

INDONESIAN PRISONERS — STATISTICS

5034. Hon Alison Xamon to the Minister for Finance representing the Minister for Corrective Services

I refer to the Indonesians in custody in Western Australian adult prisons for so called 'people smuggling' offences, and I ask —

- (1) In each of the following prisons, how many Indonesian prisoners are currently or have previously been 'employed' to work in accordance with Part V Prison Regulations 1982 —
 - (a) Acacia Prison;
 - (b) Albany Regional Prison;
 - (c) Bandyup Women's Prison;
 - (d) Boronia Pre-release Centre for Women;
 - (e) Broome Regional Prison;
 - (f) Bunbury Regional Prison;
 - (g) Casuarina Prison;
 - (h) Eastern Goldfields Regional Prison;
 - (i) Greenough Regional Prison;
 - (j) Hakea Prison;
 - (k) Karnet Prison Farm;
 - (l) Pardelup Prison Farm;
 - (m) Roebourne Regional Prison;
 - (n) West Kimberley Regional Prison; and
 - (o) Wooroloo Prison Farm?
- (2) Of the prisoners referred to in question (1) —
 - (a) how many are/were on remand at the time they were 'employed' to work in the prison; and
 - (b) how many have/had been sentenced by a court of law at the time they were 'employed' to work in the prison?
- (3) Taking into account regulation 43(2) and (3) of Prison Regulations 1982, can the Minister confirm whether any of the prisoners referred to in (2)(a) were asked to or made to work before formally applying in writing to the superintendent?
- (4) How much money is currently being held by the Department of Corrective Services for Indonesian prisoners who —
 - (a) are currently imprisoned in Western Australia; or
 - (b) were formerly imprisoned in Western Australia but have since been released?
- (5) Is the Department of Corrective Services bound by the directive that was issued by the Commonwealth Attorney General's department directing State and Territory authorities to cease transfers of money earned by Indonesian prisoners?
- (6) If yes to (5), why?
- (7) If no to (5), please explain why this directive was followed.
- (8) Is the Minister aware that, pursuant to regulation 50 of the Prisons Regulations 1982, the money being held by the Department for former prisoners must be made available to the prisoner upon their discharge, and that any money currently being held for former Indonesian prisoners, as referred to in (4)(b), is being held contrary to that regulation? (9) Has a review of Policy Directive 69 — Management of Prisoners' Money been commenced?

Hon SIMON O'BRIEN replied:

- (1) As at 10 January 2012, Indonesian prisoners were employed at the following prisons.
 - (a) Acacia Prison: Nil.

- (b) Albany Regional Prison: 49.
 - (c) Bandyup Women's Prison: Nil.
 - (d) Boronia Pre-release Centre for Women: Nil.
 - (e) Broome Regional Prison: Nine.
 - (f) Bunbury Regional Prison: Nil.
 - (g) Casuarina Prison: Nil.
 - (h) Eastern Goldfields Regional Prison: 10.
 - (i) Greenough Regional Prison: Nil.
 - (j) Hakea Prison: 15.
 - (k) Karnet Prison Farm: Nil.
 - (l) Pardelup Prison Farm: 33.
 - (m) Roebourne Regional Prison: Nil.
 - (n) West Kimberley Regional Prison: Nil.
 - (o) Wooroloo Prison Farm: Four.
- (2) (a) As at 10 January 2012, 120 Indonesian prisoners were employed throughout Western Australian (WA) prisons. Of these, 22 were on remand.
- (b) As at 10 January 2012, 120 Indonesian prisoners were employed throughout WA prisons. Of these, 98 were sentenced.
- (3) As per the Section 43(2) and (3) of the Prisons Regulations 1982:
- “(2) A prisoner on remand shall not be required to work.*
- (3) A prisoner on remand may apply in writing to the superintendent to work and, if such application is granted, the prisoner may, be employed in the prison in which he is confined, and be credited with gratuities accordingly.”*
- Overall, it is usual practice for verbal communication to the prisoner to be given the opportunity to work during the orientation session on admission to the prison system. During the orientation process, a form (C101) is completed by the orientation officer and the prisoners are advised of employment opportunities within the prison.
- In the case of an Indonesian prisoner who does not understand English, a fellow Indonesian prisoner who is able to interpret will be utilised for this purpose and the orientation officer will ensure the prisoner understands the opportunities available to him.
- (4) (a) As at 31 January 2012, the total amount of money being held by the Department of Corrective Services (the Department) for Indonesian prisoners whose most serious charge/offence is recorded as 'people smuggling' was \$40 255.68.
- (b) As at 24 February 2012, the total amount of money still being held by the Department for Indonesian prisoners who were released between 1 March 1997 to 31 January 2012 and whose most serious charge/offence is recorded as 'people smuggling' is \$897.90.
- (5) No.
- (6) Not applicable.
- (7) The Department received a request from the Commonwealth Attorney- General's Department to prevent individuals charged with 'people smuggling/illegal fishing' offences from attempting to remit money overseas until the Department of Immigration and Citizenship (DIAC) can issue a notice to garnish their earnings (Garnishee Notice).

The Attorney General's request, which was in line with Section 262 of the Migration Act 1958, states that a person who is in immigration detention and is convicted of certain offences (including people smuggling and illegal fishing) owes a debt to the Commonwealth for their detention costs and the Commonwealth can issue a Garnishee Notice under section 264 of the Migration Act 1958 requiring the prison superintendent to garnishee or freeze a specified amount of the prisoner's gratuity earnings in order to recover the debt.

In keeping with the intent of a Garnishee Notice, the Department has honoured the request by exercising the powers provided in Section 48(2) of the Prisons Regulations 1982;

“Notwithstanding any thing in regulation 47, the chief executive officer may determine that, subject to any further direction given by the chief executive officer in relation to any specified circumstances, gratuities credited to prisoners shall be retained in the account of the prisoner to such extent as is specified by the chief executive officer.”

Therefore, prisoners in custody for reasons of ‘people smuggling’ or illegal fishing are not permitted to:

- Transfer gratuity earnings outside of the prison
 - Transfer gratuity earnings to another prisoner.
- (8) In the absence of a Garnishee Notice upon the prisoners’ release, all money held on their behalf is and will be made available to them upon discharge or as soon as practicable thereafter as per Section 50 of the Prisons Regulations 1982.
- (9) Policy Directive 69 (Management of Prisoner’s Money) has been identified as requiring review, however the review has not commenced at this time.