

**Division 27: Justice — Services 9 and 10, Corrective Services, \$1 147 214 000 —**

Mr S.J. Price, Chair.

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

Dr A. Tomison, Director General.

Mr T. Clark, Deputy Director General.

Mr J. August, Deputy Director General.

Ms C. Ginbey, Acting Commissioner.

Mr D. Brampton, Deputy Commissioner.

Mr A. Beck, Deputy Commissioner.

Mr M. Hainsworth, Executive Director.

Ms G. Hill, Executive Director.

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

Mr R. Verne, Principal Policy Adviser.

Ms E. Meagher, Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard and the daily proof 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 those details. Some divisions are the responsibility of more than one minister. Ministers shall be examined only 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 noon on Friday, 2 June 2023. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

Do we have any questions? I give the call to the Leader of the Opposition.

**Mr R.S. LOVE:** Well done, all of you, for hanging around until this last hour of our estimates hearings!

I refer to page 416 of budget paper No 2 and paragraph 6 under “Significant Issues Impacting the Agency”, which refers to the infrastructure upgrades at the Banksia Hill Detention Centre continuing to be undertaken to strengthen security and so on. We know that in the interim period, until that infrastructure is completed, some detainees are being transferred to unit 18. Can the minister inform me about the operational capacity of unit 18 and how much longer he expects it will be required?

**Mr W.J. JOHNSTON:** I note that unit 18 and Banksia Hill are separate facilities. The total number of beds at unit 18 is 128. We would not use all those beds, but that is its capacity.

**Mr R.S. LOVE:** What is the operational capacity of that facility, with the staffing et cetera?

**Mr W.J. JOHNSTON:** The number of staff relates to the number of detainees. At the moment I think there are 15 detainees there, but if we had 30, we would have more staff there. That is the purpose of having the higher security unit—so that people who are difficult to handle can be handled in a more secure environment. The Jasper unit is the one that we are rebuilding at Banksia Hill to make it more secure. We have already changed the configuration of some of the cells at the intensive support unit so that they are more secure. We know they are very secure because it has been a trial by fire, if you will, and we are applying the same technology to the Jasper unit cells. We are also applying treatments to make sure people cannot climb onto the roof. The building was constructed to code, but the original configuration of the Jasper unit could not cope with the nature of detainees now.

I emphasise that when the member for Central Wheatbelt was a minister, there were about 180 people in detention at Banksia Hill; there are now fewer than 100 across the two facilities. When there were almost 200 people there, there were probably 50 who were difficult to manage, but that meant that one-quarter of the cohort was difficult to manage. We now have about 95 people in detention, but we still have 50 who are difficult to manage, so proportionally there are many more difficult-to-manage people within the cohort. It is very difficult to manage Banksia Hill and we are looking forward to being able to return the detainees from unit 18 to Banksia Hill. Of course, the damage caused in the riot has delayed that. I have told the media and the Parliament; I cannot remember whether it was the member

or someone else who asked me the question, but I explained that here in the chamber. We are being as transparent as we can on all these challenges. We are still going through the recovery mode. If the member wants me to, I will ask the director general to report on how we are going with recovery, if that is helpful. He is nodding, so I will invite the director general to talk about the recovery.

**Dr A. Tomison:** We had a significant incident on 9 May. It took 12 hours to bring the facility fully under control. We had support from police, the Fire and Emergency Services Authority, St John Ambulance and the Special Operations Group. Our own internal group was also involved in reclaiming security or taking back the site. Since then, we have spent time on recovery around how we are actually going to manage that site. That has taken some time to work out. The clean-up of debris is 100 per cent completed now. We have structural engineers coming in to look at two units where we are concerned about the nature of the damage that was done there, and we have had other assessments done. For example, work is beginning on glazing to fix windows in the medical centre. We have also done air testing to make sure that the units are safe for young people to be detained in appropriately. This is all work that we have been doing.

We have actually set up a prioritisation of areas that have to be fixed at Banksia Hill and we are engaging with integrating that into existing works we were doing that was funded by government to, as the minister said, harden the ISU and to harden the Jasper unit to make them more fit for purpose with the modern cohort of detainees that we currently have. There is ongoing work to put in place anti-scale fencing and anti-scale eave treatments for some of the units; the cell hardening mentioned by the minister; fencing upgrades to other areas of the site; and putting in place a temporary fence to block off some of the damaged areas on the site that were affected on the night.

Most of the units are actually okay for detainees to utilise. In the last week and a half we have actually brought a lot more of the units back online. Some of the infrastructure we need to operate effectively, such as an admission centre, some areas of education and some areas in the medical unit, were initially damaged. Some of that has been repaired already.

Other work is underway to bring those units back as soon as we can. That is essentially what we are doing. We are in the process of bringing in about 40 contractors a day to do the work. To do it safely, we have a special operations group and others on site to allow that work to continue.

At the moment, I think three detainees have been transferred from Banksia Hill to unit 18 since the event on 9 May. The vast majority of detainees who were on site are still at Banksia Hill. They were housed in separate units whilst we checked other units that had been damaged. As the units are being rectified, we are providing better cohort management, I guess you would call it. That is where we are up to at the moment. It has been only a week and a half since the event. The acting commissioner can also talk to how we use our capacity, if that would be helpful.

[9.00 pm]

**Ms C. Ginbey:** There were already significant works being undertaken at Banksia Hill. We had two units offline so that those works could be undertaken. The total cell capacity at Banksia Hill prior to 9 May was 220. As of today, there are 112 cells offline. That gives us 108 usable cells. Due to the number of young people we have, we are very fortunate to still have empty cells at Banksia Hill. Some of those closed wings are able to be brought online relatively quickly because the works were very well advanced and they were not damaged at all in the incidents on 9 May.

**Mr R.S. LOVE:** I probably have a few questions following from that. Thank you for that good background on the situation. First of all, the minister and director general both spoke about typical cohorts. Given that there were reports that some older people were involved in the riot, is there a thought that the minister may seek to transfer those over the age of 18 through an application under the existing arrangements before the bill that is before the Parliament completes its process?

**Mr W.J. JOHNSTON:** I thank the member for the question. Those over the age of 18 who were involved in the riot will be charged as adults. If they were involved in a crime, they will end up in prison, because they will be charged and dealt with as an adult. To the extent that over-18s were involved in the riot, they will sort themselves out.

The member spoke about the challenge of making the application. I referred to this in my second reading speech and in an answer to a question from the member for Central Wheatbelt last week. That is a process in which when an application is made, the transfer has to be justified, and it is then the decision of the court about whether the transfer will occur. That is a separate and unrelated issue to the policy question of whether adults should be in a juvenile facility. We are not currently contemplating that type of application—we might—because it deals with different issues than the question that we are confronting, which is that we want to have adults in the adult facility, like the majority of other states do. That is exactly as I outlined in my second reading speech.

**Mr R.S. LOVE:** So the answer is that the minister will not seek to move any others, other than those directly related to the riot?

**Mr W.J. JOHNSTON:** That is correct. The current legislation contemplates adults being held at a youth detention facility. I understand that that is the way the legislation is written, and that when the courts deal with an application, they deal with it in the context that the legislation expects that adults will be at the detention facility. That is a different question to the policy outcome that we are seeking, which is that no adults be there. It is a completely unrelated issue. I know that it gets confused and I do not criticise people for that confusion, but it is actually not the same issue. The legislation says that if someone is sentenced as a junior, they stay at Banksia Hill. That is the purpose of the legislation. There has to be some extraordinary reason to move. However, that is not the right approach. The right approach is to say that adults do not belong in a detention facility for juveniles. It is not a question of the view of the court, because the court will weigh the issues in respect of the existing legislation. We are going to change the legislation and it will no longer be a question of balance; it will no longer be on this hand and that hand, it will be like in the majority of other states in which if a person is an adult, they will stay in the adult facility.

**Mr R.S. LOVE:** When was the last time the court actually refused an application?

**Mr W.J. JOHNSTON:** I am not aware, but that is not the issue because, again, that is a matter of discretion. The current legislation says that a person sentenced as a minor should stay even when they are an adult. I do not agree with that. If the member does not want to support that legislation, he should vote against it, but it is a completely unrelated issue to the current legislation. The current legislation states that the person is expected to stay unless there is a compelling reason to move. What we are going to do is say that a person will move unless they have a compelling reason to stay. An example of a compelling reason to stay might be that a person who is 17 is on remand and is going to be released within a month of turning 18. That is an example that the new legislation will provide for.

If someone is 18 and they burn down the place, they will go to jail anyway. The law does not need to be changed for that, because they will be charged for burning it down. It is not relevant to the question that we are proposing. As I said, if the member does not agree with the government, he can vote against the legislation; that is up to him. However, if he thinks that adults belong in prison and young people in a youth offender facility, he should support the legislation.

**Mr R.S. LOVE:** This is not a discussion of philosophy, but about settling the situation at Banksia Hill. If the minister believes there is value in moving the 18-year-olds and older persons out, why is the minister not making use of the opportunity that exists under the current law?

**Mr W.J. JOHNSTON:** Because it does not help it. I do not know that we are dealing with the budget, but I make the point here —

**The CHAIR:** I am pretty sure we are not.

**Mr W.J. JOHNSTON:** I am happy to have this conversation, but the member is missing the point. The member has to understand that, at the moment, in terms of the 14 adults in Banksia Hill, that is what the legislation requires. I am saying that is wrong. The member is saying that is right. He is saying that adults —

**Mr R.S. LOVE:** I am not saying that at all. I am saying that if the minister has the opportunity to use the law that exists instead of waiting for this all to go through Parliament, he should.

**Mr W.J. JOHNSTON:** No. The member needs to read the legislation. I think we have gone as far as we should because it is not related to the budget. I suggest that the member actually reads the existing law, and he will see that what he is saying is not correct. The law contemplates that the adults stay, unless there is something happening. We are saying that that is not correct. Adults should be in the adult facility and young people in the young people's facility. That is what it is about. The question of the legislation is not about that; it is about another set of other issues. Go and read the act!

**Mr R.S. LOVE:** The minister says that they should not be there, but he is not going to act to remove them.

**Mr W.J. JOHNSTON:** No. The member is clearly not listening to me. I am sorry; the member needs to listen to what I am saying. The legislation now says that the 18-year-old, 19-year-old and 20-year-old belong at Banksia Hill. When we go to court, we cannot move them just because they have turned 18. There has to be some other issue. What I am saying to the member —

**Mr R.S. LOVE:** Like riots that are occurring.

**Mr W.J. JOHNSTON:** No. Seriously, this is the most stupid conversation I have had in a long time. Listen to me! If the 18-year-old burnt the place down, they would go to an adult jail anyway because they are going to be charged as an adult and not as a minor.

**Ms M.J. DAVIES:** How long will that take, minister?

**The CHAIR:** Thank you, members —

**Mr W.J. JOHNSTON:** Can I just finish this. At the moment, the legislation expects the 18-year-old to stay at Banksia Hill. Read the legislation! This is the problem; the member has never read the legislation! He should go and read the legislation, read my second reading speech and then cross examine me—not here during budget estimates, but during the consideration in detail stage when these matters should be properly dealt with!

This shows the fact that the Leader of the Opposition does not do his homework on these issues. He has never read the legislation and he does not know what he is talking about. I understand people are saying these things to the Leader of the Opposition, and it is unfortunate that they raise issues unrelated to these matters. When I get to consideration in detail on the bill, the Leader of the Opposition can explain to me why what we are proposing is wrong.

**Mr R.S. LOVE:** I am not going to say what the minister is proposing is wrong, but it would be more expedient to remove these people using the current law.

**Mr W.J. JOHNSTON:** No. Because who says that will be removed?

**The CHAIR:** Member for Moore, do you have another question?

**Mr R.S. LOVE:** I have a further question on some of the information that has been revealed. I take it from —

**Mr W.J. JOHNSTON:** Are we talking about the budget or are we talking about something else?

**The CHAIR:** We will see what the question is. The question was in response to the original question. It sounds like the question that is coming is about what the director general and Ms Ginbey said in their responses. Let us hear the question and we will see where we go with it.

[9.10 pm]

**Mr R.S. LOVE:** The question is not about 18-year-olds. The question is further to some of the information that the department has given. I think I heard in the answer regarding the damage to the facility that some of the work that has been already budgeted may take into account some of that damage. Looking at the total amount of work required now, is it a simple summation of the \$30 million estimate of damage plus the \$30.4 million budget figure, making a total of over \$60 million of repairs or is the figure less than that?

**Mr W.J. JOHNSTON:** Again, nothing was said by either the director general or the acting commissioner that suggested any of the original works were related to the repairs. That was not said and I do not understand how the Leader of the Opposition drew that conclusion. If the Leader of the Opposition could point out to me what was said, I can clarify what was raised.

**Mr R.S. LOVE:** The question is: is it \$60.4 million that we now expect to spend at Banksia Hill Detention Centre or is it a figure less than that?

**Mr W.J. JOHNSTON:** It was made clear by me and the Premier and I think by Ms Ginbey on the day of the riot that the \$30 million damage figure was the potential cost of the damage. We do not have a specific estimated cost.

**Mr R.S. LOVE:** The Premier said it was that amount. He said it several times. If we cannot rely on the Premier —

**The CHAIR:** Member for Moore!

**Mr W.J. JOHNSTON:** For crying out loud! Do you want to listen to an answer or do you want to talk all the time?

**The CHAIR:** Minister! Member for Moore, listen to the response and then you will get a chance to ask another question.

**Mr W.J. JOHNSTON:** The Leader of the Opposition really needs to learn to listen. I have said, and I will repeat: the Premier said, I said and I was not present but I understand Ms Ginbey said that the \$30 million figure was the potential cost of the damage. We have said that a number of times. We have not hidden that. We have also said, and I am saying again—this time the Leader of the Opposition should listen—that we do not yet have a detailed costing for the recovery works.

I have also said that the damage to the facility is delaying the completion of the previously agreed works—for example, the upgrade to the Jasper unit, where there was damage. Of course we cannot work on Jasper at the minute because we have people doing other works as well. There is necessarily a delay caused by the damage that was done in the riot, which is exactly what I said here in Parliament and on the steps of Parliament House to the media. I make it clear: I have not changed anything that I have said at any time on this issue. I am saying tonight exactly what I said on the steps of Parliament House to the media and what I said in this chamber in response to a matter of public interest motion.

**Mr R.S. LOVE:** Can the minister inform me now of the time line, which is expected to be extended, for the delivery of the originally budgeted works in total and for the repair of the \$30 million worth of damage?

**Mr W.J. JOHNSTON:** It is 16 days since the riot; it is not possible for us to say exactly how long the delay will be. I have just spoken to the DG and the acting commissioner and they both give the same advice: it is too early to say. We know there is going to be a delay. We have been transparent. It is exactly what I said to the media on the morning of 10 May, what I said in answer to questions in this chamber and what I said in response to the MPI motion, and I will say it again tonight. At no time has my commentary changed. We do not yet know how long the delay will be, but we know there will be a delay. I am pleased to hear from the DG that the clean-up is complete because that was one of the challenges. Another challenge is the demolition of the admissions area because the fire was so intense that the structural steel of the building buckled, whereas other buildings have smoke damage, which is a lick of paint and a couple of weeks to let the place air out. Some of the units had control rooms burnt but not the cells. There is a range of damage and until we have a complete assessment of the damage, it is simply not possible to do that.

With respect, this is quite childish, because we want to get these things right, and we do that by having professional people come and make an assessment and then tell us what our options are. I will give another example of that. Of course all the buildings are insured through RiskCover, but it will only pay to replace like with like. We would like the admissions building to be taller than it is currently, so we will have to work through with Treasury whether we can execute the projects that we would like to do, rather than simply rebuild the building in its current form, which we have learnt through experience is not perfect.

**Mr R.S. LOVE:** Can the minister guarantee that the detainees will be safely secured away while the repair work is undertaken so that they do not repeat the type of activity that we saw 16 days ago? Can the minister guarantee Western Australians that the facility is secure?

**Mr W.J. JOHNSTON:** I will ask Ms Ginbey to comment further on this. I guarantee that the community is protected. As I keep pointing out, there are three elements here. The first is that we have to keep the community safe. At no time on 9 May was the community at risk because the external fence at Banksia Hill was never at risk. The second issue is keeping staff safe. We are running a regime at Banksia Hill at the moment that preferences the security of staff over the third element—that is, the opportunity for services for detainees. It is natural that there is a modification to the detainees' regime.

With regard to guarantees, it simply is not possible to give a guarantee that detainees will not misbehave. Nobody in the community would expect me to say that there will never be an incident at Banksia Hill. There have always been incidents at Banksia Hill. I know the media has covered them much more extensively over the last two years than it has over the last 30—that is not a criticism; it is just a comment—but we have always had incidents at Banksia Hill. I just want to draw members' attention to a 2016, I think it was, report of the Office of the Inspector of Custodial Services that outlines how detention in a cell was being used as a form of punishment. We do not do that anymore. That has not happened for quite some time because we now understand from the Supreme Court that that practice is not lawful. It is what happened when the member for Central Wheatbelt was in cabinet, but we do not do that anymore. That means there are increased risks. It is one of the challenges because we have to concentrate so much more on getting detainees out of their cells than has ever been done in the past. Again, the Office of the Inspector of Custodial Services has commented in the past that the number of hours out of cell for adults is higher than for youth offenders.

We are changing that; that is the whole point. This is a new way of managing it. We are bringing in a new model of care. It will take probably two years to fully implement the new model of care. We are engaging new staff and 37 staff started today. We have upgraded the resources for mental health staff, with a team leader of psychologists, three senior program officers, 5.6 FTE clinical counselling forensic psychologists, a mental health nurse and an Aboriginal services unit. All these additional resources are being put into it because we know that the practices that were in place when the member for Central Wheatbelt sat around the cabinet table were not adequate. We understand that and that means that the detainees have more time to do things that we do not want them to do.

[9.20 pm]

**Mr R.S. LOVE:** The minister just made a statement that some staff had been recruited. Can the minister outline how many staff have left since the start of the year?

**Mr W.J. JOHNSTON:** I do not know about this year, but I can tell the member that last year we recruited 88 youth custodial officers and lost 55. We continue to recruit more than we lose, but there is no question that when one of the challenges we have is that so many people in the community are accusing the YCOs of being bad people, it is hard to keep them and it is hard to recruit them. It is a problem. I wish people would stop criticising the staff at Banksia Hill Detention Centre.

**Dr D.J. HONEY:** Who is doing that, minister?

**Mr W.J. JOHNSTON:** Lots of people.

**Mr R.S. LOVE:** Given the disruption that has obviously occurred because of the loss of buildings, how many more staff are estimated to be required to manage the centre effectively? It cannot simply carry on as it was. What services have been reduced? What education and other opportunities for the remaining detainees have been curtailed as a result of the current situation?

**Mr W.J. JOHNSTON:** I am happy to ask Ms Ginbey to make a comment, but of course I have already said that the regime at Banksia Hill is currently disrupted. The director general pointed out that the education facilities were damaged by the rioters. Of course, there is disruption. One would have to be a bit silly not to listen to what the director general said, because the director general made it clear that there were disruptions at the facility. I invite the acting commissioner to make any comment she chooses.

**Ms C. Ginbey:** First of all, I greatly appreciated being out at the academy this morning for the graduation of 37 new youth custodial officers who start out at the centre as of the weekend. In addition to those 37 staff, there are three more entry-level training programs planned for the rest of this year, which will give us about 100 additional youth custodial officers. The site already has an operational FTE of 340. There were only 33 vacant FTEs, and 29 vacant FTE prior to the YCOs starting, so we do not have any vacant YCO FTE as of this point.

In education, we already have 32 FTE, including a principal, a deputy principal, youth advisers, vocational teachers, classroom teachers and Aboriginal education officers. In detainee services we have 14 FTE, including a manager of Aboriginal services; an assistant superintendent, safer practice; eight Aboriginal youth support workers, with the final two of those commencing onsite last week; two recreation officers; and the chaplain on an Aboriginal visitors scheme contract. We have 9.6 psychology staff who include a team leader, a psychologist, a senior programs officer and clinical counselling and forensic psychologists; six care planning FTE; a manager of case planning and programs; a coordinator of youth custodial and re-entry programs and services; and four senior case managers. We have 13.7 medical FTE, including a nurse manager; clinical nurses; a medical receptionist; a consultant for mental health, and for alcohol and other drugs; a 0.2 FTE dentist; and Aboriginal mental health workers. We also have 27 human resources, finance and maintenance staff.

We already have a number of staff onsite. As part of the development of the model of care, we are looking at what additional services need to come into the site. That could be either departmental staff or people who come in through other service providers. For example, at the moment we are looking at what Aboriginal medical services are available and other Aboriginal cultural supports that we could have come onto the site.

**Mr W.J. JOHNSTON:** In addition to all that, we also have external service providers that provide in-reach services to the facility. We had a lot of trouble with them, not unreasonably, during the COVID pandemic because of all the different restrictions. It was a challenge during COVID. That is not a criticism; that is just a fact. But, basically, we are now fully back with all the external providers that provide in-reach services to the detainees.

**Ms M.J. DAVIES:** The minister mentioned 55 as the attrition rate last year. Does the department track that attrition rate over time? What did that look like over the last six years? Was it going up or going down?

**Mr W.J. JOHNSTON:** I do not know what it was before I was minister. I did not pay attention to that. I am only worried about the bit that I am responsible for, not the bit that somebody else was responsible for.

**Ms M.J. DAVIES:** The minister has a very good memory of my time when I was in cabinet, but not of his own time when he was in government.

**Mr W.J. JOHNSTON:** I am trying to highlight —

**Ms M.J. DAVIES:** No, I understand. The minister does not understand the portfolio.

**Mr W.J. JOHNSTON:** No, what I am saying is —

**Ms M.J. DAVIES:** The minister is not tracking the attrition rate of the staff that he is professing to be worried about.

**Mr W.J. JOHNSTON:** No, that is not what I am saying at all. It is reasonable for the member to put words in people's mouths if she chooses to do that.

**Ms M.J. DAVIES:** I am speaking to the champion of that.

**Mr W.J. JOHNSTON:** They say that that is the lowest form of debate.

**The CHAIR:** Member for Central Wheatbelt! Minister!

**Mr W.J. JOHNSTON:** What I said to the member, and I want to make it clear, is that the practice of detaining youth offenders in their cell as a form of punishment was something that was reported as being a lawful practice by the former Inspector of Custodial Services. That is not the current one, but the former one. That was the practice that existed. We now know that is not lawful. Everybody at the time thought it was lawful, but Justice Tottle has made

it clear that it is not; therefore, following on from Justice Tottle's decision, we have changed practices. That is not a criticism; it is a point of fact.

**Ms M.J. DAVIES:** It is not my question, minister.

**Mr W.J. JOHNSTON:** Of course I know that, because it was so fundamental to the question of the operation of the centre.

**Ms M.J. DAVIES:** It was a very specific question around attrition rates over the last six years, and someone in the department, there are lots of them sitting next to the minister —

**Mr W.J. JOHNSTON:** If the member wants to put a question on notice, I am very happy to provide that information.

**Ms M.J. DAVIES:** So the minister does not know?

**The CHAIR:** Member, the minister has responded.

**Ms M.J. DAVIES:** And his department does not know.

**Mr W.J. JOHNSTON:** The department may or may not know, but what I am saying to the member —

**Ms M.J. DAVIES:** But he is not prepared to let them answer?

**Mr W.J. JOHNSTON:** I am the person who is giving evidence to the committee, as the member knows from reading the standing orders. I am saying to the member that we are happy to provide any information on that topic if the member puts the question on notice. That is the procedure that is used in this Parliament. I answer all questions that are put to me on notice. I answer all the questions in the upper house. Here we are and not once has that question been asked to me in any form until tonight.

**Ms M.J. DAVIES:** All these people have been waiting to answer questions for the minister.

**The CHAIR:** Member for Central Wheatbelt, your question has been answered.

**Mr W.J. JOHNSTON:** At 9.30 pm on 25 May is the first time the member asked the question.

**Mr R.S. LOVE:** I turn to another matter that is with the department in terms of youth, and that is the Kimberley on-country program and the Kimberley youth centre.

I refer to page 416, paragraph 2, which in part reads —

... outcomes by continuing to deliver place-based, community-led initiatives across the Kimberley, through the Kimberley Juvenile Justice Strategy, to keep young people engaged in a range of culturally safe activities and address the over-representation and incarceration of Aboriginal people in the criminal justice system.

Is the on-country facility part of that program?

[9.30 pm]

**Mr W.J. JOHNSTON:** No; the on-country facility is not part of the Kimberley juvenile justice strategy. If the member wants to know about the KJJS, I will ask the director general to speak and he might invite others to explain what it is about.

**Dr A. Tomison:** The Kimberley juvenile justice strategy has been going on for a number of years now. In 2018, the Premier called together ministers and directors general to begin initiating a number of projects over a number of years. There have been many place-based initiatives across the Kimberley, ranging from TAFE programs to after-school activity programs and night patrols such as funding Olabud Doogethu, which is a Halls Creek program that is becoming a sort of flagship for justice reinvestment. Those sorts of programs have been going on now in various forms across the Kimberley since 2019–20, and have been given additional funding to keep them going. We have also had some expansion in those sorts of programs as we have spent more time in the communities. More recently, Emama Nguda Aboriginal Corporation in Derby has been funded to provide a youth engagement night patrol service in addition to a Hoops After Dark basketball program that it is also delivering to other areas of Derby. They are the main sorts of programs that the Kimberley juvenile justice strategy has been working on.

In the current state budget, there was also some work done on a safe place initiative in Broome, but I ask Ms Gina Hill if she can elaborate on some of the work that has been done in the Kimberley juvenile justice strategy if the minister is okay with that.

**Ms G. Hill:** Another example is in Wyndham where the KJJS supports the Wyndham Youth Aboriginal Corporation through the funding of the Wyndham diversionary program New Way Right Way. The program includes engaging youth in cultural activities, case management services, night patrol, drop-in centre programs and a variety of sporting opportunities, including boxing. These activities are aimed at supporting young people in the Wyndham community, increasing opportunities to address antisocial behaviour and diverting young people from coming into contact with the juvenile justice system. WYAC has recently been working with Wyndham youth in providing

small group sessions related to social and emotional wellbeing and peer pressure. A key focus has been on providing mentoring and good role models for young people.

In relation to the 2023–24 budget, progress has resulted in the co-design pilot of the immediate response safe place initiative in Broome. The immediate response safe place pilot will provide a time-limited culturally safe and secure trauma-informed space where street-connected young people can be kept safe while a responsible adult is sourced.

**Mr W.J. JOHNSTON:** I just emphasise that the approach that the KJJS is taking is that each community should have an investment that is relevant to themselves. Rather than having somebody in Perth come up with a plan, we go to the communities and we engage with them and together work out what should be implemented. Remember that the best approach here is a justice-for-investment approach. On any one day, 93 per cent of young offenders are being managed in the community, not at Banksia Hill. Banksia Hill is not the story when it comes to youth offending; it is the work that we do in the community. This initiative is this department's contribution, but other agencies like the Department of Communities Target 120 initiative are other parts of the investment for dealing with young offenders in the community.

On top of this, of course, there is also the community youth offending services that work in each of the towns. I went to one in Kununurra. The work that it does is amazing, as is the stability of the employment cohort. The manager there, whose name escapes me, has been there for 14 years—eight years as manager. It is a really remarkable achievement. In other places, public servants come and go. In the youth justice space, it is really remarkable. I have been to a number of the services around the state and the staff have great dedication and stay engaged for longer periods. That helps with stabilising the overwhelming majority of young offenders who are being managed in the community.

**Mr R.S. LOVE:** The funding that I have seen in the budget forward estimates is for only the two-year period. What is the government's long-term intention? Will the government reassess the need for it and either continue or expand the program into the future? What is the future for that strategy?

**Mr W.J. JOHNSTON:** I will invite the director general to make a comment, but I draw the member's attention to Olabud Doogethu, which started as a pilot and has now grown into something quite significant. That is what I said before about wanting to make sure that it is relevant to the community. Olabud Doogethu is now growing into other areas because it has proven to be invaluable in Halls Creek. That is really good because we have been able to grow that activity. Of course, we want to make sure that it works, and we continue to evaluate it. I ask the director general to make some comment about the need to continue to evaluate and invest in it.

**Dr A. Tomison:** Thank you, minister. The minister covered the point really well. These programs actually morph quite a lot. They do not stay the same. Every few months, they change to adjust to what the kids and families need and what communities tell us. Trying to evaluate those programs is really important and quite difficult. Government has funded these programs to allow us enough time to try to get a handle on whether they are actually working for the communities they are servicing. Based on those results, we can go back to government with further bids to keep these programs going. The majority of them, to my understanding and from what I have heard, are quite well supported by the community; they want them to continue—and we do as well, but we need to prove that they are having some benefits beyond just that it feels good. That is a really important element.

**Mr W.J. JOHNSTON:** Let me make it clear that the Premier is deeply embedded in the idea of making sure the KJJS works well. The good news is that the Premier is the Treasurer as well, and we would expect that if these projects can pass muster on their valuations, we will continue to seek new funding for them.

**Mr R.S. LOVE:** I refer to the budgeted royalties for regions-funded Kimberley on-country residential youth facility on page 213 of budget paper No 3.

**Mr W.J. JOHNSTON:** But I can only be examined on budget paper No 2.

**The CHAIR:** No; that is not correct.

**Mr W.J. JOHNSTON:** It is not my agency. I cannot answer a question about something that is unrelated to me.

**Mr R.S. LOVE:** I was going to ask a question about the relationship of that program to the minister's agency.

**The CHAIR:** It has to be relevant.

**Mr W.J. JOHNSTON:** I am not quite sure what budget item that is. As I understand it, this is a budget estimates process.

**The CHAIR:** Minister, questions from budget paper No 3 are allowable if they are relevant to the section. I do not know what the question is yet.

[9.40 pm]



**Mr R.S. LOVE:** The question was: what interaction will the minister's department have —

**The CHAIR:** Member, what page?

**Mr R.S. LOVE:** Page 213.

**The CHAIR:** Which particular bit?

**Mr R.S. LOVE:** Budget paper No 3.

**The CHAIR:** Yes, but which bit?

**Mr R.S. LOVE:** It is “Kimberley On-country Residential Youth Facilities”. I think the minister knows what I am referring to.

**Mr W.J. JOHNSTON:** Yes, but I can only answer questions about my agency. This is royalties for regions, which is the Minister for Regional Development, Hon Don Punch. He is the relevant minister for that.

**Mr R.S. LOVE:** Who is going to staff it?

**The CHAIR:** Does the bit that has been referred to have nothing to do with this agency?

**Mr W.J. JOHNSTON:** It is not a budget item for us.

**Mr R.S. LOVE:** So the minister's department will not be staffing the facility?

**Mr W.J. JOHNSTON:** The member is now asking me to answer questions about something that is not related to my budget.

**The CHAIR:** If the minister is saying that it is not a budget item related to his agency, it is not a budget item relating to his agency.

**Mr R.S. LOVE:** When the Premier advances that as part of the solution for the Kimberley for the Banksia Hill situation, we will say it is not relevant.

**The CHAIR:** Member for Moore, thank you.

**Mr W.J. JOHNSTON:** The member can make any political speech he wants, but the reality is that if he had asked the relevant minister, he could have answered the question. I actually know the answer, but I am not going to answer it because it is not related to the budget. If the member wants to ask me that question in another forum, I will answer his question, but this is not the forum to provide that answer.

**Ms M.J. DAVIES:** I refer to page 420, budget paper No 2, volume 2, and the table at the top of the page. There is a number of targets under “Adult” and “Youth”. I specifically refer to the youth section and the rate of return to detention. I note what the target is across the estimates, but can the minister explain how the government arrived at a 50 per cent target? Why is the government targeting only 50 per cent of detainees returning to detention—or that many? I suppose it depends on whether people are a glass half full or a glass half empty. Why that number?

**Mr W.J. JOHNSTON:** This is a long-term target that has been in our area for many, many years. I will ask Dr Tomison to make further comment, but one of the challenges in youth detention—remembering that 93 per cent of offenders are not in detention on any day; only seven per cent are in detention—is that those who are on remand are returned to the circumstance that they left, which is a question for the courts. We do not choose when people arrive to detention and we do not choose when they leave detention; that is a matter entirely for the courts. The Department of Justice is not involved in those decisions. That is why we have the wraparound services from youth justice and that is why we have Target 120 and the Kimberley juvenile justice strategy. We know that Banksia Hill Detention Centre will not solve the problems, particularly for youth offenders on remand because they are in detention for only short periods. Prior year data indicates that around half of all detainees on remand spend a week or less in detention. It is not possible for youth custodial services to have an impact on a person who is with us for only seven days. That is the challenge. That is why anybody who thinks that these problems are solved at Banksia Hill does not understand what is happening. These problems are solved in communities. That is why this government is investing so much into that side of the equation. Of course, we need to have sufficient resources to make sure that Banksia Hill operates properly, and we are doing that; indeed, we have made the largest investment in youth detention in the history of the state with \$105 million. It is not like we are skimping on Banksia Hill, but Banksia Hill will never be the solution. The solution will always be in the community. Dr Tomison's doctorate is on these issues. I invite Dr Tomison to make further comment.

**Dr A. Tomison:** The minister covered a lot of it. The reality is that the youth detention population is decreasing over time, which is a good thing. That means that the cohort who is left, if you like, who is getting to detention or remanded in detention—sentenced particularly in terms of this indicator—is a smaller cohort, but it is a cohort that is more difficult in many ways. As I have said before in some of these hearings, they have to work to get into detention; that means the young people who get in there have a range of complex needs and they can be quite difficult to get

to the point at which they do not reoffend or are not sent back into custody within a two-year period after their first sentenced visit, which is, I guess, what we would call it. The rate is also dependent on factors such as sentencing legislation, changes in the nature of offences committed and the rate at which young people on community orders breached for noncompliance. Another key thing is that some of the reasons why young people may get sent back is because they are not complying with their community-based orders, for which we have a two-thirds success rate. Sixty-two per cent of young people successfully complete their orders. It is a complex cohort and, as the minister said, most young people are in custody for a relatively short time. Some may come back in more than once, but in that time we try to create a through-care model whereby we work with other agencies and the community corrections arm of the department to try to put that young person into programs and other things that will reduce their risk of reoffending. That is essentially what we are doing. We would like a higher figure, but that is where we are at. This indicator has not changed much in terms of the KPI for some years. It is seen as a reasonable KPI based on the complexity of the young people we have. As I said, the actual number of young people has been decreasing, which is a good thing.

**Ms M.J. DAVIES:** So the minister does not anticipate that that KPI will change?

**Mr W.J. JOHNSTON:** What I would say is that that is the KPI at the moment. If we can improve the circumstance, we will get a better outcome. One of the challenges, too, is the complexity—drug use and alcohol engagement. These are challenges in the community and are therefore reflected in the Banksia Hill cohort. This is a very challenging area of policy.

The good news compared with the past is that fewer young people are in detention. People do not realise this, but we are on track to meet our Closing the Gap target here in Western Australia. We still have a distance to travel, but if we track the youth detention population over the period that the Closing the Gap targets have been in place, we see that we are moving towards the figure we want. We are not there yet, and I am not trying to say that we are. Between 30 April 2013 and 30 April 2023, youth detainee numbers decreased from 175 to 102, which is an annual decrease of more than five per cent. Over the same period, unsentenced detainee numbers went from 76 to 63, which is a reduction of 13, representing a much slower rate of decline.

The point is that the unsentenced population is proportionately larger than it used to be, which, again, makes it that much harder to handle. Another point is that we cannot provide criminogenic services to unsentenced detainees in the same that we cannot to unsentenced prisoners, because to be engaged with criminogenic programs, a person has to have admitted their fault. If they have not been sentenced, they have not admitted their fault. Therefore, a larger proportion of the population cannot be engaged by criminogenic programs. This is unbelievably complex. I understand that people want simple answers, but this sector does not provide simple answers.

**Ms C.M. TONKIN:** I have a question for which, hopefully, there are some positive outcomes. I refer to page 417, significant issues impacting the agency and paragraph 10, which refers to alcohol and other drug services for offenders. What progress is being made in treating and rehabilitating female offenders with drug and alcohol problems?

[9.50 pm]

**Mr W.J. JOHNSTON:** Thank you; that is a very important question. One of the areas of success for the corrective services function of the Department of Justice in Western Australia is the management of the women's estate. It is in a pretty stable format at the moment. The numbers are not uncontrolled; they are quite reasonable. One of the good stories, of course, is Wandoo Rehabilitation Prison. It is the first dedicated alcohol and other drug rehabilitation prison for women in WA and it was established to address prisoner alcohol and other drug use. Its creation and commencement fulfilled a 2017 election commitment. Since its establishment, 446 admissions have been accepted into the program; 264 have graduated from the program, 61 of whom, or 23 per cent, were Aboriginal; and 84 have returned, including 24 for new offences. As at 22 May this year, the number of residents at Wandoo was 57, with 17, or 30 per cent, being Aboriginal. The program requires a minimum of 28 weeks to complete and is divided into various stages. I will ask the acting commissioner, whose day job is the deputy commissioner for women and young people, to comment.

**Ms C. Ginbey:** Thank you. I do not think I have ever gone to a graduation at Wandoo that I have not cried at because of the journey that the women take together, with their families and personally. It is a moving experience every single time.

The program, as the minister said, requires 28 weeks to complete. That is a significant investment of time by the women. There are four stages. They have to do a minimum four-week orientation. The first, second and third stages are eight weeks each. Each stage is progressed at the residents' own pace and addresses a range of topics and issues such as emotional regulation, attachment and healthy relationships, communication, and relapse prevention triggers and safety planning. The education and therapy groups, which are part of how the entire therapeutic community there works, form a large part of the program at Wandoo, alongside individual treatment planning and counselling whereby residents and staff work together as part of that therapeutic community. That helps keep the community

as a psychologically and physically safe place for the women to learn through self-help and mutual support when real change can occur. Trained staff understand that many women in prison have had trauma in their lives and that every woman is different. The rehabilitation program includes evidence-based interventions such as moral reconnection therapy, which is a cognitive behavioural treatment program designed to help promote positive self-identify and to help residents make decisions for themselves and the people around them.

It is incredibly moving to see the women reunited with their children and their parents. Often it has been the first time they have not only been drug free, but also made a real change in their lives with the intention of staying drug free.

**Mr W.J. JOHNSTON:** I will finish by adding that we also now have the Bindi Bindi unit at Bandyup, which, effectively, is a dedicated mental health step-up, step-down facility so that we can actually assist women in the prison estate at each stage of their journey. Sadly, many of the adults in prison have mental health challenges. There are more people with a mental health challenge in the prison system than in the mental health system. Notwithstanding that the judges have determined they were fit to plead, there are still more of them in our estate than in the mental health estate. Bindi Bindi is a new, repurposed facility at Bandyup that gives additional assistance to many women in their journey through the system.

**The appropriation was recommended.**