

Division 28: Justice — Services 9 and 10, Corrective Services, \$1 109 009 000 —

Mr D.A.E. Scaife, Chair.

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

Dr A. Tomison, Director General.

Mr M. Reynolds, Commissioner of Corrective Services.

Mr A. Beck, Deputy Commissioner, Women and Young People.

Mr. G. Budge, Deputy Commissioner, Operational Support.

Mr D. Brampton, Deputy Commissioner, Adult Male Prisons.

Ms K. Maj, Executive Director, Strategic Reform.

Mr S. Maines, Executive Director, Professional Standards Division.

Mr S. Kerr, Executive Director, Corporate Services.

Mr J. Deery, Director, Finance.

Ms G. Hill, Director, Aboriginal Transformation.

Mr M. Hainsworth, Director, Advisory Services.

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

Mr B. McShanag, Principal Policy Adviser.

Mr J. Stephens, Policy Adviser.

[Witnesses introduced.]

The CHAIR: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is the intention of the chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall be examined only in relation to their portfolio responsibilities.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by close of business Friday, 1 October 2021. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

I give the call to the member for Moore.

Mr R.S. LOVE: I refer to page 426, budget paper No 2, volume 2, and the list of significant issues impacting the agency. Paragraph 4 reflects on the over-representation of Aboriginal persons in the criminal justice system and refers to a juvenile justice strategy in the Kimberley and the implementation of justice reform projects to reduce avoidable remand and increase sentencing flexibility. I note also that paragraph 6 refers to the Kimberley juvenile justice strategy. I ask for a brief explanation of that; what it is and what it aims to do. I will then ask a couple of further questions.

Mr W.J. JOHNSTON: I am happy to get the director general to make some comments in a minute, but the Kimberley juvenile justice strategy is, of course, across agencies, and my responsibility as the Minister for Corrective Services stretches only to those elements that relate to Corrective Services. However, because the director general, of course, is appearing for both parts of the agency, if the chair allows, I will invite the director general to make some further comments about the KJJS.

Dr A. Tomison: The Kimberley juvenile justice strategy commenced in late 2018. The Premier called together a number of directors general and ministers to look at doing some work to prevent youth crime in the Kimberley. That is where it started. Originally, there were a number of key aims for the strategy: creating more remand and sentencing options for young people; improving collaboration between government departments and non-government agencies; preventive programs to keep youth out of the justice system; recognising foetal alcohol spectrum disorder; and some work in the education system for more training opportunities and access to school psychologists. This plan aligns with a range of other plans and particularly relates to recommendations arising from youth suicides in

the Kimberley, which were investigated by the coroner; the WA recovery plan; the commitment to Aboriginal youth wellbeing; and the National Agreement on Closing the Gap.

I will give the member some areas on which we have worked to date. Firstly, the Department of Justice made an additional funding contribution to fund six place-based initiatives consisting of structured activities and/or night patrols to keep young people engaged after school hours and on weekends in Halls Creek, Broome, Kununurra, Wyndham, Derby and Fitzroy Crossing. With the Department of Education, the Department of Justice has jointly funded an alternate education program aimed at re-engaging young people who become disengaged from mainstream education. We also increased service provision through bail houses in both East and West Kimberley, increasing their service provision to 365 nights per year.

In 2021, \$6.2 million was allocated to KJJS and that was used to fund \$1.2 million for place-based grants in six locations for things like cultural healing activities, prevention services, youth connect programs, supervised activities during school holidays and mentoring. There was \$2.4 million allocated for night patrols in Derby, Halls Creek and Wyndham, which provided early intervention diversion strategies for street-present young people. There was \$1.4 million for a youth engagement program delivered by the Aboriginal Legal Service of WA, based in Broome. It started early this year and the intention is to provide culturally competent and holistic individualised support to young people in the court system on bail or orders. There was also \$1.2 million for a co-designed integrated learning program to support education and employment needs for young people in the Broome and Kununurra areas. North Metropolitan TAFE is doing that work outside the Department of Training and Workforce Development.

This year in the budget a further \$8.7 million has been allocated to continue KJJS to keep funding the existing structured activities that I just mentioned, such as safe-place structured activities after school and on weekends in Broome, Derby, Fitzroy Crossing, Halls Creek, Wyndham and Kununurra. There has been funding of \$1.7 million to co-design or partner with our community to develop an on-country residential facility. Essentially, we do not want to necessarily create a youth detention centre up north; we want to create a service whereby the courts can sentence someone via a community-based order but with a residential component. The intention is that youth will go there, and elders and community will be involved, and they will get therapeutic interventions, whether it be through re-engaging with education and training or wraparound family support services for the child and/or family, and, of course, mental health support as well.

There is \$1 million in funding in 2021–22 for a new night patrol in Fitzroy Crossing and a little bit of money—\$150 000—to evaluate over the next two years whether these programs are achieving as much as we would like them to achieve. The Department of Training and Workforce Development’s TAFE learning program is being delivered in Broome and Kununurra, and that will continue, with an allocation of \$2.6 million out to 2022–23. Further phases of the Kimberley juvenile justice strategy will be progressed through a broader Kimberley Aboriginal youth wellbeing steering committee. That is a partnership between government departments, which the Mental Health Commission is leading, the Aboriginal community-controlled health services, the shires and others. Of course, the key partners for us will be the police, the Department of Communities, the Department of Education and the Mental Health Commission.

[2.10 pm]

Mr W.J. JOHNSTON: I conclude by saying that I am impressed by the member for Kimberley’s level of engagement. She regularly raises issues throughout the KJJS. Obviously, juvenile justice is a very complicated issue, particularly in the Kimberley. There is a long history of colonialism impacting on the community there. The whole purpose of the government is to co-design activities so that the local Indigenous people are included in the process of developing the outcomes rather than having the outcomes imposed on them by government. I draw attention to—I can never say this correctly!—Olabud Doogethu in Halls Creek, which we have continued to fund in this budget. A number of non-government organisations have approached me to ensure that that funding will continue, which it will. Those NGOs tell me that it is doing really good work in Halls Creek.

Mr R.S. LOVE: In reference to the engagement with Aboriginal peoples in the area, the minister mentioned one group in Halls Creek. Is there a preferred model whereby the government goes to one of the Aboriginal corporations or recognised bodies and engages with it so that it provides the services and the government provides the funding? Is that the model for some of the patrols et cetera?

Mr W.J. JOHNSTON: I will ask the director general to comment further, but the best success we can have for those projects is for the community to take ownership of them. That is why we are doing this co-designed process. I will ask the director general to respond.

Dr A. Tomison: About a year and a half ago, we contracted the Kimberley Aboriginal Law and Culture Centre, which is based in Fitzroy Valley, to run a series of quite detailed consultations across the Kimberley to get an idea of what the communities thought we should be doing and for us to try to build that into our future planning. That was an important element. That organisation has been a big supporter of this process. The Kimberley Land Council has been involved, as well as a number of Aboriginal corporations across the Kimberley. Some are providing the

services that we have mentioned such as the night patrols or the after-school hours programs and other things like that. They are directly involved. Not every service is run by an Aboriginal agency at this point, but we try to have them involved whenever we can. Sometimes the shire is involved in running some of those services. For example, the after-hours program in Derby is run by the local shire.

Mr R.S. LOVE: As we know, there are native title settlements happening in various parts of the state and local organisations are coming to the fore that would certainly be able to assist in that way. I wonder whether the minister has any plans to extend this program if the trials are successful and the evaluations show that it is valuable. Will that be extended to communities in the midwest, Gascoyne, Pilbara and even the south west of the state?

Mr W.J. JOHNSTON: The Kimberley juvenile justice strategy is focused on the Kimberley and arises from a number of reports, including the Education and Health Standing Committee's *Learnings from the message stick* report and the coroner's inquiry into youth suicides in the Kimberley, but there is no question that there are challenges in many parts of the state. To the extent that the KJJS continues to prove successful, it may well provide a model for future activities across the state.

Dr A. Tomison: The Closing the Gap national agenda is obviously really important. There are two justice targets to reduce the over-representation of Aboriginal people in the justice system, both young people and adults. There has been a 15 per cent reduction in the number of adults in the prison system and a 30 per cent reduction in the number of young people in the youth system, which is Banksia Hill, essentially. We have been engaged in the various national agreements, and meetings are starting to take place. KJJS is additional to the usual justice services that we provide across the state. We have a presence in all regions, but, as the minister said, the KJJS has been a test to see what else we can do to learn how to best engage with and get a better outcome for Aboriginal communities. Some of the lessons will be applied more broadly across the state, no matter whether it is a strategy or not, as we get into it. This is the first year that we will hit the co-design element of the service really hard. That has not been done very much in the social welfare space, and Justice is part of that. It will be an interesting test. I expect that we will learn the lessons and apply them more broadly in the general contracting of NGO services across the state.

Mr W.J. JOHNSTON: I emphasise that in the short time that I have been in this portfolio, I have met with youth justice workers in Albany and Geraldton, and I know how dedicated they are to the task of trying to avoid the continuing Aboriginal engagement with the justice system. They work very cooperatively with other government agencies and have a good relationship with them in their locations. I have visited Banksia Hill twice. The fact that fewer than 100 youth are at that facility is really good. When I became minister, there were about only 80 people there. Given that it can take about 220, that is very good. Another thing that I have learnt in my short time in the job is that the average length of stay at Banksia Hill is very short because about half the kids there are not sentenced. The magistrates are using that short period of detention before the youth are sentenced as the punishment rather than referring them back there.

That is one of the challenges of running that facility and it is one of the reasons that some of the member's colleagues, including members of the upper house, have been asking questions about the number of people detained there. We are trying to provide as much detail as possible in our answers, because one of the challenges is that people are cycling through. I do not mean that they are coming back; they are there for only a short time, so the headcount is very high but the number at any one time is relatively modest. Obviously, we do not want a lot of kids there. As of yesterday, nobody under the age of 12 was at Banksia Hill and seven kids were between the ages of 12 and 13. There are 110 people there, so 103 are over the age of 13. Sixteen are female and 94 are male. Probably half of those will be Aboriginal kids. Between 40 and 50 per cent are wards of the state. There are more who are not wards of the state than there are wards of the state, which I found interesting. A majority of them are Aboriginal and between 25 and 30 per cent have been sentenced and the others are on remand.

Mr R.S. LOVE: I have a comment and a question in the sense that the model that the minister described of working with the local Aboriginal communities would overcome some of the decentralisation problems that exist in the more dispersed areas that are not centred on a big place where there may be staff from the department. The midwest and wheatbelt are examples of that. The minister mentioned the strategy to divert juveniles from the justice system. I know the minister cannot speak for the police, but when juveniles come into Corrective Services' care, have they been put through a different process by the police in some way? Is there a better understanding at that level of how to interact with the system?

[2.20 pm]

Mr W.J. JOHNSTON: I am happy to take the question, member, and I will ask the director general to make some comments. We are now starting to stretch well away from my narrow responsibilities, but because it is an interesting topic, I do not want to stop the conversation. I invite the DG to comment.

Dr A. Tomison: Obviously, the police are the front line. We interact very strongly with Youth Justice Services and the police all the time. A number of comments have been made recently around police not arresting or not charging individuals. That is not the case, but there is a policy across Justice and police whereby we try to divert young kids

in particular away from the justice system if we can do so. If someone is committing 10 or 20 offences, obviously they are going to end up before the court at some point. A system is in place; juvenile justice teams involve police and justice staff interacting with elders in the community, for example, to try to divert kids who are acting out before they get into serious trouble. That works to an extent. More work is required. Obviously, sometimes young people come to us because their backgrounds are quite disadvantaged. They are quite dysfunctional and they have a lot of issues to deal with, and we cannot fix everything.

Police are absolutely a key partner in this. We also interact with police when we have kids on orders. They have been sentenced because of a crime they have committed after they have gone. We have tried diversion. Then they are in the courts and the court sentences them to a supervision order or some equivalent, such as a community-based order. Then, of course, there is the Banksia episode as well, which can happen when a young person is remanded and/or sentenced to Banksia and they go out and then come back through our systems. Police are key in this. We are certainly very happy with the support we get there.

Mr R.S. LOVE: In terms of the success or otherwise of a program like this, have metrics been developed around the economic advantage of a person not entering into lifelong justice system interactions and avoiding that type of outcome?

Mr W.J. JOHNSTON: Again, I will invite the director general to make some comments, but, of course, yes, there are. This is what is called justice reinvestment, with the idea that if we invest more up-front, we save money in the long term because they do not go through the prison system. Of course, as the minister who needs to control the budget for the department, it does not help me in the short term. No question it is better that people not enter the system, whether it is prison or juvenile justice. I think it is \$100 000 a year for them in Banksia. It is an extraordinary amount. Funnily enough, if we have fewer people in Banksia Hill, the cost per episode is higher because we cannot reduce the staffing levels, and we still need the same level of security and the same number of programs. While youth are in Banksia Hill, we are responsible for their education. If there are only three in a particular cohort, we still have to provide them with an education. It is more expensive to have fewer in detention. That is not a criticism; it is just an explanation. But yes, there is an understanding of that long-term impact.

I make the point that the director general has a long history in this space of justice reinvestment. He is one of the leading experts in Australia on the topic, and I invite Dr Tomison to make further comment.

Dr A. Tomison: I thank the minister. There is lots of good evidence, particularly from the United States and the UK, but also even in Australia—some pieces were written some 20 years ago now—that indicates prevention is better than a cure in terms of the social and economic costs that arise if someone becomes entrenched into the criminal justice pathway. It is really a lot better to prevent people coming in, divert them and, when possible, get them out again as soon as possible. The reality is that most young people will test the boundaries in some way. Some of them will get into antisocial behaviour or they may get into full-blown crime. The majority will grow out of it, but there will be a cohort, probably 10 to 20 per cent at most, of kids who will become chronic offenders.

We also know that for young people who spend time in a youth detention facility, particularly an Aboriginal young person, the odds are that 90 to 100 per cent of them will spend time in an adult facility at some point in their life. That is an expensive pathway in terms of the social and economic cost for that young person, their family and the community. The issue is that we are not sure what works to prevent that, and that is where a lot of the work has to be done. We have set up the Office of Crime Statistics and Research inside the department to start working on our own program to find out what is working and what we can do to improve our success rate at rehabilitating and reintegrating.

Dr D.J. HONEY: Three months ago, I was in Halls Creek for the evening and there were youth on the streets and cars racing all through the night. From speaking to the locals, I learnt that was apparently a normal event. One of the comments I heard in the community was that there were not sufficient diversionary programs in those communities of Halls Creek, Fitzroy Crossing and Kununurra. I wonder whether the minister is able to comment on the extent of the diversionary programs in those communities and whether plans are afoot to increase the diversionary programs in those communities.

Mr W.J. JOHNSTON: I will invite the DG to comment in a moment, but, of course, this is a very difficult problem and, as the member knows from his own experience, it has been around for many governments. I suppose what we are trying to do differently from the past is to engage the local community leadership. Again, when I met with the member for Kimberley, we talked about the fact that often community leadership provides solutions that have come from the community. We want to make sure that we do not have only the department working through these programs, which are all very important and make a contribution. We also want to look for good practice amongst individual communities so that we can support those strong actions by community leadership at the same time. But I will invite the director general to make comment.

Dr A. Tomison: I thank the minister. The reality is these are small communities. They are difficult to service and it is difficult to keep staff in those locations from NGOs and other services we can rely on. That said, beyond the Kimberley juvenile justice strategy, money is put into both West and East Kimberley and the aim is to provide,

as much as possible, services around rehabilitation of young people, including emotional wellbeing education, training and employment, life skills, health and development, and bail services.

Just quickly, in the West Kimberley, we invested over \$1.1 million in programs and services in the last year. In the East Kimberley, we invested about \$1.056 million in the last year to try to get these services in place around mentoring and case management support and those sorts of things. We also involve NGOs like Project HOPE, Save the Children et cetera to try to provide better services. All of it together has had some impact at engaging young people very positively and we have had a reduction in crime, certainly for a lot of last year. I am not sure precisely where it is up to right now and how successful it is; these things sometimes come in waves. The government money invested in that service is to extend it and go beyond the current service, which is a night patrol and follow-up service with the families the next morning. They can find the kids and take them home, but kids might not stay there because the home is not safe or there is some reason that they go back to the streets. We end up with other elders and senior people in the community taking in the young people overnight. Someone might have 20 kids in a house, which is not ideal either. We are making some good gains there, but it is not a perfect system.

Dr D.J. HONEY: I appreciate this question might stretch the friendship a little bit, but I had a COVID injection at the Yura Yungi medical centre and I talked to the staff there. One of the contentions amongst the staff was that many of the mums are young mums; they love their kids, want the best outcome for them and are distressed with what is happening, but they do not have the parenting skills required. Does the function of the department go to improving parenting skills or helping parents with their skills? I was informed, and I believe it is true, that many of the parents, young mums in particular, are desperate to improve their skills but support is not available.

Mr W.J. JOHNSTON: There is no question that the postcolonial world has impacted on these communities and white settlement has had an enormous impact on disenfranchising black communities in the Kimberley. We are only now putting the communities back in charge of their own destiny and allowing them to exercise their own determinations of how they want to live. As we know, empowering Indigenous communities to strengthen their culture is a good way to overcome some of those problems. In respect of women who come into the care of the part of the department that I am responsible for, we of course have parenting programs for women in prison. If they come into contact with adult corrections, we try to help them where we can. On the broader agenda of government, I will invite the director general to make any comments that he thinks are relevant, because I know that the broader justice portfolio looks at these issues.

[2.30 pm]

Dr A. Tomison: I will just add to what the minister said. We also have mother and baby units inside women's prisons, Boronia and Bandyup in particular, where we try to keep infants with their mums, when it is safe to do so; and, again, we try to train and help mums to become better parents while they are inside. We have programs for adult men as well, who may be dads and may be coming out to be parents. We do the best we can. The reality is it is a much bigger problem and it gets back to that point of the broader community need and that agenda, which the Mental Health Commission is leading, around Aboriginal health and wellbeing. It is not just focused on the Kimberley; it will go towards Closing the Gap targets in a range of ways, but it will cover off on some of the range of social ills we are trying to address in the community as a whole.

Dr D.J. HONEY: I refer to the bottom of page 429 in volume 2 of budget paper No 2. This is under the outcomes and key effectiveness indicators. The rate of return from the adult offender program is 30 to 40 per cent, but typically, over the duration, the youth rate of return is significantly higher. I am wondering whether there is a particular cause for that or whether that cause has been looked at. I must say, intuitively, I would have thought it would have been the opposite.

Mr W.J. JOHNSTON: I am going to invite the director general to make a comment. I make the point that for a youth offender to end up in a detention facility, they are already seriously engaged with the criminal justice system. A youth offender would have worked hard to end up in Banksia Hill Detention Centre. Generally speaking, that means Corrective Services is dealing with a more difficult cohort to manage; therefore, whatever has led them to the criminal justice system, when they are released, is still probably in place. The member, like me, might think that, generally speaking, youth offending behaviour is not because people are bad but because of the circumstances of their life. We do not control the circumstances of their life outside prison. We can work with them through programs, but often they are being returned to the same circumstances. Although we work with released youth offenders, it is a much more complicated space for them than for adult offenders, when they return. I will invite the director general, who, I make the point again, is one of the leading experts on this topic in Australia.

Dr A. Tomison: Thanks, minister. I would echo what the minister said. The youth cohort is not in Banksia Hill Detention Centre for very long, for the most part; mostly it is for remand. They may come in more than once on a remand issue and they may get sentenced at a certain point, so the opportunities to effect change can be quite limited. I think we could do better at using that time. It is really about the engagement in getting them linked up to community

services rather than necessarily just expecting to fix or help a young person solve their issues while they are in Banksia. Work is underway to try to improve our approach. We have had good improvement around the rate of return for the detention of youth, but a lot more work has to be done. As I said, it is about throughcare as well. We are looking at our adult and youth programs at the moment through the Office of Crime Statistics and Research, which is an internal unit we have now built, to see what seems to work and what does not seem to work. We are looking to enhance the programs that we are delivering, and working with non-government organisations to do that. It is a project over the next two years to get that right. We are improving in reducing the rate of return, but there is further work to be done. In Banksia, we know there is a high rate of cognitive impairment amongst individuals, and poor impulse control, which goes along with that.

Dr D.J. HONEY: FASD.

Dr A. Tomison: Yes. We are all aware of a constellation of factors in the community that affects young people in terms of experiencing harm or being from a violent family or a family with alcohol and drug issues. A youth offender's own alcohol and drug issues can also make it difficult. That then translates into the adult system and the same thing is seen, and very high mental health concerns across the system. But it is no excuse. We have to do better and we have a program in place to look at how we can achieve better results. We are improving, but it is taking a bit of time.

Mr R.S. LOVE: I refer to the department's annual report.

Mr W.J. JOHNSTON: I am sorry; I do not have the annual report with me.

Mr R.S. LOVE: I want to ask about the cost of health services to Corrective Services. I understand that a review is being undertaken of Corrective Services' health services. I want to understand where that review is pointing regarding the direction of health services in the future.

The CHAIR: Can I ask the member which line item or page number we are dealing with?

Mr R.S. LOVE: Page 424.

Mr W.J. JOHNSTON: There is a line item about health. What I can say is that we provide health services for the cohort in our care. There are dedicated staff who work on those issues. Health care in prisons is a very, very complicated issue. I will ask the director general for something so that I can give an example of the complexity.

This is the most recent information. Seven people in prison today are what are called P1. That means they have a serious psychiatric condition requiring intensive and/or immediate care. They are not the ones in hospital; they are in prison today, and the prison service is handling that. There are 96 what we call P2, which means they have a significant ongoing psychiatric condition requiring psychiatric treatment; 485 are P3, which means they have a stable psychiatric condition requiring an appointment or continuing treatment; and 44 are P4, which means they have a suspected psychiatric condition requiring assessment. That means that 632 of the 6 500—roughly 10 per cent—male prison number have an identified mental health challenge. I use that as an example of what we are dealing with in the prisons. I emphasise that these people are either on remand or, more commonly, sentenced. It is not a question of being unfit to plead. Notwithstanding their mental illness, a judge or magistrate has decided that they were mentally capable of understanding the difference between right and wrong and therefore sentenced them to jail, but they still have a mental health challenge. There is a major challenge for managing health, including mental health, in prison.

Another example is the number of prisoners over the age of 70. That is related to historical sexual abuse claims that led to prison sentences and the high use of DNA to solve historic crimes. The person might have committed the offence aged in their 30s, but do not get convicted until they are in their 60s. We still have to care for them. There is no question about the complexity of all these issues in the prisons. Whether we make any changes to the arrangements in the future, that is for the future. I am impressed at the quality and dedication of the staff in the department who handle the mental health and geriatric and other health needs of the prison estate.

[2.40 pm]

Mr R.S. LOVE: In terms of Western Australia's prison system as a norm within Australia, is it comparable, roughly, with other jurisdictions or do they do that differently?

Mr W.J. JOHNSTON: In terms of their health management?

Mr R.S. LOVE: Yes.

Mr W.J. JOHNSTON: Obviously, apart from the Northern Territory, we have a larger prison population than the other states. We have more Aboriginal prisoners and more prisoners than all the other states so we have a bigger challenge here. In some states, the health system inside prisons is managed by their health departments. Whether that changes in the future is a question for them. This is the arrangement at the moment and it has been historically the arrangement that the department manages the health services for the prison population. I cannot speculate on whether that will change—that is a decision for the future.

Mr R.S. LOVE: In the minister's view, has that arrangement aided or been problematic in the handling of potential issues in the COVID pandemic?

Mr W.J. JOHNSTON: I do not think that has had any impact in that situation. Interestingly, in the United States, eight of the 10 largest outbreaks in a single location were in prisons, and we can see the deep challenges in New South Wales. The prison service here in Western Australia is very sensitive to COVID and on each occasion that we had a lockdown, it made a very, very rapid response and extended the lockdown because it takes a lower risk profile—I will put it that way—than the general community in exiting COVID lockdowns. Of course, one of the challenges is that the federal government does not pay for the health care of prisoners like it pays for the health care of everybody else because prisoners do not get Medicare services and, of course, we also have to manage their dental treatment. In the community, dental treatment is done by individuals, but we manage the dental health of prisoners in prison. One of the examples that I have been given in my short time in the job is that the dental health of drug addicts is particularly problematic and we have to manage that, whereas if they were in the community, their health would be managed by Medicare and their dental treatment would be up to them. This is a very complicated system with lots of moving parts. If we were to transition from the current arrangements to new arrangements, we would have to make sure it was done in a programmed and detailed way. We are not at a decision point at this time; that will have to be considered in the future.

Mr R.S. LOVE: That brings me to the point of the vaccination program in prisons. I understand that a program was forged some time ago. Can the minister provide an update on the success or otherwise of that program and the number of persons vaccinated of not only the prisoners themselves but also those who work in the prisons?

Mr W.J. JOHNSTON: There are two separate issue there. The first is the question of the people who work in prisons and the second is the people who live in the prisons. With respect to the workforce, currently in Western Australia we do not require vaccinations for prison staff. I am meeting with the Vaccine Commander in two weeks to discuss what issues the workforce might have to confront. I have certainly had a number of conversions with both department and union officials on that topic. We do not currently have a landed position. I will ask Commissioner Reynolds to comment on the vaccination program for prisoners but I emphasise that the vaccination program that was rolled out in prisons was done by the Department of Health, not the prison service. That was not clarified in some of the media commentary at the time. I assure people that there were no leftover vaccines because there was some commentary about that. There might have been instances of an individual vial being spoiled, but there were no leftover vaccines, which is the commentary that occurred in the media. I invite Commissioner Reynolds to make a comment.

Mr M. Reynolds: Thank you, minister. Corrective Services has partnered with the Department of Health to conduct the vaccination rollout for prisoners. As of 2 September, 65 per cent of the prisoner population had had their first dose of Pfizer and 51 per cent of the prisoner population had had their second dose. We are currently working with the Department of Health to build in a continual vaccination program. As the member can imagine, the population is transient—people come in, people get released and those on remand go in and out—so we are focused on ensuring that as many prisoners as possible are vaccinated. We encourage prison staff as much as possible to have their vaccination. They are able to record their vaccination status through the Department of Justice payroll system. At this stage, people voluntarily tell us whether they have been vaccinated. We run a lot of social media and internal programs and we have leadership from Corrective Services and the rest of Justice about getting vaccinated. We share that information to try to encourage as many of our staff as possible to be vaccinated. As the minister said, prisons are considered a very high-risk area for COVID so every time there has been a risk in the community, I have taken a very conservative view and we have locked down the prisons. We have not let anyone go in to minimise movements, so we have stopped social visits, visits from program facilitators et cetera. The prisons are fully briefed. I write to them regularly about where we are at with COVID and ensure that that is communicated so they know exactly where we are at. Regularly when I walk around, prisoners talk about the biggest risk of COVID coming from the staff. We are very focused on ensuring that as many people as possible are vaccinated.

Mr R.S. LOVE: On the matter of prison staff—the commissioner mentioned that there is a payroll register for staff who have voluntarily been vaccinated—what level of staff have received a vaccine, and is the department considering any measures, similar to those of the Commissioner of Police, in asking officers to wear masks if they are not vaccinated?

Mr W.J. JOHNSTON: I will invite the director general to comment. In terms of the second part of the question, we are still thinking about what we are going to do next.

Dr A. Tomison: Thanks, minister. We have a voluntary online service as part of our human resources portal in the department and what I can say is that as of this week, around 2 300 of the 7 200-odd prison staff have advised us of their vaccination status. More than 98 per cent of those who have responded have told us that they have had one or two shots, mostly two shots. The vast majority of them have told us what they are doing or told us that they have already been vaccinated. The issue for us is that we are not sure about the status of two-thirds of staff. We think there are more who have been vaccinated but it is a voluntary process at this point; that is what we know.

Ms H.M. BEAZLEY: I refer to page 426 of budget paper No 2, volume 2, and the significant issues impacting the agency, specifically the twelfth paragraph, which states —

The Department continues to strengthen its efforts to break the cycle of alcohol and drug-related crime and support the government's Methamphetamine Action Plan by delivering alcohol and other drug programs at two dedicated rehabilitation facilities at Wandoo Rehabilitation Prison for women and the Mallee Unit at Casuarina Prison.

Can the minister provide an update on the operation of Wandoo Rehabilitation Prison since the government brought it back into public hands, and has the rehabilitation program been effective?

Mr W.J. JOHNSTON: Thank you very much. One of the really outstanding achievements of former minister Hon Fran Logan was the insourcing of Wandoo Rehabilitation Prison—putting the facility back into public hands. I would say that the next thing was his achievement in converting it into Australia's first alcohol and other drugs prison treatment facility for women. It has worked very, very well over three years to provide services for women who reach the point at which they want to break the cycle of addiction. I invite the director general to comment further.

[2.50 pm]

Dr A. Tomison: Since the opening of Wandoo Rehabilitation Prison in July 2018, the department has partnered with Cyrenian House as the big non-government organisation provider of therapeutic programs there. That partnership has been very successful. As at 2 September, 182 women have graduated from the program. It is quite an intensive program and it takes a lot of work. The commissioner and I have sat in on some of the sessions. They are quite confronting. They make the women work very hard to achieve their results and to stay clean and work on their motivation for using drugs and also mitigating strategies to stay clean when they get out.

We are also working with Cyrenian and others to link the throughcare of those women so that when they come out, there is somewhere they can go or other supports they can access. Alcohol and drug addiction is not a one-off “you fixed it and that's it”. Issues recur. To date, 182 women have graduated. Another graduation was held today, or this week, which will add to those numbers. Of those, 158 women are outside the prison system in the real world. I am advised that as of this week, five have returned to custody. That is a recidivism rate of about three per cent, which is pretty much unheard of in this space. I must qualify that by saying that normally we wait until someone has been out for two years until we count that as a success. That is the normal recidivism rate. Of course, many of these women have only just come out in the past six months or so, so it is early days, but it is incredibly promising and we are very excited by what has been achieved by that unit. We have tried to replicate that at the Mallee Rehabilitation Centre as well, which is a unit set up for men at the maximum security Casuarina Prison. Fifty-two men have gone through that program, which opened up in October last year. Again, it is a very intensive program. I spent a night in the program as part of the Vinnies CEO Sleepout. I spent some time with the men and listened to their experiences. It is a good partnership between the Wungening Aboriginal Corporation and Palmerston Association, along with our own staff and the men themselves being motivated to change. It is a nine-month very intensive program. They have had their first graduations and that is another one that we think will be a really positive element of our system.

Mr W.J. JOHNSTON: For both of these programs at Wandoo and Mallee, the prisoners have to ask to get in. We do not choose who attends. The prisoners choose whether they want to participate, so that increases their motivation to succeed. The Mallee facility is inside a maximum security prison, so that is a unique opportunity. It means that even prisoners in maximum security can still be considered for the program. It does not mean they get in, but they can be considered; whereas if it were in a prison farm, they would be excluded from being involved. Those two facilities are a tribute to the staff working in them, the contracting partners and the prisoners themselves, because they are really making an effort. When I visited the facility I was told stories such as, for example, if a prisoner breaches the conditions of their participation in the program, they are returned to the general prison population. They then become eligible to return to the specialist program. The other prisoners really hold those prisoners to account, not in a violent way but with moral suasion, for their behaviour while in the program. There is a strong urge among the participants in the program that everybody should succeed, and that obviously strengthens the success of the program.

Dr D.J. HONEY: I refer to page 440 of budget paper No 2, volume 2, and the Casuarina Prison expansion stage 2. I am interested in the progress of that and whether it will create additional places in that prison.

Mr W.J. JOHNSTON: Yes, it will create lots. Stage 2 funding of \$183 million will increase capacity at Casuarina by a further 344 beds and provide supporting infrastructure for the delivery of services. The project will be delivered in two tranches. Tranche 1 is currently estimated to be completed in mid to late 2022 and will include two new accommodation units, a new high security unit and a number of new support buildings. Tranche 2 is currently estimated to be completed in mid to late 2024 and will include construction of a new assisted-care unit and a new dedicated mental health unit, as well as upgrades to the gatehouse. Some of the carryovers are being used to support

other infrastructure in the prison estate. The emphasis here is that with other builds that have occurred in the prison estate over the past four years, effectively the prison service has built a new prison, but inside the existing prison fences. That means it has been delivered at a very low cost. When we came to government, many of the cells were being triple-bunked, which means they were a single cell that had a second bunk built into them—we still use that—but also a mattress on the floor. Given that these rooms are tiny, that was simply unacceptable. With the decline in the prison population, plus the extra builds, we have largely overcome the prison overpopulation. This final new build will see us continue to manage the prison estate comfortably with sufficient capacity.

Dr D.J. HONEY: Related to that point, page 428 shows a very flat trajectory at the bottom of the service summary. Given that it appears there are some good efficiency dividends in the department, how are those extra beds being staffed and achieved?

Mr W.J. JOHNSTON: That is an excellent question. It is actually a new question, but I suggested to some of my colleagues that they might ask me a similar question. We were left with a \$340 million hole in the budget. The former government had a \$340 million cut to the budget for the prison service, which had been allocated to the prison service but it had not identified any savings. That was a real crisis for the prison service, and in this year's budget we have filled in that hole for the first time in five years. For the first time, the budget allocation fills in that \$340 million hole. Part has been filled in by the prison service evaluation process, which has identified a range of savings in the prison estate, both in administration as well as in operations. Treasury was very generous to us through the Expenditure Review Committee process and gave us an additional allocation of resources. It was ridiculous to think that we were going to save \$340 million out of the prison budget, but that is exactly what the former government said. The former government, with a larger prison population than we have now, was allocating less money to the prison service than we now have allocated to it. My former colleague Hon Fran Logan managed the budget position with Treasury over the past four years, but we have now finally put to bed that ridiculous decision of the former government to cut \$340 million from the prison budget while there were rising prisoner numbers. I am proud that this government has finally overcome that poisoned chalice that was left to us by the Liberal Party. It is ridiculous to think that the former government ran a \$3 billion deficit and still managed to cut \$340 million from the operating budget of the prisons without saying how it would save the money. It is not like it said it would cut services there or reduce staff. It just said it would cut \$340 million straight off the top. When the member referred to the budget profile, one of the reasons the budget peaks this year is that some one-off costs are included to do with the prison service evaluation program, and that will lead to future savings. I will get Mr Kerr to make some comments.

[3.00 pm]

Mr S. Kerr: Thank you, minister. Yes, that is correct. There is a drop from the \$1 billion in 2021–22 to \$930 million in 2022–23. At present, there is a large correction for our workers' compensation premiums. If I can draw members' attention to the spending changes table on page 425, that has been funded where we have \$36.7 million in 2021–22. The likelihood is that the premiums in the out years will need to be increased as well. We are working through that matter with the Insurance Commission of Western Australia and Treasury to determine what the premiums for the out years need to be in that space. I do not really have anything more to add to what the minister said about the future savings that are being explored through the prison services evaluation. We have a report that has to come back to government. The member may have seen a media release announcing the Public Sector Commission review into that as well. That will inform future savings across the forward estimates.

Mr W.J. JOHNSTON: Can I conclude by pointing out that we are very pleased with the level of engagement we have had with the WA Prison Officers' Union. I continue to talk to the union on a regular basis, including with its rank-and-file membership. Running prisons is a difficult job and I have immense respect for the work done by the prison officers. I know that the government, the leadership of the department and the workforce of the department, including the public servants and the prison officers, are going to be able to achieve this sustainable position for the prison service going forward.

Mr R.S. LOVE: I refer to spending changes. This may have been addressed at one point as an aside. Regional youth services expenditure, which is listed in the spending changes on page 425, is due to come into force in 2023. Was that part of the discussion around diversion for youth or is it a different type of program? Perhaps the minister could explain what that program will achieve.

Mr W.J. JOHNSTON: Sorry, what line item is that?

Mr R.S. LOVE: It is in the spending changes under ongoing initiatives, but there is no money until 2022–23. I am unsure about the reasons for that as an ongoing initiative. Why is there no money for 2021?

Mr W.J. JOHNSTON: I am happy to answer that question. At the moment, that program has been funded out of royalties for regions. In the future, it will be funded directly out of appropriations.

Dr D.J. HONEY: This question may give the minister another opportunity to demonstrate good husbandry, or good parenting at least, of the service. I am looking at the notes under the income statement on page 442. Note (b)

states that there is an increase of around 400 FTE from the 2019–20 actual through to the 2021–22 budget estimate. I expected that to have a bigger impact on the bottom line budget increase. I would have expected that to mean an increase in wage costs of around \$50 million, but, again, that does not seem to be reflected in the cost of that service or, in fact, in employee benefit costs going forward.

Mr W.J. JOHNSTON: That is not for just the prison service. It is for the Department of Justice.

Dr D.J. HONEY: It is for the whole department. Okay, that clarifies that.

I have a new question. I know the minister has had correspondence with one of my colleagues around the potential for relocating Broome Regional Prison. Could the minister please update us on the progress of the relocation of Broome prison?

Mr W.J. JOHNSTON: Sure. Firstly, I understand the sensitivities of the residents of 12 Mile and I respect the issues they raised with me when I met with them a couple of months ago. I apologise that I have not yet sent the letter to them that I promised them. It is currently being drafted and will be with them soon. The reason there has been a little bit of delay for me to write to them is that we have been talking further with the council. I want to emphasise that there are two separate questions here. The first is whether a site can be chosen proximate to Broome that is suitable for the prison. The second question is whether it is done on Nyamba Buru Yawuru land.

At the moment, it is our intention to place the prison, if it is to be built, on NBY land. If that is the case, it is for the NBY to make sites available to us because the land belongs to them. I understand that many of the people who live in 12 Mile moved there when all that land was considered unallocated crown land. However, in the subsequent number of years, there has been a native title determination that shows that that land in fact has an owner, the NBY. If we are going to go on NBY land, they have to tell us what sites are available to us. Then, from the sites they make available to us, we have to determine a site that is suitable.

Three sites were suggested by the NBY for us to consider. One of those was at Crab Creek Road. My friend Hon Fran Logan went to Crab Creek Road last year and made the announcement that that site would be chosen. Let me make it clear that he did that in good faith. However, subsequent to his comment, the NBY made it clear that that site was in fact not available. So, it is not possible for us to place a future Broome prison at that site because the owners of the land say they will not make that land available. We are perfectly relaxed that we are not imposing ourselves on the NBY, as we would not on a farm in the member for Moore's electorate, because the ownership of the NBY land and the ownership of the farm are equivalent. The NBY made two other sites available. One is effectively next to 12 Mile and the other is about two to three kilometres away from 12 Mile. We continue to talk to the NBY about whether there is a suitable parcel of land within that larger footprint that might be suitable for a prison.

Following on from that meeting with the residents at 12 Mile, we have also been engaging with the council about whether other sites, that are not NBY land, might be available. We continue to work with the council on those sites. If one of those sites proved to be suitable, of course, we would have to have a look at it. We are not silly. We are not trying to rub anybody's nose in this. So, we continue to work with the council to identify whether those other sites are suitable. One of the sites that was suggested by the residents was the future airport site. The people at 12 Mile rightly say that there is currently no plan to build an airport there and that is 100 per cent true. The problem with that is that people have a right to build the airport and they do not want to give up that right. Therefore, that site, even though it might be suitable to us, is not available to us, if the member can see the difference. Unfortunately, that site is certainly not going to be available.

We continue to engage with the council about some other sites. We have already eliminated some of those for a whole range of reasons, some because the owners of the sites do not think they are suitable and others because they do not meet the criteria we are setting. I make it clear that if we could go a little further away from the 12 Mile residents, we would love to do that, but that would require it to be still reasonably proximate to Broome. We cannot have it too far out, because there are staff travelling back and forward, and it has to be technically suitable to take the prison. If the Nyamba Buru Yawuru site, three kilometres from 12 Mile, is to be the site—I am not saying at this time that it is—we have to bear in mind that 12 Mile residents have raised a series of genuine issues that need to be dealt with. We believe we can overcome all those issues in the design of the prison.

One issue that has been raised by residents is the question of security. They say it is not the security of the prisoners, because they accept that the prisoners will stay inside the prison; it is the potential for visitors. Firstly, we do not think that is going to be a problem, but we accept that the residents believe it will be, and therefore we are looking at mitigation strategies. Just as an example, one option might be to provide a bus so that visitors do not leave the prison and then just sit down outside; they would actually be required to return to the township of Broome. That might be a potential mitigation strategy for that particular issue.

[3.10 pm]

Dr D.J. HONEY: There have been discussions in the community there about a new prison in East Kimberley so that people do not have to travel so far away from family and so on. Are there any plans or discussions about the potential for a new prison in East Kimberley?

Mr W.J. JOHNSTON: We do not currently have any plan to build a prison in East Kimberley. That is not to say that a prison in East Kimberley has been ruled out—just that we do not currently have a plan for that. People ask, “Why don’t you build a prison in East Kimberley or use the West Kimberley prison?” The problem is that Broome Regional Prison was shut and West Kimberley Regional Prison was built as an alternative, but it did not actually prove to be suitable. It is suitable as the prison that it is, but we still need a prison related to Broome because it is the logistics hub for the Kimberley. We do not want to build a Broome prison to put more people in it; we want to build a Broome prison so that the people who are currently in Broome Regional Prison do not have to stay in the only colonial prison still in use in Western Australia. The other thing is that the current Broome Regional Prison is right in the middle of town. There is a caravan park across the road, a pub on the corner and the cop shop next door. It is not a suitable location; we would not get approval to do it now. Some people say, “The NBY will get the land when the prison is vacated; they’ve got self-interest in this.” Yes, that is true, because the NBY owns the land. Of course it will want to do some commercial activity on that site in the future. But even after we have chosen the site, we will then have to do the plan and the design, get the budget allocated, and then build it. It is going to be four or five years before there is a new prison.

Dr D.J. HONEY: Does the minister have any sort of breakdown of the ratio between East Kimberley versus West Kimberley prisoners in Broome Regional Prison?

Mr W.J. JOHNSTON: No, sorry. We do not have that.

The appropriation was recommended.