

Division 56: Office of the Inspector of Custodial Services, \$3 051 000 —

Mrs L.M. Harvey, Chairman.

Mr C.C. Porter, Minister for Corrective Services.

Professor N. Morgan, Inspector of Custodial Services.

Mr B.J. Cram, Deputy Inspector.

Mr D. Summers, Director, Corporate Governance.

Mr P. PAPALIA: I refer to the last dot point on page 694, concerning the increase in prisoner numbers. I have a series of questions; I will ask them now because we are running out of time, and see if we can get through them. What kinds of resources are involved in the inspection of police lockups? Has the inspector done any assessment of what resources Western Australia will need to comply with UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment? Does the inspector view the current method of funding as adequate, noting that it is linked more to the number of prisons than to the number of people in them? Prisons such as Casuarina Prison now have double the prisoner population that they had in the past, and in my view there should be funding to deal with that rather than counting it as the same prison that it used to be.

Mr C.C. PORTER: I will give my views on those matters first and then pass the question over to the inspector. The second of the member's questions is about the UN optional protocol. He asked what extra expenditure might be necessary to bring the Office of the Inspector of Custodial Services into line. That is a difficult question to answer, but it is safe to say that OICS as it presently stands, in my view, is certainly already very close to being OPCAT compliant. My view is that what is required for the national preventive mechanism we have promised to establish through the commonwealth Attorney-General is very close to what we already do in Western Australia. That is not to say that there might not need to be some legislative changes or reconfiguration of the office, but it is very close to being OPCAT compliant at the moment. The commonwealth Attorney-General, in agreeing to sign the optional protocol, brought into place an Australian national preventive mechanism. It will not just be one national body; there will be a skeleton national body that will oversee all the state bodies. Western Australia's body is OICS. Whether it has a name change or legislative change, it is almost compliant. I invite the inspector's views on that.

As to the resources involved in inspecting police lockups, it is of course the case that OPCAT has a greater reach than that which is provided to OICS, and it may be that that requires some legislative modification, as well as funding issues. Until the New South Wales draft of the legislation comes out, we will not proceed with ours because it has to be at least harmonised throughout the jurisdictions, and New South Wales has agreed to take that on. I also invite the inspector's comments on that. I do not know whether it is fair to put the inspector in a position where he is asked to give an opinion on the way in which Treasury goes about its business, but it is obviously the case that with an increasing prison population, increased resources stress is put on the OICS. Equally, I do not think it is true to say that a 23 per cent increase in the prison population means that we must have a 23 per cent increase in funding. I will let the inspector give his views on each of those three matters.

[3.00 pm]

Professor N. Morgan: Thank you, minister. If I will work in the order the minister responded, I think he was absolutely right when he said it is compliant in terms of what we look at. The issue is what we do not look at, which includes mental hospitals, police lock-ups and so on. It is obviously a matter for ongoing discussion and further deliberation.

In terms of current funding adequacy, yes, the addition of extra prisoner numbers does add additional complexity and extra difficulty to the role. I do not have a particular position at this stage on the most appropriate funding model.

The CHAIRMAN: I am sorry, inspector, but we are out of time.

The appropriations were recommended.