

PEOPLE SMUGGLER OFFENDERS — STATE PRISON SYSTEM

**695. Mrs L.M. HARVEY to the Attorney General:**

Mr Speaker —

**Mr D.A. Templeman:** I think she should be the Treasurer!

Several members interjected.

**The SPEAKER:** I myself am looking forward to it, member for Scarborough.

**Mrs L.M. HARVEY:** Thank you, Mr Speaker. If I may firstly —

Several members interjected.

**Mrs L.M. HARVEY:** I am trying to acknowledge the presence in the gallery of the year 6 students from Our Lady of Good Counsel Catholic Primary School in my electorate. They are here listening to your appalling behaviour, member for Cannington!

**The SPEAKER:** Thank you, members!

**Mrs L.M. HARVEY:** My question is to the Attorney General. I refer the Attorney General to the announcement earlier this year that the government had secured a moratorium on this state's allocation of people smuggler offenders to Western Australia's jail and prison system. Could the Attorney General please update the house on the progress of his negotiations with the commonwealth on this matter?

**Mr C.C. PORTER replied:**

I thank the member for her question. It is one of her shorter questions actually in recent weeks, which is fantastic.

We have had some success in this area. In fact, I will say that it has been with very good cooperation from the federal government, albeit not cooperation without periods of robust negotiations. I will just explain where we have come from and where we are presently at. I raised this issue earlier this year because I became concerned at the overall number of people-smuggling prisoners that we had in Western Australia as well as the number that was likely to occur in the future. I will just put that in context. On 30 November 2009, there were 60 people smugglers in the Western Australian prison system—22 sentenced prisoners, and 38 unsentenced prisoners; that is, prisoners on remand. Those prisoners on remand were people against whom the most serious charge was a people-smuggling offence. In March this year, that number of 60 had risen to 119 people smugglers—27 had been sentenced and 92 were on remand. That was an increase of 98 per cent and was costing \$31 000 a day. When we looked at that in terms of our 10-and-a-bit per cent of the national population, we saw that it represented 95 per cent of all the people-smuggling prisoners across Australia. Naturally enough, that was a matter that it was appropriate to raise. In fact, it was interesting that that had gone under the radar for some time, and it was not until we started telephoning directors of other Departments of Corrective Services throughout Australia that we for the first time ever got the numbers of how many were imprisoned in other jurisdictions. We had assumed, naturally enough, that there would have been some, but the telephone responses were basically zero, zero and so forth. It therefore came as something of a surprise to us here.

In March 2010, I made statements in Parliament, and I wrote shortly after that to the relevant federal minister, and asked for a moratorium on the sending of any further people-smuggling prisoners to Western Australia. I wanted some kind of plan to be considered by all the states and the commonwealth to achieve a more equitable jurisdiction, as well as some kind of concept for ongoing compensation.

One of the matters to bear in mind is that there were recent reports, and they certainly confirmed the information that we had seen in *The Australian* of 11 October—a month ago—that 212 Indonesians suspected of people smuggling were being held in immigration detention off Darwin and Christmas Island. With immigration detention they get to make their way into the court system. There were two reasons that appeared after a period of robust negotiation that Western Australia's court system was being used as a repository. The first is that we had some of the best time-to-trial figures anywhere in Australia, so the matters could be dealt with very quickly by an efficient court system. Secondly, of course, we are close. Those are not outstanding reasons why we should receive 95 per cent of all the people smugglers. It was also put to us that there was no control for the executive government of the commonwealth to determine into which state or territory's court system the people smugglers were being directed. We pointed out that the commonwealth Director of Public Prosecutions Act 1983 has precisely the same provisions as the state act, which allow direction on policy, and that these were precisely the sorts of things the commonwealth government could be directing the commonwealth DPP on.

I think what we have achieved is very significant. We have achieved a three-month moratorium during which no people smugglers were sent to our jurisdiction, save one that we allowed because there was already a co-accused in our prison system.

**Mr J.N. Hyde:** Are you going to put them in a footy team, or not? That was yesterday's solution.

**The SPEAKER:** Take a seat, Attorney General. Member for Perth, you will have an opportunity in this place to ask questions. I formally call you to order for the first time today.

**Mr C.C. PORTER:** I guess the purpose of negotiations with the commonwealth have not been that we will not take any, albeit we wanted a moratorium because we were under stress in the system, not merely because of the overall numbers but because these prisoners have special needs —

**Mr P. Papalia:** Because you have put 900 extra Western Australian prisoners in the system.

**Mr C.C. PORTER:** As I explained to the member, the overall growth in the prison population over the past two years has been 7.5 per cent, which is comparative to the rate under his government.

The point is that these prisoners have special needs over a variety of matters. They are not the easiest prisoners to ensure we treat properly. Having all of them makes the situation more difficult. We achieved that moratorium. The initial indication to us in Western Australia was that we could expect anywhere up to 40 people-smuggler prisoners a month over the coming months and years. If we received 40 a month over 12 months, that would have meant more than half the overall growth in the prison population would be attributable to people smugglers. That was simply not something we could expect here. We have had very good negotiations. The upshot of those negotiations is that for a six-month period we will take 10 prisoners per month but no more. There will be transparent and open quarterly reporting in advance and in arrears of how many accused people smugglers are waiting in immigration detention, how many need to be distributed, where they have gone and where they are going. At the end of that six-month period we expect that a substantial plan will be devised so that transfers can be made out of jurisdictions such as Western Australia that are over-represented. One of the problems we have at the moment is that we can transfer out only on welfare grounds, not on grounds of balance or proportionality.

Finally, I would like to express some appreciation to the New South Wales, Queensland and Northern Territory governments, who have come to the table and done their best to take their fair share. Other states have not quite got there yet, but we hope they will. I also thank Brendan O'Connor from the federal government, the relevant minister, for his very helpful negotiations. I think it is a big win for Western Australia.