

*Standing Committee on Public Administration — Twenty-sixth Report —
“Transport of Persons in Custody” — Motion*

Resumed from 24 August on the following motion moved by Hon Amber-Jade Sanderson —

That the report be noted.

Hon LIZ BEHJAT: I rise to make my comments on the twenty-sixth report of the Standing Committee on Public Administration entitled “Transport of Persons in Custody”. The last time members looked at this report after its tabling on 21 June, Hon Amber-Jade Sanderson, a member of that committee, made her stunning contribution. Members might wonder why then there has been no further discussion on this report and why this place has deferred debate until now, 7 September.

Of course, as we find with these committee reports now, once we table them they come on for debate very quickly. The fact that the government has two months to respond to a report and we are time limited in our responses to these reports, it makes more sense that we wait until the government response is available for us to have a discussion. However, on this occasion, I have to say, I do not know why we bothered waiting for the government response, because I am sorry to say that the government response to this report can hardly be called a response. It is an acknowledgment of a copy of a report—an inquiry that was undertaken by a very hardworking committee of this Legislative Council. Members know, from the time that I have spent here, how much I believe in a strong committee system. The Standing Committee on Public Administration is an incredibly hardworking committee made up of myself as the Chair, Hon Darren West as the Deputy Chair, Hon Amber-Jade Sanderson, Hon Jacqui Boydell and Hon Nigel Hallett. The committee has undertaken a number of reviews during this Parliament, and the reports that we have handed down have been quite wideranging on a number of topics. I will not go into the genesis of the “Transport of Persons in Custody” report, because my colleague Hon Amber-Jade Sanderson in her contribution on 22 June gave a very good outline of how the report came about, so I will not repeat it myself. But it is interesting that this is a prime example of the provision of information to Parliament on the day that we have also been debating the “Provision of Information to the Parliament” report handed down by the Standing Committee on Estimates and Financial Operations. For a short time I was on that committee during that inquiry so I am quite familiar with what was in that report. Some of the words we used as a committee to the response we received are that we have been treated with disdain. That is a strong word, but I really feel that that is what happened in this instance. The report was in no way damning of the government; it was not highly critical of the government. It was a very good report that could be used by government to inform itself on the new contract that is to be handed out for court security and custodial services. We know now that the tender process has finished and that a company other than the company that currently holds the contract has been awarded a new contract. Good luck to the new company and I hope that its negotiations with the department are very fruitful and that the company may choose to avail itself of a copy of our report so that in its negotiations with the government it may want to consider some of those things that we brought to the attention of the minister. The report took an inordinate amount of time. A lot of the committee’s time was taken up trying to obtain information from the relevant department of certain documents and Parliament itself was being treated as though perhaps we were going to sensationalise or spread whatever was in that document publicly, even though a number of assurances were given that we would undertake to keep the information private. That did not happen; therefore a long time was spent on this report. If members take the time to look at it, they will see that its recommendations about how the future contract could be undertaken are very good. For instance, one of the issues brought to our attention—we make note of it in the report—relates to the Perth watch house and the Magistrates Court at the Northbridge police complex. Recommendation 9 states —

The Committee recommends that the Magistrates Court at the Northbridge Police Complex be funded to operate seven days per week.

From evidence given to us during the course of the inquiry, we know that when it was first introduced, it was always intended that this court would operate for six days a week—I think that was in 2014—but the reality is that it operates for only two days over the weekend. It is operating very successfully, I might say. We would ask ourselves the question: why is it not being utilised? In the course of inquiry we found that the double handling of transporting persons in custody from the watch house down to either the Central Law Courts or other courts if they had to appear in Armadale or Rockingham or wherever it might be, added significant costs and also increased the risks taken in transporting not only the person in custody, but also the people who undertake the transportation. We were of the opinion and made a recommendation that the court should operate seven days a week. The recommendation states —

The Committee recommends that the Magistrates Court at the Northbridge Police Complex be funded to operate seven days per week.

The government response to that reads —

The funding and operation of the Magistrates Court at the Northbridge Police Complex is a matter for consideration by the Attorney General.

End of story. That is the response. It is not a response; it is a throwaway line and a throwaway comment given to a committee that has put a lot of thought and effort into analysing the issues surrounding the transport of persons in custody. To be told that it is a matter for consideration by the Attorney General sorry is not good enough. The Attorney General and I have a very great relationship, but I do not think that the Attorney General sits at night-time trawling through government responses to committee reports to find out what more he can do and what work he needs to do. Did the Minister for Corrective Services even raise the issue with the Attorney General? I do not know because, like him, I have other things on my mind at the moment to even have that conversation. However, watch this space; something else may happen to that. It is incumbent on governments of any persuasion to take committee reports seriously. These are non-political, nonpartisan committees. We know that the make-up of the committees sometimes creates issues that will go backwards and forwards behind closed doors, and that is the purpose of good debate—to try to find a way to work these things out so that it is not taken up on the floor of this chamber. But what is the point of spending our time doing that in good faith to try to find a better way to do something? In Western Australia, quite frankly, the degree of political difference between the parties is minimal; we all know that. Nine times out of 10 we tend to agree with what the other says and our differences arise in some minor nuances and philosophical ideas. If this is the way that the committee system of Parliament is going to be treated by the executive in its responses, we may as well disband committees, because we all have better things to do with our time on Mondays or Wednesdays or whenever it is the committees meet. Do not forget that committees are dedicated to what they do. We do not just meet for a half an hour once a week and quickly get through things; committees meet for hours on end. Committees meet during non-sitting weeks and they give up their time to look at site inspections or whatever it might be. They are not junkets, I can assure members, and this certainly was not. Going to Casuarina Prison, the police complex and other prisons and the Central Law Courts et cetera in the course of this inquiry informed us. It made us better informed to put forward recommendations for the next time that contract is awarded.

The CHAIR: The question is that the report be noted. Hon Liz Behjat.

Hon LIZ BEHJAT: Thank you, Madam Chair. How can we best utilise taxpayer funds for the administration of this, when it is a good idea to have other people come in and manage the transport of persons in custody? I am all in favour of doing that, but it has to be done in a very efficient way. This report could have been, and still could be, one would hope, part of the blueprint for the new contract for how those services might be better provided.

I would like at this point to thank all members of the committee who were with us during this very long journey. It was 26 November 2014 when we resolved to initiate this inquiry and it is now 7 September 2016, so that is almost two years. I mentioned that Hon Amber-Jade Sanderson was a member of the committee; she took time off from the committee at one point when she was having her son, Hugo, and we were joined by Hon Sally Talbot from August 2015 to February 2016, and I also thank Hon Sally Talbot for her contribution to the committee inquiry. When we started the inquiry our advisory officer was Dr Julia Lawrinson—members will recall that Dr Lawrinson was one of our advisory officers at the committee office at the time—and our committee clerk was Tracey Sharpe, who has now moved on to another committee. When Dr Lawrinson left Parliament, we were joined by Felicity Mackie, our legal advisory officer and, more recently as our committee clerk, Clair Siva, who members might recall was a chamber attendant here with us for some time. Together that team worked very hard over a period of two years.

I would like particularly to thank Clair Siva. This is the first committee report she has been involved with and she did an admirable job. If members want to look at the report, there are some very good diagrams, especially on page 22. Probably the best way for me to talk about it is that a quite confusing governance working group was set up for this matter in 2014 comprising representatives from the Department of Corrective Services, the Department of the Attorney General, WA Police and Treasury. The working group met three times and then morphed into a joint management group for senior officers from the Department of Corrective Services, the Department of the Attorney General, WA Police and Treasury, and it was sort of split into two. That group then fell by the wayside and had a cross put through it. The director generals' governance group—the commissioners of the Department of Corrective Services and WA Police, the director general of the Department of the Attorney General, and the Under Treasurer met twice. When we suggested that they could perhaps meet more regularly, they responded that there was no point because the contract was under review. I am not sure why governance would not continue whilst the tender and review processes were continuing, and that was something that baffled us at the time. When the joint management group had a cross put through it, the senior officers' group was formed, comprising the senior officers of the Department of Corrective Services, the Department of the Attorney General and WA Police. They were going to meet every quarter; they have met twice—once in June 2015, and once on 26 August 2015.

We were finding out about all that, and I mentioned Clair for the reason that we were very confused as to which group was going to be doing what and when, and who was going to meet with whom, so Clair came up with this very good diagram that has gone into the report. It has crosses and arrows all over it, and it is here on page 22; it is very confusing.

Finding 7 states —

The Committee finds that the Commissioner failed to fully explain the purpose and role of the Director Generals Governance Group and Senior Officers Group and that neither group has met since mid-2015.

Recommendation 7 states —

The Committee recommends that each of the Director Generals Governance Group and the Senior Officers Group meet regularly to ensure, in regard to any future contract, better communication and clarity for stakeholders.

All we ever really want in these things is communication and clarity around how these things work. The response was that the director generals' governance group had last met in September 2015 and that the tender process commenced shortly afterwards and was being led by a high-level project steering committee. I am not sure what that project steering committee was; it must be one of the committees we left off our diagram, because I do not think we actually heard about it during the course of our inquiry. I am not sure why we did not hear about that project steering committee, but it was for that reason that the DGGG had not met since that time, so there was no point in the Directors Generals Governance Group meeting during the entire time the tender process was underway. This mysterious project steering committee apparently met, but they did not want to tell us about that, or perhaps they just forgot about it when giving evidence to the committee. The response continued that it was anticipated that the group would reconvene after services commenced under the new contract. Is that the project steering committee, the Directors Generals Governance Group, the Joint Management Group or the Senior Officers Group? I am not quite sure which group is reconvening, but we might have to ask Clair to do another diagram for us later on to work that one out. The response continued that the board, comprising the chief executive officer of each client agency and contractor representatives, continues to meet on strategic and policy issues on a quarterly basis. Again, I am not quite sure where those meetings were taking place, because it was not something that was shared with us during the inquiry.

That is an example of the confusion that sometimes arises when bureaucrats appear in front of us in parliamentary committees. Outwardly they try to appear that they are being very forthright in the information they are giving, very willing to appear and very happy to give us information. But when we try to drill down into it when looking at the *Hansard* we wonder, "What did they actually say?" That is the confusing part, and we get to a point at which we have to have diagrams in reports with crosses and arrows in them, and we still do not know where we are. I urge all members to take these inquiries seriously. We are the Parliament of Western Australia and we represent everybody in Western Australia. It is not just interest groups; all the people of Western Australia are represented in this Parliament. We have a responsibility to those people that we will deliver good governance to them. If we are continually frustrated in that process by bureaucrats, it makes it very difficult, and I lay the blame firmly at the feet of the bureaucrats. I do not want to name and shame ministers; I do not think that is productive. It is the departments that sometimes are the ones to blame. We are all great fans of *Yes, Minister* and *Utopia* and other programs about government, and I do not think they are fictional programs; they are documentaries! We all know that that is exactly what happens; it is *Yes, Minister*, and of course that happens. I do not think it matters to the bureaucrats what colour of political persuasion the minister might have: "We are the ones who run this state, we are the ones who will let you know what you need to know." I think that is where the problem lies. It is time to get back to the fact that the Legislative Council needs to come down much harder and heavier and make sure that we get the information we require. We do not do this lightly; we ask for these things because at the time we ask for them, we think we need them. We can be trusted to keep things private. There are lots of things that go on around this place that we do not talk about, and we all know that, so for goodness sake, I urge future Parliaments to really go hard on that issue and ensure that our committee system stays very strong.

I will leave my contribution there for today; I still have a further contribution I can make at a later time, but I know other members also want to contribute. I commend the report to the house and thank all those involved with it.

Hon SIMON O'BRIEN: I thank the chairperson of this standing committee, Hon Liz Behjat, for speaking to the report in such a way that enables me to make this contribution in response. I am very glad that we have several ministers present, including the Leader of the House, because I was very disturbed by the theme of the member's comments. I was disturbed not only because of the content, which was, basically, about governments treating this place and the reports of standing committees in this place with contempt, but also because it is a story that

I have heard before. I know that I have heard it before because I have said it before and for all I know I was probably the only person listening on previous occasions when I have raised this! It heartened me greatly to hear that I am not an island in this matter and that others have observed it as well. On several levels Hon Liz Behjat is quite right to raise this matter. Firstly, she expressed her annoyance, and rightly so, that the hard work done by her colleagues on the Standing Committee on Public Administration, members of this place from all parties, and the staff—it is a very substantial establishment we have down the road there at 12 Parliament Place—could all have been for naught. That is the first thing that she raised. If it was all for naught, that is a very poor thing and we need to reassess what we are doing. I have previously raised similar concerns on behalf of my standing committee, the Uniform Legislation—sorry, the Standing Committee on Environment and Public Affairs. I had a flashback to happier times!

I felt the irritation and the annoyance of Hon Liz Behjat and I associate myself with it because I have felt it and indeed I have expressed it before. A committee that has perhaps been researching a matter for years presents a report that it has laboured over long and hard and that report is then apparently treated with some disdain. I have been a member of this place for quite a while and in a range of different capacities. I have had portfolio responsibilities, including responding to questions or standing committee reports or motions placed on notice in this place. I have had to manage bills through the processes of this place. I have seen what can come up from different agency officers and what we are meant to do. I know what we are meant to do when dealing with such matters in the Legislative Council. Therefore, it annoys me when I see a standing committee such as the Standing Committee on Public Administration being treated in the way its chairperson tells us it has been treated, partly because it is a waste of time and resources and partly because it is counterproductive in that the Parliament is failing to pick up on some independently formulated views that may assist in the better administration of the state after Western Australia.

I think it is a very great pity when some sort of institutional arrogance prevents a government from taking up those benefits and it just dismisses them because some blinkered bureaucrat somewhere knows better or has invested their time in pursuing a slightly different course of action; or some principal policy officer in a minister's office does not quite get it and so does not tweak the departmental advice that comes up to the minister; or some minister—I am not suggesting this is the case in this place, but who knows, it possibly happens from time to time—is so lazy or so stupid that they do not understand that when they are delivering a response to Parliament, the sensible thing to do is to make sure that they at least show some respect to Parliament so that they do not get members' noses out of joint. Because if a minister fails to do that and they do get members' noses out of joint, the minister could potentially make themselves a whole mess of trouble. The ministers whom we have in this place now would never make such a mistake, but perhaps they might like to give the benefit of their advice to some of their colleagues who evidently do feel inclined to make that mistake.

I thank the member for raising the matter because I feel that I am not some lone voice in the wilderness about this, so I genuinely thank her for that. I suspect that a heck of a lot of other people in this place think the same way about what Hon Liz Behjat and I have explained just now. I thank the member for bringing it up in this way, because it gives us the opportunity—not to let off steam, although that is always a nice thing—to possibly do something about it. The very first thing that we should do when we set aside an hour a sitting week, this hour, to look at committee reports, is to debate this very fundamental issue that has just been raised. I will sit down now and leave people to cogitate on that if they will, but I will tell members this: I will not let it lie, because I do not like to see members of this place serving on our committees and our staff who support us having their time wasted and being treated with contempt. I do not like it in any way, shape or form, but I particularly do not like it when this institution—Parliament—is treated with contempt. I am not going to stand for it and I am going to do something about it.

Some people who might be listening to this might like to get on the front foot and ask how we head this off at the pass and restore the faith of Parliament in our government. Again, we will see how many ministers have some brains, and I know we have plenty, such as the ones who are here. I am not implying in any way a slight on members who might inhabit some other place. Never would I do such a thing and incur your displeasure, Madam Chair, but if some ministers or others are so stupid that they need this message hammered into them, I think we ought to work out how we are going to hammer this message into them. Otherwise, this hour, and indeed all the hundreds and thousands of man-hours that go into preparing these reports, will be wasted. That is something that I have got out of this afternoon's hour on committee reports that gives me a way forward and, hopefully, we will not see our reports treated in this way in the future.

Hon JACQUI BOYDELL: As a member of the Standing Committee on Public Administration, I start my comments by thanking my fellow committee members. This was a particularly long and important inquiry. If we think back to the start of this inquiry, we remember that there were major concerns with Serco's operations and how the Department of Corrective Services was managing the contract and dealing with the transport of prisoners in custody. It was a topical and extremely important issue and the committee determined it would

undertake an investigation at that time. Not long after we commenced our inquiry, the minister announced that the government would re-tender the contract. The committee determined that was a good thing, because the committee's work could play an important role in the government's consideration of the issues. That was certainly a focus of mine, as a member of the committee, during the committee's deliberations on this inquiry.

During this inquiry the committee sought information from the minister on particular issues that came up. The committee considered the minister's concerns about duty of care and committee members understood that the government was going through a tender process and that there were potential conflicts of interest, and corporate and commercial confidentiality issues that must exist. We gave the minister every opportunity through every avenue we had to supply the information that some committee members felt they needed to determine an outcome in the inquiry, but our approach to the minister was to no avail. I understood that the public sector comparator was a contentious issue and did form part of the committee's inquiries, and although I felt that I did not particularly need that information to deliberate on the inquiry, the reason I am standing today to comment on that is that, as my fellow parliamentary colleagues Hon Liz Behjat and Hon Simon O'Brien have said, it is extremely important that it is put on the record for future committee inquiries that it was unconscionable in the way that the minister and his department, or whoever assisted him, reported on these recommendations to the house; it was diabolical. The process by which the minister, his office and his department dealt with the committee inquiry was, quite frankly, unacceptable.

This is not the first time as a member of the Standing Committee on Public Administration that I have been unhappy with the way a minister has dealt with the recommendations of the committee's report to the house. The minister's response brings me back to the recreational hunting inquiry. Members might recall I questioned whether the minister had even read the report. I still question that today, because the minister's response to the recommendation did not indicate that he understood any of the inquiry at all.

It is absolutely important to put on the record that the minister in this case had the opportunity to work with the committee. The committee understood all the processes and confidentiality issues that the minister had to deal with. We gave the minister every opportunity to utilise the committee as a tool so that he and his department could make a better decision around the tender process. The minister chose not to do that. Unfortunately, that reeks of some arrogance in the behaviour of not only the minister, but also his office and the department. It is important to put this on the record, because future ministers need to learn from that behaviour.

I hope that the preferred tenderer, Broadspectrum Australia Pty Ltd, reads the committee's report and takes into consideration some of the issues that it raised, because I can tell members that it will help Broadspectrum deal with the risk management issues that the committee uncovered as a result of its inquiries. I hope it reads the report. I encourage it to read it. It will perform its operations in a much more financially beneficial manner and be better partners in that contract with government as a result. It is unfortunate that government has not seen fit to respond to the committee's recommendations in a responsible and reasonable manner, as one would expect from a minister of the Crown in Western Australia.

Question put and passed.

Progress reported, pursuant to standing orders.