably quick to get a dose in the metropolitan area. In some regional areas, we have had very good support from the WA Country Health Service. WACHS staff will go to a prison and provide vaccinations if there is the capacity to do that. It really depends on where a person is in the state and whether others have the capacity to do that. Generally, it takes a short period of time, and if a person wants a vaccination, they will get one.

**Ms M.J. DAVIES:** I refer to page 431 of budget paper No 2, volume 2, and paragraph 15 on the Broome Regional Prison. I understand that the Shire of Broome council is meeting tonight to consider that matter. In fact, if it has not already, the council is probably making a decision as we speak. Noting the government has put forward three proposals already and this is the fourth, what will happen if the shire rejects the proposal? I understand that the office’s recommendation is that identified land is not conducive to that land use.

**Mr W.J. JOHNSTON:** There is quite a deal of misunderstanding about the site selection process and there are two separate issues. Firstly, is the land available for use by the Department of Justice? Remember that the land belongs to the Nyamba Buru Yawuru. It is not crown land; it is NBY land. Secondly, is the land being made available suitable for a prison? The land available might not be able to take the prison. We have investigated 29 sites.

**Ms M.J. DAVIES:** This is the fourth?

**Mr W.J. JOHNSTON:** No. There were 29 sites and the site that is being considered by the council tonight is called site 29.

**Ms M.J. DAVIES:** I see what you mean.

**Mr W.J. JOHNSTON:** The 12 Mile site was site 16 or something like that. There has been an extensive investigation of sites. Some sites are not available because the owners of the land will not let us use it. The Crab Creek Road site

is one example of that. There was confusion in the community because a former minister said that is where we are going. He acted in good faith but in the end the owners of the land did not make that site available. We cannot put the prison somewhere if the owner of the land does not want us to. It is not crown land. The 12 Mile site is available and suitable but the community reacted negatively. I held a meeting in 12 Mile at which the council said it had not been consulted. But the process did not involve the council; it involved the landowners and was about the suitability of the land.

We were pleased to engage with the council. We went back and looked at a number of the sites we had looked at previously and a couple of new ones including site 29, which is the one being considered tonight. The council gave us an indication that site 29 was a superior to the 12 Mile site. I held a meeting in Broome with the 12 Mile residents and let them know that the site at the industrial estate was available for us to consider. A prison cannot be put on that site because it is not zoned for a prison. However, it is a suitable site so it could take a prison. At the suggestion of the council, we made an application to the council for rezoning. I understand the recommendation tonight is that we do a planning analysis. We will wait for formal advice but obviously we will not say no to the council. I have not talked to the director general about this but I am sure he is not surprised to hear me say that. If that is the recommendation, we will go away and do that.

We need to get out of the Broome prison as soon as we can, not before that. The Broome prison cannot function as a prison for much longer. Even after site selection, it will be years before we can execute the prison. We have approval from the Expenditure Review Committee only for planning; we do not have approval for construction. It is a pretty hot construction market. It will probably be a little while before we get ERC approval to build a prison and then it will take a couple of years to build it. We are still years away from having a prison anywhere. In the end, we cannot use the current prison because it was first used as a prison in 1894 and it is past its use-by date. It does not provide security for the prisoners, for the workforce and certainly not for the Broome community and it is in the wrong location. It is in a tourism precinct. If we were doing a planning process, would we put a prison in that location? No.

[6.00 pm]

**Ms M.J. DAVIES:** It is convenient for visitors.

**Mr W.J. JOHNSTON:** Yes. We look forward to hearing what the council says and we respect the assistance it has given us on this process, but in the end, the question for us is: are we allowed by the owner to put a prison here? The second question is: can we put a prison there? Not every site is suitable. The third question is: is there planning approval to do it? That is the order in which we need to look at it.

**Ms M.J. DAVIES:** It is a bit hard to do the what-if game because it is probably making a decision right now, but the recommendation is that the request to change the zoning of the land is deemed premature and does not address the planning concerns raised with regard to the site, and it is inconsistent with the strategic direction that the shire has for its community. Where does that leave the department? Does it then move to the next point of the next 29 sites?

**Mr W.J. JOHNSTON:** If the council says we cannot use that site, we will return to the 12 Mile site. We made that clear. It is up to the council whether it wants a prison on this site or at 12 Mile, because in the end it has to go somewhere. We cannot build it in the sky. When we had the meeting at 12 Mile, the council made it clear that it believed there were better sites than the one at 12 Mile. Through that process of conversation between the department and the council, it identified a site next to the airport, in an industrial zone. If the council in the end decides that that is not a suitable site, I suppose it could tell us what it thinks a different suitable site would be. We would then have to find out whether the landowner wants us, whether it is physically capable of having a prison located there and whether we can get planning approval. If the council has a suggested site, it knows our requirements and it should tell us where its suggested site is.

**Ms M.J. DAVIES:** Has it not, in the minister's view, been made clear by the council that it has a preferred site?

**Mr W.J. JOHNSTON:** I am not speaking for the council.

**Ms M.J. DAVIES:** Has it been asked by the department to identify its preferred site?

**Mr W.J. JOHNSTON:** At the meeting I held at 12 Mile, the council made it clear that it believed there were suitable sites in the Broome region that would meet the needs of the department, and we have been talking to it about what it says is a suitable site. If it says tonight that that is not a suitable site, that is up to the council; I am not speaking for it. But it would then need to tell us what it thinks is a suitable site; otherwise, we will end up with the prison staying where it is, and that is not in anyone's interest.

**Ms M.J. DAVIES:** Agreed. All the minister's commentary has been around the fact that the current prison is no longer fit for purpose. In the interests of staff and prisoner safety, is there a date at which we have to say that that is it and that another location will have to be found, or else staff and prisoners will have to be diverted to another facility in the state?

**Mr W.J. JOHNSTON:** It is not possible to divert people to other sites. Remember that that prison was actually closed when West Kimberley Regional Prison opened. It was proven—not by me as minister and not even by the director general, but by previous prison management—that we still need a facility in Broome, because it is the logistics centre for the Kimberley. It does not work having a prison only in Derby; we need a facility in Broome. As I said, it was not us who worked that out; Broome Regional Prison was reopened a long time ago.

**Ms M.J. DAVIES:** Just on a point of clarification, I am not saying we should not open a prison in Broome, I am saying that if the minister is saying that the current one is in such a dire state, is there an internal conversation about needing to do this now because of the safety issues for workers and prisoners?

**Mr W.J. JOHNSTON:** Yes. We have just put in a new kitchen and some other refurbishments. I give the example of the prisoner who escaped recently. He was a protection prisoner; he could not be kept in the male unit because there were other male prisoners in the facility that he had to be kept away from for family reasons to do with the offence that he was alleged to have committed. He was being kept in the women's unit, and I make the point that there were no women in the prison at the time. He then escaped from the women's yard—which a woman had done previously—and ran off down the street in the middle of Broome. It does not function as a prison in the way that it should. Yes, we can continue to use it, and it is not a case of, "We need a date of 5 March"; it is not like that, but it is not a contemporary prison environment. There are other prisons in the state that are also not exactly what we want today. Take Roebourne Regional Prison as an example; we would not build Roebourne in the form in which it exists now. It does not have to be rebuilt, but we still would not build it in that way now.

**Mr V.A. CATANIA:** It still does not have air conditioning, though.

**Mr W.J. JOHNSTON:** The new bit does, but the old bit does not. The point is that it was built to code for the time it was built. If we built it today, we would not build it in that configuration, and it is the same with Broome, but Broome is much older.

**Ms M.J. DAVIES:** I refer to the same point around safety and security for prisons, budget paper No 2, volume 2, paragraph 13 on page 431, which refers to the prison services evaluation project. The last part talks about improvements to safety and security. I have a copy of the letter that was written to the minister—I was copied in on it—from the Sworn Officers Professional Association of Australia, regarding some of the issues we have already talked about. One of the matters raised in the letter relates that on 10 May the personal duress alarm system stopped working at Casuarina Prison and that officers had been advised that their radios were the only source of contact when they required assistance. Is that correct, and is this a regular occurrence? How many times has that occurred?

**The CHAIR:** Member, that is an interesting question, but it is not really a budget-related question. I will let the minister respond if he wants to.

**Mr W.J. JOHNSTON:** The WA Prison Officers' Union is the principal representative body and it is the one that is registered in the Western Australian Industrial Relations Commission as the respondent party to the award and the industrial agreement. As I understand it, the Sworn Officers Professional Association is an organisation that is not a registered union; it is certainly not a registered union under the Industrial Relations Act. We engage with the Prison Officers' Union on a regular basis. I am not saying that it agrees with everything I say; I make that 100 per cent clear. We value its perspective, but I am happy for Mr Kerr to talk on this issue.

[6.10 pm]

**Mr S. Kerr:** Thank you. I can confirm that that was a one-off bug—a teething issue with the new units at Casuarina Prison. They had intermittent problems with getting the signals working. It was out of balance, if you like. I do not think it was intermittent for more than a week, and I think it was fixed reasonably quickly.

**Ms M.J. DAVIES:** It is not a regular occurrence?

**Mr S. Kerr:** It is not regular, no. It was just a teething problem with the new units.

**Mr W.J. JOHNSTON:** I point out that with our radios, we do not share the network, but we do share the band with the police, so as the police upgrade their radios, we will upgrade ours, too. In future they will be digital, the same as the police.

**Ms M.J. DAVIES:** Are those upgrades to the radio network allocated in the budget?

**Mr W.J. JOHNSTON:** Yes. Again, Mr Kerr may want to provide advice.

**Mr S. Kerr:** There has been a partial allocation to upgrade equipment. The full business case has not yet been supported for the whole network, but there has been significant funding put into the police budget. Just to clarify, corrective services hangs off the police radio network. The Western Australia Police Force owns and runs the network. We have some funding allocated to us to upgrade our equipment related to the network, because that was going to be a changeover as part of the new network. The business case in full has not been supported, as I understand it, but, yes, it is in the police budget.



**Mr W.J. JOHNSTON:** This is an example of items that are being funded out of the budget allocation for the digital capability fund. All agencies can bid into that fund on a competitive basis to get funding for IT projects, and this is a funding source for us.

**Ms M.J. DAVIES:** I am on page 433 of budget paper No 2, volume 2, under the service summary, and the line item “Adult Corrective Services”. Could the minister give me an understanding of the level of staffing at each of the sites in terms of the percentage of staffing that the department has under the current workforce? I know that there are workforce shortages impacting all parts of the public service. Obviously, that comes with bigger implications when we are dealing with not having the appropriate number of staff to manage individual prisons. Perhaps the minister can give us an understanding of whether it is operating at 50 per cent or 75 per cent staff capacity?

**Mr W.J. JOHNSTON:** Across the prison estate, custodial officers are about six per cent down on Corrective Services’ planned level, but, of course, we are 23 per cent down on prisoner numbers. There is a small variation in the prison officer number, but it is a much smaller variation than in the number of prisoners. Again, this is the argument that we have with the WA Prison Officers’ Union, I am not saying that it agrees with everything we talk about, but this is where the adaptive routines come in. We change the pattern of management of the prisoners to maintain a safe working environment.

**Ms M.J. DAVIES:** If a prison does not have the appropriate staffing for a day, which services get hived off first as part of those adaptive regimes?

**Mr W.J. JOHNSTON:** It depends on the prison. I make the point that there are significantly fewer prisoners in the prison system. What the Prison Officers’ Union says to me—I do not know what it says to the department—is that it will close an entire wing so that the prisoners can be concentrated into a more manageable space. The department says that that is not necessarily the best approach. If we look at the number of prisoners and the number of prison officers, the ratio is within the acceptable range. The Prison Officers’ Union says that every line should be filled, but we do not have to fill every line because there might not be work to be done on that line.

**Mr V.A. CATANIA:** Now I know why crime has been out of control in Carnarvon and the Kimberley!

**Mr W.J. JOHNSTON:** That has nothing to do with it. Seriously—this is a complete misunderstanding about the way we work.

**Mr V.A. CATANIA:** I was being quite cheeky.

**Mr W.J. JOHNSTON:** I know, but the point here is that we get them after they have been to court. Whether they are on remand or sentenced, somebody else has given them to us. We look after them while they are in the prison and in the community through community corrections, but the number of people we have in our care is actually not related to that issue. The member should remember that there are fewer convicted criminals in Western Australia today than there were two years ago, because there has been less crime. There might be individual pockets of challenges in individual communities, but there is actually less crime in Western Australia now than before COVID.

Does the member want to know about the adaptive regimes? I can get the director general to talk about them.

**Ms M.J. DAVIES:** Yes, thank you.

**Mr V.A. CATANIA:** That was the question I was going to ask!

**Dr A. Tomison:** As the minister said, if we have fewer officers than we would expect on a particular shift, there are a number of things we can do. One option that has been proposed at different points by the department as well as by the unions would be to close particular wings or units, because then, of course, we can concentrate prisoners and staff and run a normal day, if I can call it that. It also depends on the nature of the staff who may be absent. For example, if our vocational support officers—our chef trades, or those who work in the workshop and take prisoners to do various activities—are absent or we do not have a full complement, that will reduce the number of activities that we can have prisoners do. We may have to go and play footy instead of teaching a vocational trade. If our prison officer cohort is reduced down, we tend to roll lockdowns at particular hours of the day across different units and essentially try to even things out so that everyone gets a bit of time out of their cell, but they may not get as much time as on a normal day, when they would expect to be out of their cell for 10 hours or more. It will vary.

COVID has made this a lot more difficult because right now, of course, we are managing the thousand-odd individuals who have to be isolated, plus the 150-odd prisoners who are COVID positive, plus managing staff who may be absent because they are COVID positive or in isolation themselves. That has made it much more difficult, so we will bring staff in on overtime who have to try to manage the regime and keep it as normal as possible. But prisoners in isolation wings will have a lot less time out of cell than we would normally expect without COVID. We have also identified staff at head office whom we can bring in to supplement our staffing cohorts when needed, again to try to maintain as much of a normal regime as possible. Last week, as an emergency measure, we identified that we would authorise staff who are close contacts but not showing symptoms to be able to come in under the furlough system to work in prisons in particular roles, provided they had a negative rapid antigen test result that day et cetera. We are doing

all these things. The overall intent is to maintain as normal a day as possible, because we want prisoners to get time out of their cells and we want them to get their vocational, health and educational supports and the other supports that they can get, but sometimes it means that the regime is reduced down from time to time in particular units.

We have also worked with the Prison Officers' Union in the last year or so to make our staffing model a bit more flexible. I will give a made-up example. If unit 4 at Hakea is fully staffed but unit 5 is pretty much closed down because no-one is available to staff the unit as normal, if we can, we will move staff to where the prisoners are and again allow the prisoners to have as much of a normal regime as possible whilst maintaining the safety and security of the prison. That is our foremost concern. We want our officers to be safe, we want the prison to be safe and we do not want things to go wrong. That is probably the best summary I can give, but I can say more if the member would like me to.

[6.20 pm]

**Ms M.J. DAVIES:** I have another question on page 433. How many staff is the department short in terms of prison officers?

**Mr W.J. JOHNSTON:** This is the argument. We do not believe we are short-staffed. The WA Prison Officers' Union says that we do not have somebody for every line. We say that we do not need to. Does the member see the difference? We think we have enough staff to manage the cohort of prisoners. Yes, we are six per cent below what the union says we should have, but we have 23 per cent fewer prisoners. In our view, we can manage the prisons safely with the staffing we have available.

**Ms M.J. DAVIES:** Are there no vacancies? I mean, there are vacancies across every department in government.

**Mr W.J. JOHNSTON:** We are always hiring.

**Ms M.J. DAVIES:** The minister is talking about a staffing ratio. I am asking whether there are warm bodies in the FTE for the number that the department believes, not the union, should be there.

**Mr W.J. JOHNSTON:** The director general has just provided me with the example of Broome Regional Prison. There are three vacancies. We have 61 substantive officers and the agreed staffing level is 64.

**Ms M.J. DAVIES:** That is a better way of asking it. How much short is the department on the agreed staffing level?

**Mr W.J. JOHNSTON:** There are clearly challenges in regional Western Australia. In Kalgoorlie, we have shut a unit. There is a whole section of the prison that is not being used. When I met with the mayor one time, he said we should hire all these extra people. Traditionally, Kalgoorlie was staffed by transfers from the metropolitan area. What we are trying to do instead is to hire locally. We are managing the number of prisoners in the prison to match the number of prison officers available. As we hire more, we can bring people there. It is not really a suitable method to do everybody by transfer. That is not in the interests of the local community. It is much better to hire Kalgoorlie people, so we are running training programs in Kalgoorlie. Of course, it is harder to hire in Kalgoorlie than in Perth, but we will get a better outcome because we will have local people doing local jobs.

**Ms M.J. DAVIES:** Is there an agreed staffing level across all the sites? Does the minister have a number? What is it in terms of actual warm bodies to meet that number?

**Mr W.J. JOHNSTON:** That is always a good question. I will get Mr Kerr to comment.

**Mr S. Kerr:** We have one staffing level for each prison, and that staffing level is based on the full capacity of the prison. Our staffing agreements in full require 2 327 officers for 6 382 prisoners. At the moment, we have 2 177 officers to manage 4 923 prisoners, so there is quite a large difference. It points to the need to have a flexible staffing model. We are dealing with a new phenomenon that has only come in with COVID, in that our planned prisoner number is about 1 100 lower than we had forecast pre-COVID. We have basically been running at plus-95 per cent capacity for year on year on year. This is a new phenomenon where we are below 80 per cent capacity. We are working on a staffing model that can flex with the prison population, because that is what Treasury would have us do. It would not necessarily allow us to have full rein and staff numbers up to the full measure when we are not managing the full number of prisoners, if you like.

**Ms M.J. DAVIES:** That is an interesting concept. The number coming into the system cannot be predicted, I presume.

**Mr W.J. JOHNSTON:** No. It used to be relatively predictable, but the last two years has changed that. There was a thing called Project 260, under which the department staffed up for an expected number of prisoners. Obviously, we cannot just go out on the street and get a prison officer; we have to put them through a training program. What it did was to say, "Okay, at this date we are going to have this many prisoners, and therefore we need this many prison staff", so it hired additional staff in advance of needing them, and then the prison numbers fell. Given that it is funded by Treasury on the basis of the number of prisoners, that led to challenges in managing the finances of the prison system.

**The appropriation was recommended.**

