

PEOPLE SMUGGLING — DETAINEES AWAITING TRIAL

**206. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:**

- (1) Can the Minister for Corrective Services please confirm how many people are currently being detained in WA adult prisons and juvenile detention awaiting trial for so-called people-smuggling offences?
- (2) Can the Minister for Corrective Services confirm that, of those detainees currently waiting trial —
  - (a) all have had the opportunity to receive legal advice;
  - (b) the relevant consul has been consulted at the point of detention; and
  - (c) all currently being detained are 18 years and over?
- (3) Can the Minister for Corrective Services please confirm whether the age of any of the detainees awaiting trial is currently under dispute; and, if so, whether the nature of the dispute is whether the detainee is an adult or a juvenile?

**Hon SIMON O'BRIEN replied:**

I thank the honourable member for some notice of this question.

- (1) As at 2400 hours on 22 March 2011, 70 adult and zero juvenile prisoners or detainees were awaiting trial or awaiting sentencing following conviction for people-smuggling charges.
- (2)
  - (a) The provision of legal advice is not a prison service. However, the receiving prison provides assistance to facilitate prisoner access to legal advice; that is, to initiate calls, to provide translation services and to coordinate visit times.
  - (b) As a matter of process, when a prisoner identifies himself or herself as other than an Australian citizen, the receiving prison informs the prisoner that they are entitled to notify their respective consulate that they have been arrested. The prison further initiates a free telephone call for the prisoner to do so, and will assist with coordinating a visit from a consular representative, if required. In the instance of Indonesian people smugglers, the consulate maintains regular contact with the respective prisons where they are incarcerated.
  - (c) As at 24 March 2011, the Department of Corrective Services is not aware of any individual who has been confirmed as under 18 years of age. Please note that the Australian Federal Police have advised that in instances when age comes into question, bone density age verifications are undertaken prior to arrest. The department relies upon this information, as well as relevant documentation supplied by the courts, to ensure that remanded prisoners are 18 years of age or older. At present, none of the information provided by the AFP or the courts indicates that any prisoner currently held on remand on people-smuggling charges is under 18 years of age.
- (3) Additional time is required to respond to this question and I therefore invite the member to place it on notice.