

Division 33: Office of the Inspector of Custodial Services, \$3 676 000 —

Mr S.J. Price, Chair.

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

Mr E. Ryan, Inspector of Custodial Services.

Mr D. Ferguson, Deputy Inspector.

Mr D. Summers, Manager, Corporate Governance.

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

Mr B. McShanag, Principal Policy Adviser.

Mr J. Stephens, Senior Policy Adviser.

[Witnesses introduced.]

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

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

Leader of the Opposition, do you have a question?

Ms M.J. DAVIES: I am on page 505 of budget paper No 2, volume 2. Just under the heading “Inspection and Review of Custodial Services”, which comes under the key efficiencies indicators, is the total cost of service. The minister might tell me that I have missed my chance, but I have a question about the report that has been handed down. Should I have asked it in the previous division?

Mr W.J. JOHNSTON: Yes.

Ms M.J. DAVIES: Never mind. Perhaps the minister could explain how many reports like this are done throughout the year, how it is anticipated that they are done and how those reports are prioritised.

[6.30 pm]

Mr W.J. JOHNSTON: I invite Mr Ryan to comment.

Mr E. Ryan: Thank you, minister. Our legislation requires that we inspect every prison and the youth detention and court custody centres once every three years, so there is a rolling process of inspection that we keep up with, which results in prison inspection reports every three years, and seven in one year. In addition to that, we have a review function that allows us to do essentially thematic-type reviews. There is no statutory number prescribed for that, so that can vary. Our target is usually two or three reports a year. This year we will probably publish four, which will be unusual. That is essentially the rolling program. Our target is nine and we will produce sometimes eight, and this year we will produce 11 reports.

Ms M.J. DAVIES: Mr Ryan mentioned that number is unusual. Can the minister explain what has led to the higher number of reports?

Mr W.J. JOHNSTON: Certainly. I just emphasise that the inspector is independent of the government and makes his own decisions. Having said that, I asked him to do a particular review, which I am able to do under the legislation, but other than that one, they are all the inspector’s decision.

Mr E. Ryan: This year we are doing our normal inspection round. We did an additional inspection into the Banksia Hill Detention Centre, which was published in April, so that is an additional report. We have changed the way we do thematic reviews. We are trying to do shorter, sharper reports rather than a long 50 or 60-page report. We are trying to produce reports that still cover the issues, still do the depth of analysis, but we are looking at 30 to 40 pages. With those changes and a little bit of a change in philosophy, we have been able to produce more thematic reviews in the last year, particularly this year. That is the reason we are tabling 11 reports. Ordinarily we would have tabled 10, but for the Banksia Hill inspection, which is only one more than our KPI target.

Ms M.J. DAVIES: When the inspector says the office does an inspection, can he explain what it is that it does?

Mr E. Ryan: In our inspections we have free and unfettered access to everybody and everything within a prison. There is no set process. If the member would like, I can elaborate a little on our methodology. Our office has been going for 20 years, so our inspection methodology is tried and proven.

It basically starts with an announcement that we are going to inspect a prison. That is required in the act. We have to publish the upcoming inspections in our annual report. We do a detailed document request to the department, gathering all sorts of information—about the number of prisoners, the programs, education, staffing and so on and so forth. There is a whole range of data. We do pre-inspection surveys of staff, which is an online survey. We do in-person surveys of prisoners, so we go to the prison and do surveys. We also have the Independent Visitors Service, which is community volunteers appointed by the minister to undertake visits to prisons, listen to prisoners, take complaints and those sorts of things, and we do an analysis of its work. All that work is aggregated and informs our inspection plan. We also have meetings with community providers; for example, Wungening Aboriginal Corporation, which goes in and provides services to the prison, and that is included in the regions. We have community consultation meetings with those providers just to see how their engagement level is with the prison. All that is fed into an inspection plan.

There is an onsite inspection process. We take in a team of between four and six people, but it could be 10 for some of the bigger prisons. We often bring in experts. For two recent inspections in the last year we brought in a forensic psychiatrist because we had a particular focus on mental health. We go to the prison, and we get free and unfettered access. We can look at everything and everybody. We have meetings: general meetings with staff; specific meetings with staff; and meetings with cohorts of prisoners like peer support prisoners, prisoners due for release and prisoners undertaking programs. All that then goes into detailed note-taking and reporting within the team, and gets fed into the report that will ultimately be tabled in this place.

Ms M.J. DAVIES: On page 504 of budget paper No 2, volume 2, under “Service Summary” is the inspection and review of custodial services. My note says that Roebourne Regional Prison was last scheduled for inspection in March. Did that occur? How long is it typically between the inspection and provision of the report and when we are likely to see the outcome of that report?

Mr E. Ryan: Yes, the inspection did go ahead and we are in the process of drafting the inspection report. Traditionally, it takes about four to four and a half months to draft the report. Then we are obliged to give it to the department for comment. The department reads the draft report and looks at the factual analysis and drafts recommendations. If there are any other parties beyond the department—for example, Acacia Prison—we provide a copy to the private service provider. There is a standard process for response and a five-week deadline for that response to come back. Ultimately, the reports probably take a little over five months to be prepared. Our legislation requires that once the report is finalised, it lays with the Speaker and the President of the two houses for 30 days before it is actually tabled. That adds an additional month at the end of the publication. It is around six months.

Mr H.T. JONES: I refer to budget paper No 2, volume 2, page 503, “Significant Issues Impacting the Agency” and paragraph 2 at the bottom. It says that the office has been nominated as a national preventive mechanism as part of the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Can the minister provide an update on this?

Mr W.J. JOHNSTON: Excellent question there, member. OPCAT is the process that we were engaging with the commonwealth government on and it has been delayed 12 months. The commonwealth has indicated that it will ask the UN to delay the implementation of OPCAT in Australia by 12 months. I wrote to the previous government asking a series of questions about how it was going to manage OPCAT inspections in commonwealth detention facilities because we were keen to copy its procedures. It advised us that if an inspector wants to do an unannounced inspection of a state detention facility, they have to be admitted to the prison or other facility within 15 minutes of their arrival, which would be very difficult to allow to occur. Could members imagine, on a Saturday afternoon, a bunch of people walk into a prison with a card saying, “I am from the United Nations, let me in.” In the same way as Mr Ryan’s inspectors coordinate to get access, it would be difficult for us to have that. We were surprised to find that the commonwealth’s intention is that it would allow unannounced inspections of commonwealth facilities because it has immigration detention facilities. We had this unusual situation in that the commonwealth was expecting us to meet a standard that it would not be applying to itself.

[6.40 pm]

Of course, Western Australia is the first state to have the national preventive mechanism, which is the inspector in conjunction with the Ombudsman. We were the first state to get ourselves ready for that. That will expand the role of the inspector because there are facilities that are not prisons and not detention facilities but are still places of detention—for example, police cells or the courts’ infrastructure and other thing like that. I think the courts fall within the Inspector of Custodial Services, but police cells do not. It will expand the inspector’s responsibilities but only in respect of the OPCAT obligations, so we are surprised. We look forward to working cooperatively with the

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new federal government on these things because we want to meet the commitments that Australia is entering into with the United Nations, but we would like to have a better understanding of how these things should be done.

The CHAIR: Any questions, Leader of the Opposition?

Ms M.J. DAVIES: No.

The CHAIR: Excellent.

The appropriation was recommended.