

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Division 68: Corrective Services, \$794 763 000 —**

Ms J.M. Freeman, Chairman.

Mr J.M. Francis, Minister for Corrective Services.

Mr J.F. McMahon, Commissioner.

Mr S.L. Maines, Deputy Commissioner, Adult Justice Services.

Mr D. Stewart, Executive Director, Corporate Support.

[10.30 am]

**The CHAIRMAN:** This estimates committee will be reported by Hansard staff. The daily proof *Hansard* will be published at 9.00 am tomorrow.

It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item program or amount in the current division. It will greatly assist Hansard if members can give these details in preface to their question.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee clerk by Friday, 30 May 2014. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office.

I now ask the minister to introduce his advisers to the committee.

[Witnesses introduced.]

**The CHAIRMAN:** The member for Warnbro has the call.

**Mr P. PAPALIA:** The second dot point on page 749 of budget paper No 2 refers to the contract for court security and custodial services. Apparently, the Department of Finance is conducting a review and it is the minister's intention to have a mid-term evaluation of the contract. Knowing that a trigger for the loss of contracts is two escapes in a year and, as of yesterday, Serco has lost four prisoners in four months, will the minister now initiate an immediate, open and transparent inquiry by an independent authority into this contract?

**Mr J.M. FRANCIS:** No. If the member wants to have a conversation about yesterday's event, I am happy to do that. The reality is that we have human beings—people just like everyone else—dealing with other more troubled and disturbed people. If the member wants me to elaborate on what happened yesterday —

**Mr P. PAPALIA:** No, I do not.

**Mr J.M. FRANCIS:** Well let me do it anyway.

**Mr P. PAPALIA:** The minister has answered the question with a “no”.

**The CHAIRMAN:** Excuse me, the minister has the floor.

**Mr J.M. FRANCIS:** Yesterday, a situation —

**Mr P. PAPALIA:** I call a point of order. The Chairman just read out the instructions that said the questions are to be short, precise and specific —

**The CHAIRMAN:** Yes, that is okay member for Warnbro, I am chairing. The minister has the call.

**Mr J.M. FRANCIS:** Thank you. What happened yesterday —

**Mr P. PAPALIA:** I do not care about what happened yesterday other than —

**The CHAIRMAN:** Member for Warnbro, the minister has the call. I am timing him and I will get to the stage at which I will say his answer is long enough; I will do that myself from the chair. Thank you very much, member for Warnbro. The minister has the call.

**Mr J.M. FRANCIS:** I cannot believe that people do not want to know what happened yesterday. After the escape in Joondalup, there was a change in procedure for dealing with prisoners who were not within the walls and confines of a secure establishment such as prison. Obviously, the most risky part of the business that the Department of Corrective Services partakes in is when prisoners are outside a prison for whatever reason, such

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

---

as turning up at court, turning up at a hospital because they need some kind of medical treatment, or being transferred between prisons. The greatest risk takes place on those occasions and in almost all these instances that job is undertaken by a contractor. Most of the escapes from legal custody happen under the watch of the contractor rather than the Department of Corrective Services because that is essentially the weakest link in the chain. Following the escape in Joondalup just after Christmas, the commissioner—I am sure he will elaborate on this—put in place a set list of procedures to ensure the continued restraint of prisoners while outside the walls of the prison.

**The CHAIRMAN:** Minister, you need to start getting to the point.

**Mr J.M. FRANCIS:** Sure. That effectively meant that at all times a prisoner had to be secured to either a custodial officer or an immovable object. If, at any time the prisoner is going from the constraint of being cuffed to a custodial officer to being cuffed to an immovable object, the next restraint is obviously connected before the previous one is undone. It appears that the guards did not follow that newly established procedure for whatever reason, so it came down to human error. I suggest that regardless of whether they were wearing a Serco uniform, a G4S uniform, a Department of Corrective Services uniform or a police uniform, the reason for the escape came down to human error of the individual employees and not so much of the contractor itself.

**Mr P. PAPALIA:** How many prisoners have to escape from the custody of Serco before the minister will have an open inquiry into the provision of its services under this contract?

**Mr J.M. FRANCIS:** In 2003, nine prisoners escaped in one instance from the Supreme Court under the watch of a private contractor while the Labor Party was in government in Western Australia. Nine prisoners walked free from the Supreme Court and there was no call whatsoever —

**Mr P. PAPALIA:** I raise a point of order. Will the Chairman please do her job and call the minister to order?

**Mr J.M. FRANCIS:** I am answering the member's question.

**The CHAIRMAN:** Member for Warnbro, I have the call list. If the member wants to be put on the call list, he might not insult the Chairman. I can call the member to order three times and he can leave the chamber or I can decide to not put his name on the call list; it makes no difference to me, so the member might want to consider that. Can members stop interjecting across the chamber, otherwise I will entertain the idea. Minister, answer the question, please.

**Mr J.M. FRANCIS:** The point is that we consider every single occurrence on a case-by-case basis. The commissioner ensures that every single escape from custody, which is a serious event whether it happens in the private or the public sector, is assessed to work out what went wrong and how we can learn lessons from that to ensure that, as much as is humanly possible, it does not happen again.

[10.40 am]

**Mr P. PAPALIA:** Who did the investigation into this escape?

**Mr J.M. FRANCIS:** Considering that it happened less than 24 hours ago, I will ask the Commissioner of Corrective Services to answer that question.

**Mr J.F. McMahon:** We established a procedure following the Greenough and Joondalup incidents whereby immediately an escape happens, our new investigative and intelligence section starts its investigation. Serco also does its investigation. We get some due diligence straightaway in that process. I know that the police did their investigation last night, so there are three parties doing it for this particular incident. Previously, we did not have that; we do now.

**Mr P. PAPALIA:** Will the results of this investigation be published for the public to see?

**Mr J.M. FRANCIS:** I will consider it, just as I do with any other report or brief that is provided to me. The member and I have been through whether we would release entirely or selective parts of the report on the Geraldton double escape. I will take advice from the commissioner on whether releasing certain details may essentially provide to other potential escapees a manual on how to do it. I will decide, on advice from the commissioner, what is in the public interest and whether I will release that information.

**Mr P. PAPALIA:** None of the reports of the inquiries into the three previous escapes has been released and, from what the minister is saying, I assume that he will not release this one. Are we to just take the minister at his word on the details of any potential failures or flaws in this contract that result in these escapes taking place?

**Mr J.M. FRANCIS:** I will take advice from the commissioner on whether the information may or may not jeopardise public safety and whether information may be provided to potential escapees on how to get through the system. The member should not forget that there are 5 200 people behind bars in Western Australia, who

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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have a lot of time to try to come up with constructive ways to get out. I will take advice from the commissioner on whether something will compromise public safety. The member does not have to take my word on it; he can take the commissioner's word on it. I have complete faith in the integrity and impartiality of the man sitting next to me.

**Ms M.M. QUIRK:** Can the minister confirm that the report in today's *The West Australian* is accurate in all material respects?

**Mr J.M. FRANCIS:** No, I cannot confirm that that is accurate. As I was trying to explain before, although the member for Warnbro did not want to hear it, an individual has to be cuffed to either an immovable object or a person at all times. Before an individual is transferred from being cuffed to a desk to being cuffed to another person, the second latching must be put on before the first is undone. My understanding is that that process was not followed yesterday, which is when human error came into it.

**Ms M.M. QUIRK:** What I have asked the minister is: are all the matters that were reported in *The West Australian* this morning accurate to his knowledge; and, if he does not know that, why does he not know that?

**Mr J.M. FRANCIS:** I read *The West Australian* about midnight last night. I did not read it again this morning. I do not live by what the media say. I am happy to go through that once I have the final report and briefing.

**Ms M.M. QUIRK:** So the minister has less information than *The West Australian*.

**Mr J.M. FRANCIS:** It was a very simple question. The member is saying that A, B, C and D was written in *The West Australian*. I will wait until I get proper advice from the commissioner after his department's investigation into what happened. I can then marry those two things for the member, if she would like.

**Ms M.M. QUIRK:** Does the minister have a briefing note yet?

**Mr J.M. FRANCIS:** No. It was less than 24 hours ago. The commissioner is sitting right next to me; I am sure that he can elaborate on this if the member wants him to. I will marry them once we determine exactly what happened and what went wrong. Once the commissioner tells me what happened, not *The West Australian*, I will be able to answer the member's question about whether the report in *The West Australian* was entirely accurate.

**Mr R.H. COOK:** I refer to the dot point on page 749 that the member for Warnbro referred to about the review of the court security and custodial services contract. The dot point refers to a review being conducted by the Department of Finance. Does the minister know the scope of that review and the points into which it will inquire?

**Mr J.M. FRANCIS:** That is a good question.

**Mr R.H. COOK:** Why does the minister sound so surprised?

**Mr J.M. FRANCIS:** It is worthwhile information. The review that is being done by the department will examine the court security and custodial services contract. A second review has to be triggered mid-term in accordance with the contract. I will ask the commissioner to provide the member with further information on those two reviews.

**Mr J.F. McMahan:** I asked the first review to be done based on the performance of Serco since I have taken over the role of commissioner. I asked for that to be done before the mid-term review. To add context to it, two years previously, there was no escape from court security and custodial services, but in the past couple of months, as I think has been pointed out, there has been. That review was put in place for that reason. One of the terms of reference of that review is about how we run that within the department. There is also an aspect about providing an element of value in how we run the contract. The mid-term review is a standard mid-term review of the contract. I believe it will come up in October or November. That will give us an ability to look at the contract in its fullest context, the performance of the contract most importantly, and whether it is meeting the standards that we need to meet. All options regarding that review are on the table.

**Mr R.H. COOK:** There were two parts to my question. The first was about the scope of the review of the Department of Finance and, by extension, I asked what is the scope of the mid-term evaluation.

**Mr J.M. FRANCIS:** I think the easiest way for me to do that, rather than to read out parts of it, is to provide by way of supplementary information the terms of reference or equivalent for the review of the Department of Finance into the CS and CS contract.

[Supplementary Information No A36.]

**Mr P. PAPALIA:** Just for clarification, can the minister also provide the terms of reference for the subsequent review of the contract?

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr J.M. FRANCIS:** I will also provide as supplementary information what will be looked at as part of the required contractual review later in the year.

[*Supplementary Information No A37.*]

**Mr S.K. L'ESTRANGE:** I refer to the third dot point under the heading "Significant Issues Impacting the Agency" on page 748. I note that an additional \$2 million has been provided to support the implementation of diversion and wraparound services. Can the minister outline the work being done by the department to increase the availability of early intervention and diversion services for young people?

[10.50 am]

**Mr J.M. FRANCIS:** I thank the member for Churchlands. This is something that we started last year. I will give credit where it is due; I think part of the seed for this was planted in my head by the member for Warnbro and there was a lot of public debate about whether we should spend money to try to stop those most at risk. I guess we are having a continued debate as a community, a society, a government and even as a Parliament about whether we spend money to try to prevent those most at risk from ending up as career criminals. Certainly from last year, the juveniles on remand were not provided with the same opportunities to partake in rehabilitation programs as those who had been sentenced into custody post the court hearing or trial. It makes perfect sense that we take every opportunity to try to capture as many at-risk juveniles as possible and address the issues of behaviour, drug addiction, education and all kinds of things. What better place to start than with those in remand in juvenile detention. We put a large amount of money into it last year. This year we will put an extra \$2 million into it. We are starting to see some results, albeit they are early and preliminary. At the end of the day, we need to look at the cost of this. When we look at the cost of incarcerating a juvenile for 12 months, if we can, essentially, stop eight of them ending up in jail for a 12-month period for \$2 million, from a financial perspective, we have pretty much got our money back. That is not to mention the waste of human capital or the cost of all the crimes they may commit while they are not incarcerated. To a degree, we are trying to, I guess, approach some of the principles of justice reinvestment while realising that even if it were an unlimited bucket of money, we would not be able to stop everyone from reoffending. Certainly, as I said, I have been having this conversation with the member for Warnbro for some time now, and it is worthwhile that we continue to explore opportunities on prevention and conversion programs. I make no apology for the fact that we are concentrating first on juveniles. Lastly, part of that is a complete relook at the way we go about dealing with juveniles who are within the justice system. That is one of the exact reasons we have taken on board all those recommendations from the Inspector of Custodial Services' report into the incident at Banksia Hill Detention Centre in January last year. One of those is the establishment of the Youth Justice Board, which the commissioner kicked off just recently.

**Mr P. PAPALIA:** Will the minister undertake to provide supplementary information on the programs that are referred to in the third dot point under "Significant Issues Impacting the Agency"? The dot point states, in part —

An amount of \$2 million was allocated during 2013–14 to increase the availability of early intervention and diversion services for young people at risk of reoffending. An additional \$2 million has been allocated for the 2015–16 financial year to support implementation of innovative diversion and wrap-around services.

Will the minister provide a list of the services he is talking about: who is providing them; where are they being provided geographically; what is the number of offenders being provided with those programs; and what is the nature, if any, of analysis being conducted of the success or otherwise of those programs?

**Mr J.M. FRANCIS:** Yes, as long as I do not have to repeat it back! I am happy to provide the member with that as supplementary information. In fact, I am keen to work with the member for Warnbro, rather than against him. I am even happy for him to try to arrange some kind of briefing next time he is at Banksia Hill.

[*Supplementary Information No A38.*]

**The CHAIRMAN:** Can the minister outline what he thinks he will provide?

**Mr R.H. COOK:** The minister cannot get away with, "I will read *Hansard* later."

**Mr J.M. FRANCIS:** I will provide a breakdown on how we are spending the money for juvenile programs; which programs —

**Mr P. PAPALIA:** What they are.

**The CHAIRMAN:** Hansard needs to know what the minister is delivering.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr J.M. FRANCIS:** — how much; where they are being delivered, both geographically and demographically; what evaluations are being put in place to measure their success; by whom they are being delivered; and how many offenders are in each of the sites.

**Mr R.H. COOK:** My question relates to the fifth dot point on page 748, and in making that reference to the prison population, I reference page 81 in budget paper No 3, which refers to an increase in prison population associated with the Criminal Law Amendment (Home Burglary and Other Offences) Bill. It states in part —

... (although the legislation may also provide an offsetting deterrent effect).

On what basis does the minister make the claim that there would be an offsetting deterrent? What research has been done by the department to justify the claim?

**Mr J.M. FRANCIS:** Did the member say page 81?

**Mr R.H. COOK:** Yes, so —

**Mr J.M. FRANCIS:** I have got the member's point. He is talking about mandatory sentencing legislation, essentially, and the impact on the prison population.

**Mr R.H. COOK:** Yes; this comes under risks, for instance, and refers to the fact that there will be an increase in the prison population, which the minister has already highlighted is a problem, but then it states that there will be an offsetting deterrent effect. On what basis does the minister make that claim?

**Mr J.M. FRANCIS:** It is very simple. I think that in any society that has a carrot-and-stick approach, we end up with a better result somewhere in the middle. When I say "carrot", I am talking about diversion and education programs. When I say "stick", I am talking about tougher penalties. We need only look at, say, Singapore to realise that most people know not to spit chewing gum out in the street because they know that they will get a significant penalty if they do.

**Mr R.H. COOK:** We surrender a whole lot of democratic rights when we do that.

**Mr J.M. FRANCIS:** That is right, but so should people surrender the right to break into people's houses and bash them. The outcome is fairly obvious when we start to bring in tougher penalties for people who break into houses a number of times or commit aggravated burglaries and serious assault while they are there. If someone is on their second strike and thinking about breaking into another house, but they know they will probably be incarcerated if they do, they will probably think twice about doing that.

**Mr R.H. COOK:** I understand the narrative, so thanks for familiarising us with that. What I am really trying to get to is: what are the studies and what is the evidence? On 19 May in *The West Australian*, His Honour Judge Denis Reynolds, the President of the Children's Court, said that, in fact, there would be an increase in children under the age of 10 entering the justice system because they will be recruited as a result of that legislation. Clearly, there is a lot of analysis going on around that, or people claiming that this will be the result of this legislation. I want to know what studies and research the government is relying upon to make these claims.

**Mr J.M. FRANCIS:** I start by saying that I think the world of His Honour Denis Reynolds; he is a wonderful person, a brilliant judge and a very, very fair-minded individual with a very, very difficult job. However, I question that assessment by Denis Reynolds in that the mandatory part of our mandatory sentencing policy is for juveniles aged 16 and above, not for 10 to 16-year-olds.

**Mr R.H. COOK:** He made that observation and he is saying there will be a shift.

**Mr J.M. FRANCIS:** It was made in *The West Australian* the following day. That is not to say that everything written in the newspaper is correct. For anyone to say that if we bring in tougher penalties for 16 and 17-year-olds, it will encourage more people under 10 to commit crimes, I could ask: what happened to the 14 and 15-year-olds? Quite frankly, if eight and nine-year-old kids are breaking into houses and doing "ag burgs", I want to know where the parents are who are allowing it to happen. That is a whole different problem confronting society.

[11.00 am]

**Mr R.H. COOK:** I understand that the minister's opinion may differ from that of Denis Reynolds and long may it reign, but at some point someone has to say that there is a narrative going on around law and order, which is referenced in the budget papers, so surely there is some academic text, research or modelling that allows the minister to make the claim that there will be this increase in the prison population but he believes that there will be an offset from the deterrent effect associated with that legislation. What I am trying to do, I guess, is get away from the hyperbole, the narratives and the ill-informed debate and ask that the minister provide me with the studies and modelling that allow him to make his claim.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr J.M. FRANCIS:** There are three issues here. Firstly, we could do exact modelling that would show how many people would be additionally caught up and incarcerated who would not be otherwise if there were no deterrent impact and no cost to society and if we were to pass that law today. Of course, we could do that from a purely statistical point of view using information available to the Department of Corrective Services and information that I have provided in different formats such as questions on notice. Sure, we can do that. However, we cannot escape from the fact that telling people they will end up in jail if they commit a third offence will make some people think twice about committing that third offence —

**Mr R.H. COOK:** I do not know what motivates a criminal; I cannot make that claim, so I do not know how the minister can.

**Mr J.M. FRANCIS:** It is because thousands and thousands of different communities across the entire globe have penalties.

Secondly, saying that tougher penalties would not be a deterrent is like saying there was no deterrent impact on people when the previous Minister for Road Safety said, “If you do excessive speeds, you will lose your car.” Of course it did. I used to drive down Kwinana Freeway four years ago and people were going past me like I was standing still because they were doing 200 kilometres an hour. As soon as the penalty came in that people who speed lose their car—although I still see people stupidly speeding—I saw a remarkable reduction in the number of people breaking that law. It is, essentially, commonsense to say that although some people may still go for three strikes and still not get it, a lot of people will think twice about it.

The third factor that the member is not considering is the reduced cost to the community. When we incarcerate an absolute repeat offender, we are stopping them from going out and breaking into someone else’s house, something that puts all the cost, stress and burden back onto an innocent member of the community. There are three different factors that the member has to consider when talking about the positive and negative pressures associated with bringing in tougher penalties.

**Mr P. PAPALIA:** I want to lock this down. We have heard all the hyperbolic rhetoric. Is it then true that after six years, the minister’s government has no research, no analysis and no documented evidence to show that additional penalties similar to the ones about to be applied will result in any form of deterrent that can actually be measured, quantified and demonstrated in a paper that can be analysed by people? Is that the case? Does the minister have anything like that?

**Mr J.M. FRANCIS:** I do not need a university report. I do not need an academic to tell me what is, to every single person in the real world, absolute commonsense: if tougher penalties are provided for people who break the law, fewer people will break the law. We know that. Every single person in a civilised society knows that to be a fact. The member asked me whether we commissioned a research paper to determine the impact of tougher penalties. There are thousands of papers on the internet—absolutely thousands of them. Everyone knows that and that is why mandatory sentencing for repeat offenders is reflective of the overwhelming view of the majority of the community. It is commonsense.

**Mr P. PAPALIA:** Is the minister familiar with the study published last year by the New South Wales Bureau of Crime Statistics and Research? This study actually indicated that in NSW, the incarceration of juveniles resulted in greater recidivism by them than by those juveniles who were treated in the community.

**Mr J.M. FRANCIS:** No, I am not familiar with that particular report.

**Mr P. PAPALIA:** That paper would be a waste of time, would it not?

**Mr J.M. FRANCIS:** I spend a lot of time—most nights, all night—reading lots of reports.

**Mr P. PAPALIA:** Spending time actually doing a study would be a waste of time then.

**The CHAIRMAN:** Member, let the minister answer and then you can ask a further question.

**Mr P. PAPALIA:** It would be a waste of money to throw people into prison if it is not going to work, would it not?

**The CHAIRMAN:** Member for Warnbro! Let the minister finish, then you can ask a further question.

**Mr J.M. FRANCIS:** I do not need to waste money. I will put it this way: I do not need to waste taxpayers’ money doing a report to tell me what is commonsense and what every single other person out in the real world knows to be true; that is, harsher penalties help prevent people from committing some crimes. If we did not have a substantial penalty for murder, there would be more murders in Western Australia. That is without a doubt. If we did not have tougher penalties for hoons, there would be more people hooning. It does not stop everyone from committing crimes, but certainly the threat of incarceration, the deprivation of liberty, is a key part of any civilised society’s judicial system to stop people from committing crimes in the first place. I know that the

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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member does not like this. I know that the member does not think that people who repeatedly break into other people's houses should be sentenced to jail, but that is fine.

**Ms M.M. QUIRK:** That is not what the member said. He never said that.

**Mr P. PAPALIA:** Point of order, Mr Chairman. I know that the minister wants to rabbit on, but to put words in my mouth and make claims of that nature is just silly. I do not mind that he engages in a bit of politicking but it is wasteful because there is no-one here to listen to it and it will not be reported, so he may as well just answer the question.

**The CHAIRMAN:** Thank you, member, there is no point of order.

**Ms M.M. QUIRK:** I refer to "Significant Issues Impacting the Agency" on page 748 of budget paper No 2. Why has the minister not listed the unacceptable overcrowding in the women's prison?

**Mr J.M. FRANCIS:** That is a really good question. It is, member for Cannington; it is something I take very seriously.

**Mr W.J. JOHNSTON:** That is why the minister paused and waited to answer the question.

**Mr J.M. FRANCIS:** I will answer. Of course, we started to talk about the present prison population pressures and it came to, I guess, public attention again about three or four weeks ago. From my recollection, the biggest issue facing the Department of Corrective Services as far as prison population pressures are concerned is the women's estate. Obviously, Bandyup Women's Prison is almost at operational capacity and there are certainly other prisons within the estate, such as Greenough Regional Prison and West Kimberley Regional Prison, that take women as well. There are different areas where we can move them all about. I will shortly ask the commissioner to talk about this. Essentially, I said to him, once he had settled into the job, "Go out there and do a blueprint. Imagine if all the prisons were empty —

**Mr W.J. JOHNSTON:** Point of order, Mr Chairman. The minister is required to answer the question. He has not actually answered anything related to the question that the member for Girrawheen asked. The question is why the minister has not listed this as an issue. He said that it is the biggest issue. The question is why he did not list it in the budget papers.

**The CHAIRMAN:** Thank you; there is no point of order. The minister can continue with his answer.

**Mr J.M. FRANCIS:** I said that it was the biggest issue as far as addressing prison population pressures is concerned. It is not, in my view, the biggest issue facing the Department of Corrective Services. They are two very different things. I said to the commissioner, "Go out there and imagine that every single prison in Western Australia is empty and now has to be refilled. Are we using the resources that we have effectively? Are we using the cells and the beds in the most efficient way in order to provide not only security for the community from dangerous offenders, but also the best chances of rehabilitation?"

**Mr W.J. JOHNSTON:** The minister is too scared to answer the question.

**Mr J.M. FRANCIS:** The member for Cannington walks in here halfway through a very important conversation and starts interjecting.

**Mr W.J. JOHNSTON:** The minister should be brave enough to answer the question but he is too scared.

**The CHAIRMAN:** Member for Cannington! Is the minister still going to give the commissioner an opportunity to qualify?

**Mr J.M. FRANCIS:** I am absolutely petrified of the member for Cannington, Mr Chairman!

**Mr W.J. JOHNSTON:** The member for Girrawheen is the one he should be scared of.

[11.10 am]

**Mr J.M. FRANCIS:** Essentially, the commissioner's process is nearly completed. He is doing a blueprint to plan for the optimisation of the prison estate into the future. A very key part of that is how we handle the pressures on the female estate in not only Bandyup Women's Prison, but also Boronia Pre-release Centre for Women, Greenough Regional Prison, West Kimberley Regional Prison and other prisons in which women are incarcerated. I will ask the commissioner to elaborate on this. It is a process that will involve a briefing for my cabinet colleagues. It is exciting stuff because it is incumbent upon any responsible government to look at its resources and whether it is using them effectively.

**Ms M.M. QUIRK:** It is the same question. Could the commissioner address the issue of why this issue was not mentioned under "Significant Issues Impacting the Agency"?

**Mr J.F. McMahan:** The prison population as a whole is something that occupies quite a bit of my time. It is significant in a range of ways. One of the top areas of significance is the women's estate, the pro rata size of

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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which has increased over the past 10 or so years. It has gone from 4.7 to 9.5. The size of it has increased markedly over that time. Therefore, in my view, we need to reduce the number of prisoners at Bandyup. I have been instructed to do that and I have worked on a plan that over the next three months will go some way to alleviating that. I am working on a three-year plan with the minister to look at the women's estate in general. We need to alleviate some of the pressure at Bandyup. That is a very real and significant issue. I have publicly said at the Office of the Inspector of Custodial Services debrief that we have a short-term plan to do that.

**Mr J.M. FRANCIS:** I will add to that. From the member for Cannington's interjection it is obvious that he has not read the budget papers to know what he is talking about. I refer him to the third-last dot point on page 748 —

The adult prisoner population has steadily increased over the previous 12 months. The Department is continuing to refine its Strategic Asset Plan to align infrastructure with the delivery of services for specific cohorts including women ...

**Ms M.M. QUIRK:** Can the minister confirm whether women in Bandyup are sleeping on the floor?

**Mr J.M. FRANCIS:** I understand that a small number of them are sleeping on mattresses on the floor. I know the member for Warnbro and the commissioner went out there last week. I am happy for the commissioner to elaborate on the circumstances.

**Ms M.M. QUIRK:** In the context of overcrowding, why did the minister not mention the fact that the young men's prison is half empty more than a year after opening at a cost of \$40 million?

**Mr J.M. FRANCIS:** I was going to ask the commissioner to elaborate on Bandyup first before the member threw the question back, and then we will move on to Wandoo.

**Mr J.F. McMahan:** When we visited, there were 23 women—two women sleeping in the same cell, in that there is a mattress on the floor that the women are sleeping on. As at last Friday there were 23. That is why I say that it is an issue and I have a short-term plan to address that.

**Ms M.M. QUIRK:** What percentage of those women sleeping on the floor are Aboriginal?

**Mr J.F. McMahan:** I cannot give the member that exact detail, but I can take that on notice.

**The CHAIRMAN:** Minister, are you going to provide that as supplementary information?

**Mr J.M. FRANCIS:** No. Did the member want us to speak about Wandoo Reintegration Facility?

**Ms M.M. QUIRK:** Yes.

**Mr J.M. FRANCIS:** We know the history of Wandoo. It used to be Rangeview Juvenile Remand Centre. Minister Christian Porter—four ministers before me—changed Rangeview into Wandoo, a prison facility for young males aged 18 to 24. That was done, firstly, to isolate those prisoners with the greatest chance of being corrupted—corrupted is probably not the right word; tarnished maybe—if they were to remain in the adult prison population. Secondly, it was done to concentrate on providing programs for those prisoners. Obviously, it costs more to do that, but we want to set them up for success to the best of our ability because a reduction in the reoffending rate means fewer victims and less ongoing costs to the taxpayers. We agree on these principles, I guess. I think the population of Wandoo is about 44. I am sure it is not at capacity.

**Ms M.M. QUIRK:** That is about \$1 million per resident. It cost \$40 million, did it not?

**Mr J.M. FRANCIS:** I am advised that there are about 30 vacancies in that facility. As part of the overall review of the entire estate, I have asked the commissioner to look at what options could be considered for the future use of Wandoo, just as I have asked the department to look at what other options could be considered for the future use of every single facility in the state to ensure that we get the best bang for our buck.

**Mr P. PAPALIA:** Is it not true that the Wandoo experiment has failed and the government is simply prolonging the agony? Why will the minister not consider turning Wandoo into a women's prison to alleviate the problems at Bandyup and concede that it is a white elephant that has cost the taxpayers \$40 million?

**Mr J.M. FRANCIS:** I will not sit here and say I will rule anything in or out for the future use of any prison in the entire estate. The recidivism rate for those who have come out of Wandoo in the last few months, from memory, is exceptionally low.

**Mr P. PAPALIA:** Would the minister count the two who escaped?

**Mr J.M. FRANCIS:** Two prisoners escaped while they were doing community work. If the member for Warnbro does not think minimum-security section 95 prisoners should be working in the community, that is another conversation. If we want to talk about the success of Wandoo as a reintegration facility, all I can look at to judge that is the recidivism rate of those who have been released, and so far that figure has been exceptionally

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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low. The concentrated programs that prisoners participate in prior to their release—we set them up with a success mentality—tend to be working, which is no great surprise. I will not concede that as a failure. The principle has a lot of merits. To answer the member's question on the future use of that facility, as with any facility in this state, I will not rule anything in or out. Wandoo may end up being a minimum-security women's prison; it may not.

**Mr P. PAPALIA:** Did the former acting commissioner, Heather Harker, approach the minister in September last year and say that as a result of a recommendation from her executive team, the government should either maximise Wandoo or shut it?

**Mr J.M. FRANCIS:** I am not sure what page or line item the member is referring to.

**Mr P. PAPALIA:** It is a further question about the subject we are talking about.

**Mr J.M. FRANCIS:** That is not how the estimate committee works. One of the issues that I have asked the commissioner to look at—I am sure he is across this—is how we arrived at the age range of 18 to 24 years. Why did we say 18 to 24 and not 18 to 22 or 18 to 30?

**Mr P. PAPALIA:** The government said 18 to 22 years when it promised it at the election.

**Mr J.M. FRANCIS:** I did not say that.

**Mr P. PAPALIA:** The government changed it to 23 and now it is 24, and the government has been asked whether it can lift it to 28, which is not a young man's prison; that is just a normal prison.

**Mr J.M. FRANCIS:** How do we determine a particular number? It should be done not so much on a principle of bed-filling pressures within the department, but on something a bit more scientific, such as when the young male brain effectively matures. I know that the commissioner has been looking at evidence of this. It is a really important point, so I will ask him to elaborate.

[11.20 am]

**Mr J.F. McMahon:** We are looking at increasing the age range. I make the point, though, that once we bed in a process in one of our facilities, it is important that we learn from that process so that we can go forward and get the best result from the facility. I was at Wandoo for the Office of the Inspector of Custodial **Services**—OICS—meeting just recently and the evidence, which is not over that two-year period, is that the rate of reoffending is definitely moving in the right direction. One of the major differences with the Wandoo model is that it is for a certain criteria of offender. Part of the big move there is incentivisation for the provider to take the young offender while they are in a custodial area and integrate them back into society. What we have recently done there is to motivate them into getting a job. The number one way to reduce the reoffending rate, particularly in that cohort, is to get them a job. That program is being incentivised and looked at, and the early results are encouraging.

**Mr P. PAPALIA:** Is the commissioner aware of the prisoner employment program that operates throughout the system, which is probably under-resourced and overwhelmed with demand? My question about the statistic to which the commissioner referred is whether he has done any comparison with the outcomes in normal prisons for the same type of individual. I note that the Wandoo facility has been open for only 18 months or whatever. Has any comparison been done to ascertain whether it is successful?

**Mr J.F. McMahon:** The two-year mark is coming up, which is when we will have the real review, and that will be a fair analysis. A change in behaviour generally is the standard that is used across Australia. We are coming up to that mark and we will do that review as required. In essence, the prisoner employment program is partly about reintegration and getting people a job. The early signs at Wandoo and with things such as the Fairbridge project are very encouraging when we get people a job. I will be very succinct here: the reform agenda is about securing employment for people, but we are putting a lot of work into how to reduce the re-offending rate. We do both, and we are spending a lot of time and effort—we will be presenting to the minister on how we will do that—on our key performance indicators to get the re-offending rate to an acceptable level.

**Mr P. PAPALIA:** This is the last question on Wandoo. The commissioner talked about raising the age limit. At what point does a prison change from a young man's prison to a normal prison, if the vast majority of initial offenders are going to be under 28 years anyway?

**Mr J.F. McMahon:** The evidence that I have seen and have personally read, because I have been asking for this, is about the maturity of the male brain. There are varying degrees of evidence about this and there is definitely a lot of evidence that it has gone from 26 to 28 years, so we are reviewing the logic of going from 18 to 24 years. That will help with our cohort but the key thing from a value perspective is that we have to optimise the assets we currently have.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr P. PAPALIA:** I agree.

**Mr J.F. McMahon:** I have been tasked to look at optimising everything we have got. My three big tasks are women, mental health and going into the overall prisoner population. I am re-assessing and optimising in line with the aim of reducing the rate of re-offending.

**Mr P. PAPALIA:** I refer to “Law and Order” on page 81 in budget paper No 3 and the statement that reads —

There is a risk that enactment of the proposed legislation will result in an increase to the State’s custodial population, due to increased sentence lengths for applicable adult and juvenile offenders ...

Then there is some bracketed information that my colleague the member for Kwinana addressed earlier. What modelling has the department conducted of low, middle and upper numbers for each year from this year and into the out years of the budget for additional prisoners entering the prison system as a result of the law being passed?

**Mr J.M. FRANCIS:** This goes back to the previous issue and the impact on the prison population of mandatory sentencing. The first thing to do when determining government policy and reflecting through legislation community expectations is to ask whether it is right or wrong to incarcerate a repeat offender, and the secondary consideration is the cost. Certainly, we look at them both, but cost is not the primary consideration. The department has done some modelling. As I said before, if we were to pass that legislation today and did not consider all the other factors, such as savings to society by not having offenders out on the street, and the deterrent impact of tougher penalties on an offender—in this case mandatory sentencing—we could come up with a net statistical number. However, it is hard to quantify some of these pressures. The department has some estimates that reflect we will be incarcerating more people.

**Mr J.F. McMahon:** Looking at the overall statistics, today we have 5 212 prisoners. That is the macro. In January 2016, based on the bill programs that have been in place over many years now, we go to a design capacity of 6 950, which will be different from the operational capacity.

**Ms M.M. QUIRK:** Does that include people sleeping on the floor?

**Mr J.F. McMahon:** The operational capacity is based on workforce numbers over time and getting the right model to fit that design capacity. By January 2016 the build structure will be 6 950 beds; we currently have 5 212. This year the prison population rose by around six per cent. In the previous 10 years, it has increased between four and six per cent a year. That would mean, on a yearly basis, the number will potentially increase by 300 a year, which is at the upper end. The member can see from that, that in 18 months we will have the design capacities. The coordination function, which our department does a lot of, is optimising that to get the best value, so we are recruiting at the right time with the workforce plan and maximising everything, including overtime with our full structure in numbers so that we can expand as required. If we do get an influx in numbers, it is about matching that with our workforce plan.

**Mr P. PAPALIA:** It is interesting to note that by 16 January 2016, there will be that capacity which, were it filled, would add another \$190 million recurrent costs to the operating costs of the department. I am interested in the modelling the department has done on the impact of these laws for this year and each of the three out years. If this legislation comes into force, how many at the low, middle and upper end will the department have to accommodate?

**Mr J.M. FRANCIS:** The reality is that a lot of factors are involved in modelling for the impacts of tougher mandatory sentencing in a number of different areas. For example, when the member for Hillarys was Minister for Police, he brought in mandatory sentencing for people who assault police officers—as he should have, and rightly so. We saw a small number of people get a sentence they otherwise would not have received, but we also saw a dramatic reduction in the number of police officers assaulted. This backs up my previous comment about the deterrent factor of tougher penalties. Some people started to think twice before they threw a punch at a police officer. We have to consider all these factors when modelling the impact of mandatory sentencing. In this case, we are talking about home burglary laws. The department has done some preliminary estimates, as it should, of the impact that will have on the prison population. However, so many other factors impact on the prison population that are almost unpredictable, such as the push–pull of economics and the very fact that the more the police department is resourced with the latest, greatest technology, the more efficient and effective it is in catching the bad guys. The evolution of DNA technology and the involvement of identification including photo recognition—all of this stuff—have a great impact on taking criminals off the street and putting them behind bars. It is very hard to put an exact figure on how it will impact the Department of Corrective Services because there are so many push–pull levers that will impact on that. The way it works is that I have a conversation with the commissioner, who is sitting on my right, and ask him whether he is happy with the resources that the government is providing to his department and whether he will be able to tackle all of the

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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population pressures that will be placed upon his department in the out years. I will let the commissioner answer, but at the moment I think he is happy.

[11.30 am]

**Mr P. PAPALIA:** I have a point of order. Before we hear the commissioner speak about that subject, that was not the question. The question related to “Law and Order” on page 81 of budget paper No 3. It is identified as a risk that the enactment of this law will increase costs, but those costs are not included in the budget papers. The taxpayer will be interested to know. There have been some indications in the media that it could cost as much as \$93 million. I would like to know the low, middle and upper projection numbers for this year and each of the three out years—that is, the modelling by the department of the number of prisoners. That has a direct impact on government costs, yet it has not been included in the budget.

**Mr J.M. FRANCIS:** Member for Warnbro, the other thing that is not included in there is the cost savings to the department by reducing the reoffending rate —

**Mr P. PAPALIA:** The taxpayers will not be paying for those. What will the taxpayers be up for?

**The CHAIRMAN:** Member for Warnbro, you will get a further question. Let the minister answer and then the member can ask a further question.

**Mr J.M. FRANCIS:** Exactly—the taxpayers will not be paying for those. That will create savings within the department, which will allow those resources and those prison beds to be used; therefore, to lock up people who have broken the law.

**Mr P. PAPALIA:** I have a point of order. The question is very specific. It is about the budgetary impact of an additional X number of prisoners to be accommodated in the state’s prison system over the next three years as a direct consequence of this law. There must be modelling. The department would be regarded as incompetent and inept if it had not undertaken modelling. What does the modelling show are the low, middle and upper numbers?

**The CHAIRMAN:** First of all, there is no point of order. It is at the minister’s discretion how he answers the question.

**Mr J.M. FRANCIS:** As I have said a few times now, obviously the department has come up with estimates and considered the impact that tougher penalties—in this case for home invaders or aggravated burglaries—will have on the prison population. I accept that. However, it is not an exact science. A number of factors do not allow us to very accurately predict the impact of these kinds of laws. Obviously we will be locking up more people—we know that—but I cannot say the exact number. No person out there in the community can actually put their hand on their heart and accurately predict the impact of this legislation. There are so many different factors, including deterrent factors. I will not keep going around in circles on this. The department will find savings in other ways, such as reducing the reoffending rate of those already incarcerated by the Department of Corrective Services to accommodate the increase in the prison population.

**Mr P. PAPALIA:** A report in *The West Australian*, written by Amanda Banks with information provided by the minister’s office, suggested the increase in costs could be as much as \$93 million. Can the minister confirm whether that is a reasonable assessment?

**Mr J.M. FRANCIS:** I think that was the estimated absolute maximum, but it did not take into consideration all the other factors. It was about that.

**Mr P. PAPALIA:** The minister has \$93 million that is not in the budget.

**Mr J.M. FRANCIS:** That was an absolute maximum. I am not going to budget for absolute maximums and absolute minimums; also consider the savings to the department and therefore the taxpayer by reducing the reoffending rate, which will negate the increase anyway.

**Mr R.F. JOHNSON:** I think we all know there will be more offenders incarcerated because of the new laws that are going through Parliament. Can the minister tell me whether any modelling or assessment has been done of the percentage of juveniles compared with adult offenders who will be incarcerated? In other words, I would like to know how many extra juveniles will go into the very limited capacity we have at the moment in our juvenile detention places as opposed to the adult ones.

**Mr J.M. FRANCIS:** Certainly. I will get the commissioner to elaborate on that. It is a very small cohort, so it is much easier to come within a reasonable pool of error, so to speak, about what the estimates will be. I do not accept that we are close to capacity. The muster today at Banksia Hill is 153. If anything, the juvenile population within Banksia Hill—both on remand and sentenced—is decreasing. We are still not even at 65 per cent capacity for Banksia Hill.

**Mr R.F. JOHNSON:** It will be going up with the new laws, obviously.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr J.M. FRANCIS:** Absolutely!

**Mr R.F. JOHNSON:** Otherwise there is no point in putting the laws through.

**Mr J.M. FRANCIS:** Absolutely! I also suggest that when we consider that we are now spending an additional \$2 million this year just to address the concerns amongst juveniles who are remanded there, we expect to put a lot of downward pressure on the facility. We are going hell for leather in trying to stop reoffending from those who have already got very close to being incarcerated through a sentence. I will ask the commissioner to elaborate on the member's question.

**Mr J.F. McMahon:** We have done the modelling. Everything that has been said before is about the complexity of getting the modelling right. I do not put that as a caveat; it is just the world that we deal in. Our figures say at around year four we are looking at around 206 extra places. For juveniles, we are looking at around 60. I put that in context of year four because it is a "build as we go" model. There are some underlying assumptions to do with the reform program we are putting in place. The difficulty I want to paint is that actually coming up with those figures is really around where we can get our reoffending rate down to. I have issued some targets within the department of between five and six per cent off the current reoffending rates for the next five rates.

**Ms M.M. QUIRK:** What is the current reoffending rate?

**Mr J.F. McMahon:** The current one, as stated in the budget, is around 50 per cent. With a bit more detail, it is roughly 65 per cent for non-Aboriginals and 75 per cent for Aboriginal people. Those reoffending rates, from an Australian perspective, are down at the bottom. In my job as the new commissioner, I have been tasked to get those reoffending rates back down. If we do modelling on that, and we hit it at six per cent a year, we could actually pull out of the system—not juveniles, but across the board—potentially up to 200 off our projections that are going up. I said before that it is going up by 300, but if we get reoffending under control we can potentially bring it down to 200, which would mean it would go up only 100 a year. In saying that, I am being open—I am not sure we can do that, but we are looking at new programs, particularly in the youth space with the Youth Justice Board, about how we get the evidence, how we assess better, how we have better diversion programs, and how we can actually reduce those reoffending rates.

If I can go back to the budget to give a little context: last year the department was allocated \$828 million for total costs. We spent \$854 million, or around that. That was a 3.1 per cent increase. The population went up by six per cent. At some point we have to pay for the extra; that is, if we go up more, there is a cost associated with that.

[11.40 am]

**Mr P. PAPALIA:** I have a further question on what the commissioner just said. I am trying to do quick calculations, but it looks like the \$93 million came from the 206 places and 60 juveniles out in the fourth year. So, by that time that will be the cumulative additional cost to the system if these numbers are realised. In the event that that happens, noting that the money is not in the budget, what will the minister do? I heard what the commissioner said about trying to reduce recidivism—more power to him—but at the moment the budget is based on current recidivism rates and the situation as it stands. The minister will effectively have a \$93 million additional cost for which he has no money, and I am interested in what the minister is going to do.

**Mr J.M. FRANCIS:** The commissioner.

**Mr J.F. McMahon:** We are starting to see improvement in some of the reoffending rates. I am talking about adult and youth rates. Last year for adults it was about 43 per cent—both Aboriginal and non-Aboriginal—but it has gone down to 40 per cent for the majority of the year. That is a slight increase but it is around the six per cent mark.

**Mr P. PAPALIA:** After two years?

**Mr J.F. McMahon:** Yes, these are the statistics.

**Mr P. PAPALIA:** No. Is that the recidivism rate after two years?

**Mr J.F. McMahon:** Correct. These are the published results. The rate is currently down at around 39 per cent. So, we have started to see some movement there; only slight but we have started to see some movement. If we can get these key performance indicators right, we can hit our mark with five or six per cent off our current recidivism rates; therefore, 30 per cent of adults, 50 per cent of Aboriginal adults, 65 per cent of youth and 75 per cent of Aboriginal youth would come back to the system. I think our rates are the second worst in Australia. If we can get them moving the right way, even with the adult population and some of the youth, and we can pull out the 200 or 150, the analysis that I have done, which is not in great detail, is enough to encourage me that we can pull potentially \$25 million to \$33 million out of the budget. However, I come back to the other issue for me, specifically the question about the \$93 million. Last year our demand model was based on a figure

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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of 4 973 daily average prisoners. Currently we are paying today for 5 212. My budget, which I was supposed to stick to and of which I am not overly proud, is \$828 million. Our actual budget this year is likely to be \$854 million—an increase of \$26 million. The issue is that that \$26 million is 3.1 per cent but the prisoner population has grown at six per cent. It is an unusual spike but at some point as it grows it has to be paid for. Does it concern me? Absolutely! But I am making the point that we cannot turn away prisoners. At some point we have the capacity. It is about getting and optimising the right workforce structure, and at the other end working very hard at getting those reoffending rates down.

**Mr P. PAPALIA:** Further to that, I think that it is more than a spike. Since January, a significant acceleration has occurred in the prisoner incarceration rate. The muster has grown quite dramatically. I think that there is something going on that the minister has not identified or isolated, and this is before the new law comes into play. I do not think it is good enough to have a budget with such a significant gap in it without having better modelling than the modelling information that the minister is willing to release. I appreciate what the commissioner has said, but I am sure there is more than that. I am sure the minister has a more accurate analysis that would give us a range from low to high, and that should be given to the public. The new law is a government-initiated policy and will result in significant additional cost. Despite all the stuff the minister has said about reducing recidivism, my view is that the more that people are crammed into prisons, the more overcrowded they will be, the less effective they will be, the worse they will be when they come out and the more likely they will be to reoffend. As much as the minister has said that there is one side of the argument, there is another side. However, we do know that it will cost a hell of a lot more than the minister is willing to tell us.

**The CHAIRMAN:** There is no question in there yet.

**Mr P. PAPALIA:** I have another question now and will move on.

**The CHAIRMAN:** I think we will let that go, minister.

**Mr P. PAPALIA:** I have a real question.

**The CHAIRMAN:** This is a new question from the member for Warnbro.

**Mr P. PAPALIA:** I refer to the line item “Youth Justice Services” under the “Service Summary” table on page 748 of budget paper No 2. On what basis does the projected cost of these services drop in 2017–18, having risen every other year of this government? I am assuming with crossed fingers that it is because of a drop in the recidivism rate. What modelling predicts this drop and will the minister table information on that modelling? If the minister looks at that line, he will see that it goes from the estimated actual last year of \$101 million to \$100 million this year, up to \$107 million in 2016–17, and then magically in 2017–18 it drops to \$94 million.

**Mr J.M. FRANCIS:** I am advised that the 2017–18 forward estimates of \$94.833 million show a drop in costs over the years mainly due to the ceasing of royalties for regions funding of \$15 million per annum for the regional youth and justice services program.

**Mr P. PAPALIA:** What the minister is actually saying is that there is a cut. There is no benefit going on. It is just a cut in that year.

**Mr J.M. FRANCIS:** It is three or four years away. At the moment that is what we understand the future to hold, but certainly the services delivered by the regional youth justice services program may be delivered by—who knows?—a different agency or a different model.

**Ms M.M. QUIRK:** I refer to the significant issues impacting the agency on page 748 of the budget papers. In the last financial year how many complaints have been investigated about prison officer violence against prisoners; also complaints involving sexual relations between corrective services personnel and prisoners?

**Mr J.M. FRANCIS:** Obviously this is a topic that is very dear to us on the standards that we expect of both prison officers dealing with prisoners and prisoners assaulting prison officers. As to absolute numbers at the moment, my understanding is that the numbers may have increased in the last short time. I will ask the Deputy Commissioner, Mr Maines, to elaborate on this.

**Mr S.L. Maines:** I am just looking for the figures actually. If the minister gives me a minute, I will try to find the figures.

**Ms M.M. QUIRK:** While Mr Maines is looking for those figures, I will ask a further question. One of the issues in the reorganisation or restructure is that there might be cliques or purple circles formed within the system. Is the minister contemplating having a broader capacity to transfer officers from one prison to another?

[11.50 am]

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr J.M. FRANCIS:** Obviously the individual management in this case of particular prison officers and the ability to transfer them from one prison to another is an operational matter and is dealt with by the commissioner. I can say in answer to the member's comment about a purple circle that the Department of Corrective Services has come a long way in the last six months through a major revamp and a major overhaul. The entire commissioner's executive team from the commissioner down has been revamped. We have a brand new commissioner, for a reason. We have a new executive team, many of whom came from outside the Department of Corrective Services. We have Mr Maines, who has recently joined us from the Northern Territory. So I am very aware of some of the cultural changes that have faced the department. It is not just at the top echelons; it is all the way through. I am very aware of them. I made a commitment about a year ago that we would sort it out one way or another, even if it killed me! I am happy that the new commissioner has made a massive amount of progress in trying to restructure and change some of the cultural issues in the Department of Corrective Services. I will ask Mr Maines to comment.

**Mr S.L. Maines:** For the 2013–14 financial year to date, the investigations services directorate has received 480 reports of potential misconduct, with 45 per cent of those reports for which assessments have been finalised determined to be suitable for investigation or immediate disciplinary action. All allegations of suspected misconduct were reported to the Corruption and Crime Commission in accordance with the notification provisions of the Corruption and Crime Commission Act. Of the 172 investigations that were concluded, evidence was found to support the allegations in 44. If I might add clarification, that is 44 cases, or allegations; it is not necessarily against 44 individuals.

**Ms M.M. QUIRK:** No, but I am actually asking about assaults and sexual relationships with prisoners.

**Mr J.M. FRANCIS:** I would need to take that on notice.

**Ms M.M. QUIRK:** I am seeking information on allegations of assault and allegations of sexual relationships between officers and prisoners.

**Mr J.M. FRANCIS:** I undertake to provide supplementary information outlining to date this year the number of assaults and inappropriate relationships between prison officers and prisoners.

*[Supplementary Information No A39.]*

**Mr J.M. FRANCIS:** The commissioner has some information about this particular issue.

**Mr J.F. McMahon:** For assaults by prisoner on officer or officer on prisoner, in the latest Report on Government Services data, we are at 5.88. The national average is 9.22.

**Ms M.M. QUIRK:** That is meaningless, commissioner. I will wait for the supplementary information.

**Mr P. PAPALIA:** I refer again to the third-last dot point on page 748 of budget paper No 2. I am kind of revisiting what I raised a moment ago. Can the minister confirm that if the growth in the prison muster is spread out over the last five or five and a half years, it is about 249 a year? What actually happened is that there was a 27 per cent increase in the first 18 months of this government. But, beyond that, if we spread it out, it is 249 a year. Is that right?

**Mr J.M. FRANCIS:** On average.

**Mr P. PAPALIA:** Can the minister also confirm that between 31 December last year and 16 May this year, the prison muster exploded from 4 933 to 5 204, or by 271. If we extend that out for the year, and if it continues at that rate, that will be an increase of 722. Does the minister know why that is the case?

**Mr J.M. FRANCIS:** That is a good question. The absolute answer is that we do not know exactly why. What I can tell the member is that in the previous 12 months up until 31 December—so, last calendar year—the prison population was practically static —

**Mr P. PAPALIA:** Static?

**Mr J.M. FRANCIS:** Minimal growth. When we look at the daily average prison population from the start of the last calendar year and the daily average prison population to the end of December just gone, there was minimal growth. But we have now seen significant growth, which is why the member has come up with that figure for the last five years. A number of different factors impact on increasing, more dramatically at some times, and less dramatically at other times, the prison population. There could be significant police raids, or there could be a breakthrough in police technology, as I mentioned before. I have heard all kinds of theories, but I am not going to say whether they are true. I have heard that different chairpersons of the Prisoners Review Board have taken different approaches from other people in that position as to whether to grant parole, and that may or may not have impacted, therefore, on the average daily prison population.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr P. PAPALIA:** But the board has not changed.

**Mr J.M. FRANCIS:** No, not in the last six months. What I am saying is there are a number of different factors that influence the daily average prison population. One of the other theories that we have heard, and I have started to look at tracking this, is that the weather may have an influence in that, believe it or not, during the summer, there are more daylight hours, so there is more time for people to be outdoors and commit crimes than is the case in the middle of winter. I heard the Commissioner of Police say a similar thing last week, which kind of confirms my thinking on this.

**Mr P. PAPALIA:** Was it not sunny last summer?

**Mr J.M. FRANCIS:** I am just saying, member for Warnbro, that there are many different factors, and that is why we cannot look at it over a short period of time.

**Mr D.A. TEMPLEMAN:** What about the impact of the budget?

**Mr J.M. FRANCIS:** And that is a good point, too.

**Mr P. PAPALIA:** The question is: has the department accounted for this increased acceleration in the prison muster in its budgeting?

**Mr J.M. FRANCIS:** We have to project it. There are people in the Department of Corrective Services who look at all the statistics and all the factors and all the push-and-pull factors. I am sure, member for Mandurah, that all the different financial and economic times may produce a different impact as well on the prison population. There are all kinds of factors. There is a small team in the department that is trying to, as accurately as possible, project the demands on the prison estate into the future. But it is like predicting the weather—sometimes we get it right and sometimes we get it horribly wrong.

**Ms M.M. QUIRK:** I refer to page 749, which refers to the delivery of services. In particular, I want to ask about the provision of health services. My understanding—this might have changed—is that the state effectively gets no funding from the commonwealth in terms of the provision of Medicare for prisoners. If we are looking at around the 5 000-plus mark for the number of prisoners, what is the impost on the department for the provision of health services, and is the department looking at revisiting that with the commonwealth?

**Mr J.M. FRANCIS:** That is a really, really good question. The facts of the matter are as follows. A person who is incarcerated—a prisoner—is no longer able to receive Medicare benefits or Medicare rebates as they would if they were a free person. That means that every jurisdiction of the commonwealth—not just Western Australia, but every state and territory—has to essentially pay full fees for the provision of health services to prisoners. There are no subsidies whatsoever from the commonwealth for anyone within the prison system. That means that the cost per prisoner to provide medical services is excessively higher than it is for everyone else in Western Australia. The other thing that we have to consider is the cohort of people who are behind bars. We have an ageing cohort. Effectively, the honest truth is that the commissioner and I run the biggest mental health institution in the state of Western Australia, because a significant number of the prison population have diagnosed mental health issues. We also have a significant number of prisoners with drug addiction and alcohol addiction issues. So, as the member can imagine, we are not dealing with the average cohort that has just been put behind bars; we are dealing with a more needy cohort when it comes to the provision of medical services. We had the conversation again last year with the commonwealth. It is not just Western Australia; every single jurisdiction in the commonwealth has this issue.

[12 noon]

Lastly, because I want to keep this short, when it comes to providing health services to prisoners, one of the things that we are super excited about is the new facility at Fiona Stanley Hospital, which is very secure. In the basement of the hospital is a prison for the delivery of secure health services, which will do a number of different things. Firstly, it will reduce the cost of providing those services. At the moment the prisoner has to go into a hospital with two escorts per prisoner—how effective they are is another conversation. We will have a greater ratio of prisoners to escort officers in the basement prison hospital at Fiona Stanley. Secondly, we will not see occurrences like that which happened yesterday if that service can be provided from sally port to sally port and into Fiona Stanley Hospital. Thirdly, we are looking at ways to expand medical services within the prison estate so there are fewer transfers between prisons and hospitals, because we have seen, time and again, that that is where the greatest risk of escape, and the greatest risk to the community, lies. If members opposite have not seen the new facility and would like me to facilitate an inspection at Fiona Stanley Hospital, I am more than happy to organise that. It is a pretty impressive facility.

[Ms J.M. Freeman took the chair.]

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr R.F. JOHNSON:** I will ask a follow-on question from an earlier statement made by the commissioner about the new laws with mandatory sentencing and his hopes for a drop in recidivism because of the new programs put in place. He is obviously hoping that there will be fewer guests at his hotels in the future. Through the Chairman and the minister, has the commissioner, in his calculations, taken into account the increasing unemployment rate in this state and the disastrous effects that both state and federal budgets will have on many of our people, particularly our young people, who will have a far harder job to make ends meet and possibly may turn to crime? Has the commissioner taken that into account; and, if so, can he give us an outline of those figures?

**Mr J.M. FRANCIS:** Regardless of the impact of a budget, be it state or federal, or which side of politics introduces it, being tight on money is no excuse to break the law and break into someone's house and steal their property.

**Mr R.F. JOHNSON:** I am not saying it is an excuse. That is a stupid comment to make. It is a fact that if people do not have money, they will commit crimes. Has the minister taken that into account?

**Mr J.M. FRANCIS:** Every now and then we meet the little kid from the school fete who let go of his balloon and keeps on screaming, "Give me another balloon! Give me another balloon!" Sometimes the member for Hillarys just has to let go of that balloon.

**Mr R.F. JOHNSON:** The minister should stop being so childish.

**Mr J.M. FRANCIS:** Why doesn't the member stop being so rude?

**Mr R.F. JOHNSON:** This is the bloke who gives journalists a bag of snakes, and he has his little funny lines he uses. For goodness sake!

**Mr J.M. FRANCIS:** This is coming from the member who, when he was a minister, could not even remember the police assistance number when he made an announcement.

**Mr R.F. JOHNSON:** The minister is dumb. I am asking the commissioner a question, not you, dumbo!

**The CHAIRMAN:** The member can withdraw that comment. We will not have abuse in the chamber. Let the minister answer the question. I will not brook abuse at the member, and I will not brook abuse at the minister. Can the member withdraw that comment, please?

**Mr R.F. JOHNSON:** I withdraw.

**The CHAIRMAN:** Thank you. The minister has the call.

**Mr J.M. FRANCIS:** Thank you for your protection, Chairman. Regardless of any impact, positive or negative, that a state or a federal budget may have on society, it is no excuse for people to break the law.

**Mr R.F. JOHNSON** interjected.

**The CHAIRMAN:** I will give the member a further question in a moment. Please continue, minister.

**Mr J.M. FRANCIS:** The member for Hillarys can apologise for those people as much as he wants, but I make no apology for incarcerating people who break the law regardless of their socioeconomic background and their financial circumstances—that is never an excuse. The commissioner may want to add more to that.

**Mr D.A. TEMPLEMAN:** The minister has not even answered the question.

**The CHAIRMAN:** Member for Mandurah, this is not even your question. I have just sat down and suddenly we have erupted into a rabble. Let us move on, otherwise I will not put the member's name on the list.

**Mr R.F. JOHNSON:** In all seriousness, has the commissioner taken into account the fact that unemployment has gone up in WA in this financial year? The state budget will affect people's pockets, and the recent federal budget will also affect people's pockets. Has the commissioner taken into account those factors with regard to the possibility of more crime being committed because people have no money? This is a genuine question. The minister cannot answer it because he is obviously not capable, but I am sure the commissioner can.

**Mr J.M. FRANCIS:** The people I feel most sorry for right now are those in the electorate of Hillarys who have to put up with the member for another three years.

**Mr R.F. JOHNSON:** I have more faith in the minister's dogs than I have in him.

**Mr J.M. FRANCIS:** I have more faith in the people of Hillarys than I do in their local member.

**The CHAIRMAN:** Order, minister!

**Mr J.M. FRANCIS:** If he stops interjecting, I might be able to ask the commissioner to comment.

**Mr J.F. McMahan:** The specific answer is no. However, to put it in context, when economies go up and down we look at the historical figures on incarceration and take averages to come up with the figures going forward.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr P. PAPALIA:** Is it not reasonable to assume that the converse of the argument that jobs will get prisoners out of jail and keep them out of jail is that if there are no jobs, they will go into jail?

**Mr J.M. FRANCIS:** The answer is generally no because the member is talking about macroeconomics. Dedicated programs for individual prisoners are tailored on a case-by-case basis to try to get them employment.

**Ms M.M. QUIRK:** There was an earlier answer about the Serco review.

**Mr J.M. FRANCIS:** The court security and custodial services contract.

**Ms M.M. QUIRK:** Yes, and it is referred to in the second dot point on page 749. Earlier this year, the Community Development and Justice Standing Committee made recommendations with regard to that contract. It recommended that the department look at the collection of people in custody by Serco from police lockups that are not hubs; the provision of custodial care by Serco for people in custody before, during and after their court appearances; and variation of the requirement for Serco to collect people in custody from police lockups within a 24-hour period. Will that be part of the review?

**Mr J.M. FRANCIS:** Certainly. Did the member's committee present that report?

**Ms M.M. QUIRK:** Yes.

**Mr J.M. FRANCIS:** It is essentially within the portfolio for police to consider. I understand it is being considered by government at the moment. Until such time as the future directions are determined, we cannot really allocate or predict funding for a change in that—

**Ms M.M. QUIRK:** I just wondered whether it is part of the review or analysis.

**Mr J.M. FRANCIS:** The committee has tabled a report and government will look at the report's recommendations and comments. If it turns out that there is a change of procedure or in resources, I would expect the midyear or future budget to reflect that.

**Mr P. PAPALIA:** I refer to the heading "Completed Works" in the table on page 751. Under that heading, the line item "Perimeter Obsolescence" suggests that all obsolete perimeter fencing has been completed because there is no more money and it is listed as completed works. Is that the case; are there still prisons with obsolete fencing; and, if so, why are they not budgeted for or why is it not shown as works in progress?

**Mr J.M. FRANCIS:** I do not profess to be an expert on the state of every single bit of fencing across the prison estate. I will have to take the question on notice and find out for the member what needs to be done, what has been done, and if anything is outstanding.

**The CHAIRMAN:** Will the minister agree to provide that information as supplementary information?

**Mr J.M. FRANCIS:** I will provide as supplementary information an update to the member for Warnbro on the state of perimeter fencing across the entire prison estate, and what works have been completed and are required across the whole prison estate.

[12.10 pm]

**Mr P. PAPALIA:** I want to identify how much obsolescent fencing there is, because there is obsolete fencing out there.

**Mr J.M. FRANCIS:** I will give the member the whole lot.

[*Supplementary Information No A40.*]

**Ms M.M. QUIRK:** I have a quick question about the line item for adult corrective services in the service summary table on page 748. How many people are under community supervision by the Department of Corrective Services at the moment? There are different levels of supervision. Can the minister break that down into those who are actively supervised and those who are not?

**Mr J.M. FRANCIS:** I do not think I have the exact figures in front of me. As a rough rule of thumb, the number of people under community supervision is slightly lower than the number of people who are incarcerated. I think there are about 4 500 at the moment. However, we see a correlation between those on community-based orders and those who are incarcerated. I do not have the exact figures. I will see whether the commissioner can provide further information.

**Mr J.F. McMahon:** On the youth side, there are around 800 and there are about 4 000 adults. We will have to provide the breakdown of the type of order because there is a lot of detail in that, particularly if the member wants location as well.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Ms M.M. QUIRK:** No, I just want the number under community supervision and the type of order for both adults and juveniles. I would also like the number of people who are released from prison without parole or any supervision orders.

**Mr J.M. FRANCIS:** I agree to provide to the member for Girrawheen information relating to the number of adults and juveniles on community supervision orders and the number of prisoners up to this financial year who were released either with or without community supervision orders.

*[Supplementary Information No A41.]*

**Mr P. PAPALIA:** I refer to the line item for adult corrective services in the service summary table on page 748. What is the frequency of drug prevalence testing per annum? I know that individual prisoners get tested at intermittent times as the department does not want them to know when they will be tested. What is funded for drug prevalence testing per annum at the moment?

**Mr J.M. FRANCIS:** I will get the exact answer to that. Drug testing within the prison population is done essentially on a random basis, with different frequencies for different risks. Whether or not an individual prisoner has proved positive to a test is an essential element in preparing a report for the Prisoners Review Board. If a prisoner has breached a test and proved positive before they are due to be paroled, that is a significant consideration for the Prisoners Review Board.

The other issue that I will quickly mention while we are finalising that information is that I find it absolutely unacceptable that drugs should get into a prison. I know that I live in somewhat of an ideal world in terms of my expectations, but the reality is that my expectation is that prisons, especially high-security prisons, are 100 per cent drug free. If drugs get into a prison for prisoners to take, it shows a failure in the system. Whether it is through people smuggling them in, hiding them in tennis balls and hitting them over fences or hiding them within the body or through the corruption of staff, it is unacceptable. We are doing an awful lot in this space to try to reduce the prevalence of drugs in prison. I am quite happy to see this come on as it has taken too long to get to this stage.

**Mr P. PAPALIA:** How many times a year does the department test?

**Mr J.M. FRANCIS:** We might have to take it on notice.

**Mr P. PAPALIA:** I am talking about system wide, not individuals. System wide, there is funding for a frequency of testing. How many times a year does that funding allow testing?

**Mr J.M. FRANCIS:** I will get that for the member. I undertake to provide supplementary information to the member for Warnbro outlining how much is being spent this financial year on drug testing and how many prisoners —

**Mr P. PAPALIA:** No. What is the frequency of the drug prevalence testing?

**Mr J.M. FRANCIS:** Let me finish. I will provide how much was spent on drug testing of prisoners and how many prisoners were tested from that amount and therefore —

**Mr P. PAPALIA:** No. There is a line. The department runs it. I want to know the frequency of drug prevalence testing. It might be five times a year.

**Mr J.M. FRANCIS:** It would have to be an average frequency. Some prisoners might be done every day.

**Mr P. PAPALIA:** I understand that, but the department will know what I am talking about.

**Mr J.M. FRANCIS:** I undertake to provide supplementary information on the amount we spend and the frequency of drug testing within the prison system.

*[Supplementary Information No A42.]*

**Mr P. PAPALIA:** I refer to the line item for adult corrective services. Can the minister say how many medium-intensity violence programs are funded to be delivered by Communicare this financial year?

**Mr J.M. FRANCIS:** I will have to take that on notice. Can I ask what the issue is so that the member can give me some guidance?

**Mr P. PAPALIA:** Communicare provides those programs, as I understand it. I just want to know how many it provides. If there are more providers, the minister can let me know, but I am pretty certain that it provides those programs.

**Mr J.M. FRANCIS:** Yes.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr P. PAPALIA:** Have Sexual Assault Resource Centre services been established at Wooroloo and Karnet Prison Farms?

**Mr J.M. FRANCIS:** I will have to take that on notice as well. I know that there are some resources and courses.

**The CHAIRMAN:** When the minister says that he will take it on notice, that is not supplementary information.

**Mr J.M. FRANCIS:** I will get the information for the member.

**Mr P. PAPALIA:** Does the minister undertake to provide it as supplementary information?

**Mr J.M. FRANCIS:** Yes. I undertake to provide by way of supplementary information further information on sexual assault resources at Karnet and Wooroloo prisons.

*[Supplementary Information No A43.]*

**The CHAIRMAN:** I point out that the minister did not undertake to provide supplementary information on the question about Communicare. That was a question on notice.

**Mr P. PAPALIA:** Can the minister provide that as supplementary information as well? I do not think it is controversial.

**Mr J.M. FRANCIS:** Yes.

**Mr P. PAPALIA:** How many medium-intensity violence programs are being funded to be delivered by Communicare this financial year?

*[Supplementary Information No A44.]*

**Ms M.M. QUIRK:** I refer to drug testing. Can the minister say what is the most prevalent drug found in prisons, and are there any emerging trends of concern?

**Mr J.M. FRANCIS:** My understanding is that the most prevalent drug is still tetrahydrocannabinol, or marijuana. Pseudoephedrine and methamphetamine are emerging trends. That is not surprising, although it is disappointing, because it is reflective of my understanding of drug consumption and illicit drug use in the wider community. We are certainly seeing a massive increase in the prevalence of methamphetamine in the community, just as we are seeing—do not ask me for the exact number—an increase in methamphetamine-related crimes among the prison population that got them there in the first place. I have spoken publicly about it. I will not go into it too much, but of all the vices affecting society at the moment, one of the most significant challenges we have is the dramatic increase in the prevalence of crimes and the use of meth. Obviously, it is no surprise to see that reflected in the prison population.

[12.20 pm]

**Mr P. PAPALIA:** I refer to the first dot point under “Significant Issues Impacting the Agency” on page 748 of budget paper No 2. I want to explore a little further where the commissioner mentioned a new personnel structure—I think that was the terminology.

**Mr J.M. FRANCIS:** Staffing structure.

**Mr P. PAPALIA:** Yes. If the commissioner has got to the point of having a new organisational structure, is it possible for the commissioner to provide as supplementary information some sort of diagram showing that structure?

**Mr J.M. FRANCIS:** Rather than supplementary information, how about we ask the commissioner to sit down with the member and go through where it is at?

**Mr P. PAPALIA:** Yes; I want to know the divisions—who is where and that sort of thing. That is one part of it.

**Mr J.M. FRANCIS:** He can give the member a quick overview now.

**Mr P. PAPALIA:** I want to look at it; I do not need it right now.

**Mr J.F. McMahon:** Our current structure, which we are putting in place with the Public Sector Commissioner, will come into place on 1 July, but we are making some changes to that. The big changes are in the office of reform, which has a different policy unit, and in the youth justice division, as in the people who run the youth justice board. On the other side, we will have a risk assurance and compliance committee, which was not there before. We brought together for the first time under the adult justice base—the deputy commissioner is behind me—the custody community and, most importantly, programs. That is about trying to integrate better to get the reoffending rate to where we need to get it. We have done the same with youth, which is now stand-alone. It does not have anything else with it; it has custody, community and programs. We have a corporate services

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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division and an operational support division. Rather than having intelligence all over the place, operational support now has a major intelligence unit separate from the big operating divisions, which is outside. It adds a bit of due diligence. A major investigative arm is also in there. The major big change in corporate services is that we have brought together IT—there is a lot of advantage in IT in our system with transport et cetera—and knowledge management. They are the major changes, but I can easily provide the member with a structure.

**Mr P. PAPALIA:** I think the commissioner referred to new staffing structures. Is that what he was talking about or was he talking about how he employs prison officers and that sort of thing?

**Mr J.F. McMahon:** Philosophically, we have had a very much just-in-time approach to staffing. It is very difficult to predict numbers going up and down. That puts pressure in prisons on prison officers and the community as well, because, as the member mentioned, the numbers go up quite quickly, as I have noticed. We are going philosophically—I have had this discussion—back to a more risk-management approach with our HR. We are talking about opportunities to potentially pool groups of people so that our institutions are de-risked through having the right staffing numbers at the right times. Quite rightly, we have tried to do the just-in-time approach. My analysis is that, although it is public value, it is about spending a little earlier to get in front of the risk.

**Ms M.M. QUIRK:** I want to talk about the security in the corrective services environment. One of the infamous escapees is Mr Neumann while walking a dog. What measures have been put in place to avoid a similar occurrence?

**Mr J.M. FRANCIS:** That was a very, very unfortunate episode.

**Ms M.M. QUIRK:** That is an understatement, minister.

**Mr J.M. FRANCIS:** It is indeed. Without going over old ground, I have no problem with—in fact, I encouraged it—minimum-security prisoners who have been appropriately categorised as “minimum” being made section 95 prisoners to do worthwhile work in the community. What went wrong there was twofold: essentially, the selection process, and a prisoner who was, I think, two years into a 13-year sentence at his age was unsuitably assessed too early in his sentence as “minimum” and therefore qualified for a section 95.

**Ms M.M. QUIRK:** Absolutely.

**Mr J.M. FRANCIS:** Commonsense tells us that anyone would probably take their chances at that age. It was wrong to assess him as suitable for that program. I have no problem with the program. I will not, in a kneejerk reaction, wind it up. I want to see more of those kinds of programs, but we need to refine, and have refined, the assessment criteria for those people. That includes prisoners having to have spent a certain amount of time in their sentence before they can be reclassified to minimum and a section 95. It also required a reassessment of the offences people were convicted of. As a result, we have seen some change in that a very small number of people have gone from minimum back to medium. That has had some minor impacts on different prison populations. I will ask the commissioner to elaborate more on the exact definitions.

**Mr J.F. McMahon:** It was a very disappointing and serious event with people acting within the policy at the time. In my strong view, the policy was incorrect. Our number one job is the security of the community. We have reissued the policy. Someone who is serving five years or more will not be minimum. That is in place. To get to “minimum”, there are a series of checks with recommending and approving authorities. Under that, if someone has three years and has more to go, it has to go to a director of sentence management. It is recommended at a prison level, and then the director of sentence management in my headquarters makes that decision. For the high decision, it goes up another notch. The director of sentence management will look into and has to approve someone who is a dangerous sex offender or is DSO liable and/or under the categorisation system is considered to be a person of extreme violence or at the upper echelons of violence. First of all, the superintendent recommends. We use a matrix system of de-risking, so two people make the decision. We have a number of systems to put that in place. The other thing we are working on diligently with the new intelligence section I spoke about is, in a random and non-random way, using our intelligence services to get a better handle on people going out on section 95s. I make the point that, obviously, the Prisons Act, for me, is all charged with the risk management side and obviously the rehabilitation. I think our balance was not right. I think we have got that balance right and our prison population has changed slightly because of that.

**Mr J.M. FRANCIS:** The key message to take out of this is that my observation a year ago was that there was a bit of a tick-and-flick mentality among some people in the department who would say, “It is not my problem, so what if I get this wrong; what’s the worst possible thing that can happen—a drug dealer gets out?” The commissioner has put in place a very strict set of guidelines and decision-making processes whereby people have to meet certain criteria and the recommendations and the approving authority have to go further up the chain so that there is more of an oversight when it comes to making decisions for at-risk prisoners.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr P. PAPALIA:** I make the observation, minister, that Neumann's case is not a good indicator of the tick-and-flick mentality the minister is claiming because, as I understand it, the process was followed to the letter.

[12.30 pm]

**Mr J.M. FRANCIS:** We should not have to put the basic principle of commonsense into every single policy in a department. We do not have a policy—there probably is, actually!—on how to change a light bulb in a prison cell. It should not have to tell someone to turn off the electricity before climbing the ladder and to not do it if the floors are wet. We cannot spell out every single bit of commonsense. Commonsense would tell a reasonable person, such as the member for Warnbro or me, that he should never have been selected for community work regardless of whether he met the confines of a policy. Unfortunately, if people do not use commonsense in making judgements or certain assessments, we have to spell it out or restrict their ability to make a judgement call.

**Mr P. PAPALIA:** The government has imposed the process, which staff followed. I will ask the minister about a specific individual. The change that the commissioner has implemented means that someone with less than five years left on their sentence cannot go to a minimum-security prison, but what about someone who has had their conviction quashed because they are deemed incapable of pleading? Someone in a minimum-security prison, who may have been deemed appropriate for rehabilitation despite having committed an incredibly violent crime, as far as I understand it, would be completely eligible for the minister's puppy walking program.

**Mr J.M. FRANCIS:** Is the member talking about mentally impaired prisoners?

**Mr P. PAPALIA:** I am talking about Levi Hone, whose charges were quashed. He is at Woorloo Prison Farm. As I understand it, according to the rules, somebody such as that would be entirely eligible for the puppy walking program. It has been less than two years since he was sent there.

**Mr J.M. FRANCIS:** I do not know that particular prisoner, but just because someone is in a minimum-security prison does not mean that they can do section 95 community work.

**Mr P. PAPALIA:** I know there are conditions.

**Mr J.M. FRANCIS:** I will ask the commissioner to comment.

**Mr J.F. McMahon:** I think that particular individual has a fairly violent past. One of the requirements is that if a prisoner has a violence level of five to seven, which is the scale that the director of sentence management uses, the superintendent can recommend the prisoner for community work, but that would still need to be approved by someone completely outside the prison. We have not had that before.

**Mr P. PAPALIA:** That was not the case before when Neumann escaped in —

**Mr J.F. McMahon:** No.

**Mr J.M. FRANCIS:** That is the point I am making: we have a more accountable and effective process when we make assessments of these people rather than using a tick-and-flick approach.

**Mr P. PAPALIA:** Hang on. It is two different things. We had a process that was followed and this is a different process. It has nothing to do with ticking and flicking. The department has followed one process and the process has been changed, so it is now, hopefully, more robust.

**Mr J.M. FRANCIS:** It is more vigorous and robust.

**Mr P. PAPALIA:** How many, if any, studies are being conducted, using data inside our prisons or inside juvenile detention or using data from those locations, by people who have not been commissioned by the department? Are any academic research studies being undertaken by anyone in our system other than people whom the department has invited?

**Mr J.M. FRANCIS:** I would have to make assumptions at the moment, but the first thing I would say for sure is that, effectively, the new youth justice board is made up entirely of people from outside the department bar the commissioner and chairs. Some of them are academics. Some of them are paediatricians.

**Mr P. PAPALIA:** I am talking about specific studies.

**Mr J.M. FRANCIS:** It has been given a particular task, obviously, which is to oversee and review and recommend. It has been given a fairly blank slate in the way it goes about doing the business of addressing behaviour patterns of disadvantaged youth. How many studies are going on at the moment? There probably would be some. I will give the member an example. I have asked the commissioner, as we mentioned before, to look at the age for the young offenders at Wandoo Reintegration Facility. That will be done by someone who is an academic from outside the department.

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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**Mr P. PAPALIA:** The department commissioned it. I am talking about studies that have not been commissioned by the department. There was a time when academics were given access to data and to facilities to do their studies, which they had identified as being of value. For instance, Murdoch University did a study into sexual assaults in the prison system. It talked to prisoners post their release and that sort of thing. Are there any studies such as that or are all the studies ones that the department has commissioned?

**Mr J.M. FRANCIS:** Before Commissioner McMahon's time, the answer is yes. People undertaking academic studies have asked me whether they could have access to certain statistical information on a range of offending cohorts, demographics, populations and gender within the prison system. I have asked the department to provide that information for academics because we never know what information they may be able to use that will help us do our business better.

**Mr P. PAPALIA:** Will the minister undertake to provide as supplementary information the list of studies underway commissioned by the department and any others?

**Mr J.M. FRANCIS:** Sure. I have no problem with that.

*[Supplementary Information No A45.]*

**Mr J.M. FRANCIS:** I agree to provide by way of supplementary information further information to the member for Warnbro on the studies being conducted within the Department of Corrective Services and academic studies—is the member looking at a particular area?

**Mr P. PAPALIA:** No, I just want to know whether studies are going on.

**Mr J.M. FRANCIS:** I will provide information on how many academic studies are being done within the department and how many external studies we are assisting.

**Mr P. PAPALIA:** I want to know about ones commissioned by the department and whether there are any others. I ask because some years ago it was brought to my attention that studies were not being done other than by the department. We had shut down and got very defensive about access to the system and data and only commissioned research was being undertaken. I do not think that is healthy and it would be good to know that other stuff is going on.

**Mr J.M. FRANCIS:** We will provide that information. I am advised that 17 external PhD students have access to the information. My default position is to provide as much as possible to assist them. Does the commissioner want to add to that?

**Mr J.F. McMahon:** I can think of two studies off the top of my head. From my perspective, the more studies, the better, so that we can solve some of these issues.

**Mr P. PAPALIA:** I am pretty certain that we used to list the rate of imprisonment per 100 000 people under "Outcomes and Key Effectiveness Indicators". That is a pretty regular measurement used to analyse the number of people we incarcerate per head of population. Is that a statistic that we no longer know or generate?

**Mr J.M. FRANCIS:** We know it. The Australian Bureau of Statistics has the population of the state of Western Australia. Off the top of my head, it is roughly 2.5 million adults and children. We know that there are 5 212 prisoners. We can work that out as a rate. It is no big secret.

**Mr P. PAPALIA:** It used to be published as part of the budget.

**Mr J.M. FRANCIS:** If it was, it is not any more. There is no conspiracy. I have not given that instruction. It is provided in national data and it is easily obtainable information. I do not quite see the relevance of whether it is in the budget.

**Mr P. PAPALIA:** I refer to the second dot point on page 749, which refers to the court security and custodial services contract. Again, there were concerns in the community, which we have voiced in Parliament and elsewhere, about the appearance of a serious cost increase when Serco took the contract in 2011. I am talking about the direct comparison of a transfer of a prisoner from a regional prison to a funeral in a regional town and then back again. I am not talking about taking into account costs of operating vehicles or anything like that. As I understand, there was a significant increase in the cost—based on a direct like-for-like comparison of costs—for those sorts of transfers. Has the minister been able to identify any evidence that confirms or refutes that claim?

[12.40 pm]

**Mr J.M. FRANCIS:** If we go back five months to when there was the whole hoo-ha and allegations were made about the contractor price gouging and over-inflating costs, every single incident that came to both the commissioner's and my knowledge was reviewed. Effectively, the department had an accountant or someone go

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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back and forensically look at every single invoice provided, in this instance, by Serco to the department for a prisoner transfer. My understanding is that the contract works on the basis that Serco cannot just make up a figure; it has to go out and get quotes—for example, for an air charter if it has to move a prisoner from A to B—and justify all of those, so that the price quoted by the contractor is its actual cost plus a small amount. It cannot artificially inflate that price to try to make more money from the department. It just does not happen. We reviewed all the estimates that came to the department. An awful lot of them were reviewed and, as I understand, there were no examples of its costs that could not be justified.

Off the top of my head and from memory, as an example, there was a prisoner transfer from Exmouth to Perth or Exmouth to Carnarvon or something like that, and when we went back and looked at this in hindsight, the quote was actually for three prisoners. There was an issue with a quote that I think the member for Warnbro may have come up with. He got an estimate on a particular aeroplane to go a certain distance; however, the standard on transferring a certain security-rated prisoner a longer distance required a bigger aeroplane with two doors and other different things that were not taken into account when the member came up with his comparison data. The member has to keep in mind that the safety of an operation like that is paramount. A certain plane was needed that also had to have a certain type of GPS tracking device so it could be tracked real-time when moving a high-security escort prisoner. All kinds of requirements were not considered when some of the numbers were thrown around.

Obviously, all the price charging and all the price quotes, or the estimates, provided by the contractor to the department before a movement is agreed to will be part of the review of the contract so that we can look into the future to ensure that we get the best value for money for the taxpayer. I think the commissioner may want to add to that.

**Mr J.F. McMahon:** Just quickly, because I want surety around this, part of the review is to do a benchmarking of costs of services provided through the contract. If I may say what the minister was referring to, internally we got our contracts department to look over that and double-check. Operationally, the operations department says that transport needs to happen. It goes across to the contracts department that Damien heads up, and it does a review to make sure that it is in line with costs. Outside that, for whatever reason, I have not been comfortable with it and I want it with the Department of Finance. The benchmarking is one of the things I have asked for.

**Mr P. PAPALIA:** Did the minister's department conduct a direct comparison analysis of the cost of transferring prisoners to funerals in remote localities for G4S as opposed to Serco six months after Serco took responsibility for the contract in January 2005? The report was completed in January or February 2012.

**Mr J.M. FRANCIS:** I think I know what the member is getting at. I do not know about the report from then, but we certainly had a look at this maybe six months ago. It was not comparing apples with apples. I know the member said that he does not want to talk about transport in cars, but it was an essential ingredient of the new contract that Serco actually own, operate and maintain the vans, whereas it was separate for G4S. When the quote came in, we were not comparing apples with apples.

**Mr P. PAPALIA:** Has the minister read the report that I am talking about?

**Mr J.M. FRANCIS:** I am not quite sure which report the member is talking about. I will have to have a look at it.

**Mr P. PAPALIA:** It is the analysis or the comparison—the minute that resulted in a change to the rules for a funeral attendance because Serco was so massively more expensive.

**Mr J.M. FRANCIS:** I am not quite sure because I am not quite sure of the report the member is talking about. I will have to ask for a copy and have another look at it. Certainly, with some of the other things, cost is not the only consideration when we are determining whether it is appropriate to send a prisoner to a funeral. There was another case in the media about six months ago in which the department decided not to send someone to a funeral. The allegation was that it was because of the excessive cost, but, actually, regardless of the cost, it was never going to happen because it was determined that the prisoner would have been at the funeral in the company of children who were victims of his sex offending. Therefore, a lot of other considerations, other than just the cost, are put in place by the commissioner when determining whether to allow someone to go to a funeral.

**Mr P. PAPALIA:** With respect to the same contract and the same dot point, I understand that there is a baseline cost for the contract and then these funeral transfers and hospital sits are in excess of that contract; is that right? How much in excess of the contract was the cost of all those funeral transfers and hospital sits last financial year?

**Mr J.M. FRANCIS:** I will probably be better off taking this on notice because there are two separate issues here. If the member wants to talk about hospital sits, there is a rate of the number of hospital sits a day. There are

Chairman; Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Mr Roger Cook; Mr Sean L'Estrange; Mr Bill Johnston; Mr Rob Johnson; Mr David Templeman

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different bands, but there is a rate of hospital sits a day that is currently in the contract. If it goes beyond that, the rate changes or the department uses departmental officers to do the transport and hospital sits. That is certainly a limit that is set at different bands in the contract and that will obviously be part of the consideration and review of the contract. That is no great secret.

**Mr P. PAPALIA:** As supplementary information, is the minister able to provide the number of occasions across the prison system in which the extent of Serco's contract for hospital sits has been reached or, for some other reason, Serco was not able to provide the service and as a consequence the department undertook the job? How many times did that occur? Does the department calculate the cost of that to the system or does it just absorb it?

**Mr J.M. FRANCIS:** Yes; I will get the supplementary information. But from my understanding—the commissioner will correct me if I am wrong—in the instances that the department has to do either the transfer or sit, we generally use prison officers on overtime, which has a more inherent cost. I am happy to provide the information that the member asked for. I am watching the clock because this happens every year.

**Mr P. PAPALIA:** I want the number of occasions when hospital sits were effectively done by department staff as opposed to Serco and what the incurred cost was as a result.

**The CHAIRMAN:** Can the minister outline what he has agreed to provide as supplementary information.

**Mr J.M. FRANCIS:** Certainly, I agree to provide the member for Warnbro, by supplementary information, a breakdown over this financial year of the number of times that department staff have conducted hospital sits and transfers over and above those provided by the contractor Serco.

*[Supplementary Information No A46.]*

**Ms M.M. QUIRK:** The minister mentioned a number of reviews today and I was wondering whether the minister could, by way of supplementary information, provide a list of the current reviews that are being undertaken within the department.

**Mr J.M. FRANCIS:** That is easy, certainly.

**The CHAIRMAN:** Minister, can you outline what you have agreed to provide.

**Mr J.M. FRANCIS:** To outline, I undertake to provide the member for Girrawheen, by way of supplementary information, the number of reviews currently being undertaken by the Department of Corrective Services.

**Ms M.M. QUIRK:** Could the minister include the dates that he is anticipating they will conclude?

**Mr J.M. FRANCIS:** Certainly.

*[Supplementary Information No A47.]*

**The appropriation was recommended.**

[12.50 pm]