

DEATH IN CUSTODY — MR WARD — CORONER'S RECOMMENDATIONS

720. Mr J.M. FRANCIS to the Minister for Corrective Services:

I understand that the minister will shortly be giving the government's response to the Coroner's 14 recommendations stemming from the Ward inquest. I also understand that the minister released some preliminary details regarding —

Several members interjected.

The SPEAKER: Members!

Mr J.M. FRANCIS: They might want to listen to it.

Several members interjected.

Mr J.M. FRANCIS: It is not a serious enough issue for them.

The SPEAKER: Member for Jandakot, take a seat. Members to my left, if you want to ask further questions today, you might sit in silence while this question is asked, whether you like it or not. Member for Jandakot, I have given you an opportunity to ask a question, not make comments across the chamber.

Mr J.M. FRANCIS: I also understand that the minister released some preliminary details regarding the forthcoming government response to recommendations 1 and 2.

Mr C.C. PORTER replied:

I gave both my departments 12 weeks to respond to me with their views on the 14 coronial recommendations, and I think that expired on 7 September. On 29 September, I will release a whole-of-government response to each of the 14 recommendations. Mr Ward's death was due to a congruence of factors, too numerous to go into in the short period available in question time, but certainly the quality of the vehicle was one of the central, if not pivotal, factors in Mr Ward's tragic and unnecessary death on 27 January 2008. His death was the result, in large part, of the poor quality of the vehicle; the poor quality of vehicle was in large part due to the fact that a significant number of warnings had not been heeded, to the extent that they had found their way into action. The warnings effectively started with report 3 of the Office of the Inspector of Custodial Services in November 2001 and culminated with report 43 in May 2007. Between those two reports there were a number of complaints and warnings. I will not go into the ways in which those warnings were ignored, but they were ignored, which culminated in a critical event—the denial of funding to replace the vehicle fleet.

The vehicle fleet will be fully replaced by December 2010. In the interim, the Department of Corrective Services has directed G4S Australia to withdraw from service a total of six Mazda vehicles and one Holden Rodeo vehicle. The result will be the removal from service of all Mazda vehicles operating north of Perth in those climatic conditions. Interim measures have been undertaken to contract three new coach services for the Perth to Broome, Kalgoorlie and Albany inter-prison prisoner transport routes. An air charter tender has also been called for transport in the Kimberley region.

I might say that when the member for Rockingham was the acting shadow Minister for Corrective Services, he said to the media that the transport of prisoners by coach was unsafe. I can assure him that it is not, and that his comments are very unhelpful when the government is trying to do innovative things in the short term to prevent the transportation of prisoners in the types of vehicles that resulted in Mr Ward's death. The recommendations of the Office of the Inspector of Custodial Services were ignored. The first and second recommendations were to bring into play legislation that would ensure that such recommendations are not ignored in future. This is the point of the Labor Party's private member's bill. I will take a moment to make some brief comments about that.

The State Coroner in essence recommends two things: he says that there should be a statutory system to allow the inspector to issue a show-cause notice, which would motivate governments into action. The government has no difficulties with that, and it will form part of our response.

Mr P. Papalia: So you're not going to cancel the contract?

Mr C.C. PORTER: I will finish what I am saying and address the contracts in a moment. Let us deal with the legislation, because it is very important.

The second recommendation, which is equally important, is that the inspector should have the same powers that he has under section 34 and 39 of the Terrorism (Preventative Detention) Act 2006. The government has no difficulties with the show-cause notice system and we will bring in legislation to allow that to occur. The second recommendation is a very important one, and, with respect, I think it has been very much overlooked and misjudged in the bill that the Labor Party will bring before Parliament. Under this recommendation, the inspector will get the names of all prisoners in the system. The powers that he has under the terrorism act means that he

can get the names of all detainees in the system, and they are people detained in extraordinary circumstances, without trial, on the basis of suspicion that they might do something. I do not know whether the Leader of the Opposition knows how many names of terrorism detainees have been referred to the Inspector of Custodial Services.

Mr E.S. Ripper: I'm sure you'll tell me.

Mr C.C. PORTER: Zero; there has not been any. In my discussions with the Inspector of Custodial Services, the difficulty with simply providing the names of each and every prisoner who comes into the system in the course of a year is that he will get 10 000 names. It seems to me that the coroner was trying to achieve, through the transmission of that information —

Mr E.S. Ripper: He gets a database.

Mr C.C. PORTER: That is right, but we can do better than that in terms of a legislative response. The coroner sought to allow the protections inherent in the terrorism act to flow on to all Western Australian prisoners.

Mr E.S. Ripper: I look forward to your amendments.

Mr C.C. PORTER: I am not amending the legislation; it is unamendable. It is just not good enough, and it does not go far enough. If the opposition wants to do something in haste to save face, that is an option, but that is not what the government is going to do. We are proposing an important way to create a meaningful difference. We will put a positive statutory obligation on the Office of the Inspector of Custodial Services, but the inspector must audit a certain percentage of the daily average prisoner population, and conduct individual audits of prisoners in the system—prisoners that he has the discretion to choose to audit. On the basis of those audits, he can use his discretion to offer show-cause notices, in addition to show-cause notices growing out of his duty, as it stands, to inspect facilities.

This will obviously require extra resourcing to the Office of the Inspector of Custodial Services, but that will be part of a submission with the legislation. It will be a proper, thoughtful and appropriate response that will actually help the Office of the Inspector of Custodial Services to do its job on the ground. In fact, I respectfully ask the Leader of the Opposition to withdraw the Labor Party's legislation. We are making an undertaking to do the job properly.