

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

MINISTER FOR CORRECTIVE SERVICES — PERFORMANCE

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) [2.56 pm]: I today received within the prescribed time a letter from the Leader of the Liberal Party in the following terms —

Dear Speaker,

Matter of Public Interest

Several members interjected.

The SPEAKER: Sorry, it appears that we have a number of people here who think that they should interject while the Speaker is speaking.

The letter continues —

I give notice that I will move today as a Matter of Public Interest:

That this House calls on the Premier to reshuffle his Cabinet following calls for his Minister for Corrective Services to be ‘stripped’ of the portfolio following a string of failures across his watch.

The matter appears to me to be in order, and if there are at least five members who will stand in support of the matter being discussed, and there are —

Several members interjected.

The SPEAKER: Sadly, the Leader of the House is not setting an example. Sadly, I do not think that joke is ever going to get old with you. It just means that every time it happens, we are going to waste about five minutes. Some people are enjoying it.

As you are aware, by agreement, the matter of public interest is a matter that will be debated each week, and to achieve the five members, the government has agreed to assist. That is why the Leader of the House stands.

Several members interjected.

The SPEAKER: Members, it is not supporting the motion, but supporting the motion being discussed, which I would hope that most members would.

[In compliance with standing orders, at least five members rose in their places.]

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [2.58 pm]: I move the motion.

I acknowledge the Leader of the House for supporting our opportunity to present this motion today, and for his maturity in doing so.

It is interesting to look at the portfolios that are covered by Hon Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services; and Industrial Relations. When we look at those portfolios, they are considerable. Obviously, today we are going to move onto the topic of corrective services, but things are going the way that they should in none of those portfolios. For example, in the mines portfolio, the government website boasts as it goes through the minister’s various portfolios —

So far, his achievements include cutting red-tape for the mining industry, introducing the Work Health and Safety Bill ...

He did do that, and we supported that bill as it passed through Parliament. But in relation to cutting red tape, it is fascinating to have discussions with people in the mining industry because they tell me anything but; they tell me that the approvals process has blown out considerably. People who are trying to engage in fracking projects —

Several members interjected.

Dr D.J. HONEY: I know. The government agreed that those projects would get approval under a separate arrangement, but they are not. Approvals in the Department of Mines, Industry Regulation and Safety are not moving. In fact, the mines department is struggling to get those approvals through. In the energy portfolio, we look at the failures in this state to get onto the area of hydrogen in particular, and I will go through that in a little detail. Industrial relations has obviously had a period —

A government member interjected.

Dr D.J. HONEY: We will see what comes out of all the new agreements that the state government is trying to arrange with public servants in the public sector. It is certainly a substantial workload for this minister. It is clear that corrective services is the orphan in that suite of portfolios.

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

As I said, I will talk a little about energy. One area in which I am especially interested and in which there have been some failures is that of renewable energy and hydrogen. That industry is gathering momentum in every other state but Western Australia. We have a couple of small projects that are nothing to do with the government, but, in large part, the hydrogen industry in particular is completely struggling to get off the ground, to the point that the largest investments in this area, from someone in this state who wanted to invest in this state, have been on the east coast of Australia because the investor could not get the support of this government. The minister, as a senior member of this government, bears part of that responsibility.

I want to focus today on the minister's inability to properly manage corrective services. It is clear to everyone that it is an area in which this minister is significantly underperforming. The minister seems to show disinterest in this portfolio. When there are public issues, all too often the minister is not present in the media dealing with those issues. Under Labor we have seen some disturbing incidents. I do not claim that the minister is responsible for all these incidents, but major riots have occurred since Labor came to power. We had the Greenough Regional Prison riot in 2018 and the Derby West Kimberley Regional Prison riot in 2020. Since this minister has come into office, we have had the Acacia Prison riot in August 2021, the Casuarina Prison riot in December 2021 and the recent riots in Banksia Hill Detention Centre, a juvenile facility. One of the common themes through all those incidents is the fact that staff are demoralised and disengaged and they feel overwhelmed in their jobs. That comes back to being the responsibility of this minister.

We have heard something from the minister on Banksia Hill, but on the previous riots, he has not come out to front the public of Western Australia and inform it about the issues or what he is doing about them. In fact, the public is left to wonder what is going on and what the priority of this government is in dealing with those matters. The riot at Casuarina Prison last December followed three previous prison riots in three years, yet the government has offered no explanation about what it is doing regarding the problems that led to those riots and those issues in that prison. As I said, we have not seen a public response. Clearly, there appears to be a major issue in the prisons in the way that those riots are dealt with and the prisoners are subsequently punished. Obviously, the minister is not responsible for the sentences that prisoners receive, but that is certainly something he can refer to his colleague the Attorney General—that is, prisoners being given a concurrent sentence for rioting. Those prisoners are effectively escaping with no punishment at all, because they simply go back to serving the time that they were going to serve. Is it any wonder that riots continue to happen in the prisons when the punishment is not adequate?

I know that the Minister for Corrective Services does not have to deal directly with sentencing for these issues, but one thing that he should be prosecuting, given that he has the responsibility of dealing with the people in prisons causing those riots, is that if prisoners, particularly those on short sentences, believed that they were going to suffer a significant penalty, maybe they would not do that again. However, we do not see the minister promoting that or any solutions to discourage prisoners from rioting in the prisons. Some money has been invested in an upgrade to house more dangerous inmates at Casuarina Prison, but we have not seen an increase in protections for staff and prison officers. Certainly one of the consistent issues that they raise is that staff and prison officers feel that they are at risk.

In question time today, I raised the matter of the Inspector of Custodial Services telling a Legislative Council committee hearing last week that following an inspection into Banksia Hill, he was very concerned for the overall operation of the facility. This is no new thing. I want to go through a little of the history of that centre. The minister came into this place and told us that the coalition government was responsible for taking that facility out. I want to put that on the record, because the minister has done this a number of times—effectively trying to blame the coalition for that facility. I will take members through a small part of that history.

If we go back some distance, the Banksia Hill Detention Centre opened in 1997 and underwent a major redevelopment from 2010 to 2012. In June 2020, only 77 juvenile detainees were held in Banksia Hill, but by April 2021, that had increased to 110 detainees with a capacity for 215. Juveniles were moved from Rangeview Remand Centre because there had been a substantial increase in capacity at the Banksia Hill Detention Centre. For the minister to say that somehow the capacity to house juveniles was caused by the closure of Rangeview is, at the least, extremely misleading. Moreover, Rangeview was not removed from custodial services, but was converted into a centre in which younger men from 18 to 28 years of age could transition into the community—the name was changed to Wandoo. This government then removed that facility and converted it into a transition centre for women who were dealing with drug issues, in particular, and transitioning back into the community. This government said that somehow there was this enormous lack of capacity when, in fact, it inherited a well-managed system. It has been under this government that the capacity of that centre has been overwhelmed. This government has been in power for five years. If this government thought that this was an issue, we should have had more facilities by now. The minister said that he has initiated action to expand that centre and its capacity, but this is five years in —

Mr W.J. Johnston: No, it's not. It's not correct. It's not true.

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

Dr D.J. HONEY: The minister can correct me. He usually does. Fire away.

Mr W.J. Johnston: You are usually wrong.

Dr D.J. HONEY: Well, there you go. What I am not wrong about is that the minister has been misleading in his statements about Rangeview and the impact it had. The simple fact is that Rangeview —

Mr W.J. Johnston: It's just wrong. It's just not correct.

Dr D.J. HONEY: The simple fact is that Rangeview was closed to taking juveniles, because under the coalition government, Banksia Hill had substantially increased capacity, as I have already pointed out.

The minister likes to blame everyone else. He likes to blame the Liberal Party, and he likes to blame other people, but it is of concern. I heard the minister's answer today in question time, when he said that the report of the Inspector of Custodial Services does not have any function in the detaining, treatment or rehabilitation of prisoners and the like. That is right. However, that person is an expert to review those services. In December last year, the inspector found that Banksia Hill was not up to scratch in handling juveniles. He was so concerned by the poor response from the minister's department that he went directly to the minister. The minister just dismissed that and said he was wrong. The minister should tell us how he was wrong. That person is an expert. The minister is being far too glib by just dismissing that and saying that person was wrong.

The minister also dismissed the concerns of the WA Prison Officers' Union. The minister said that the union is just driven by the fact that it has some sort of industrial disagreement with the government. I must say that last week I was taken aback that the minister would use Parliament to attack the secretary of that union. The minister came in here and gave a longwinded account of what sounded like an internal fight between the Labor Party and the union. The minister tried to discredit and blame Mr Smith. He did not deal with the substance of the union's issues. I do not believe that prison guards and other people who belong to that union are misguided when they criticise the minister and his government. I do not believe that Mr Smith is misleading anyone when he passes on those criticisms to the minister. The minister sought to attack Mr Smith, rather than deal with the substantive concerns of the union and the conditions that prison officers have to work under. I have great respect for what the guards who work in the prison service have to do. As Mr Smith pointed out, the minister could hold an independent inquiry into those matters. However, the minister has not done that. We have not seen any transparency or independent review of these matters.

Prison officers have expressed frustration time and again that the minister appears to lack commitment to his role. It is evident from the minister's display last week in this Parliament that the union has the worst relationship with both the minister and the department of corrective services that it has ever had. That reflects the fact that prison officers are in a distressing situation. They are overworked and understaffed. The minister has not responded appropriately to that, and his department has not responded appropriately either.

Inmates at Casuarina Prison have barricaded themselves inside the prison and trashed the maximum security wing. That occurred when that area was running between 30 to 50 officers short. The conditions for prison officers are becoming more dangerous. The number of workers' compensation claims is spiking out of control. That is a direct reflection of the poor working conditions that the minister is providing for prison officers. In the two and a half years from July 2018 to December 2020, 49 per cent of prison officers made a workers' compensation claim. Those claims totalled 247 000 hours of workers' compensation leave during the 2020–21 financial year. That equates to about 120 full-time staff missing from the job. The minister should tell me how that is wrong. Those are official numbers that have come out.

I am concerned that matters in the prisons will get worse. I note that the minister has embarked upon—in fact, implemented—a long-term work health and safety recommendation to ban smoking in prisons. The minister must know that that is likely to lead to highly irritable and even aggressive behaviour of prisoners who are coming off their addiction to cigarettes. I would be intrigued if the minister in his response could explain what he has done —

Mr W.J. Johnston: Do you support it?

Dr D.J. HONEY: I want the minister to explain to me and to this place —

Mr W.J. Johnston: Do you support it?

Dr D.J. HONEY: I am not here to answer the minister's questions. I am here to ask the minister what he has done.

Mr W.J. Johnston interjected.

Point of Order

Mr R.S. LOVE: The member for Cottesloe is trying to outline his case. The minister will have his chance to make a response. I seek that you ask him to stop interjecting.

The DEPUTY SPEAKER: There is no point of order. The member can carry on.

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

Debate Resumed

Dr D.J. HONEY: What I want to know from this minister is what has he done to mitigate that risk. As I said, I understand the basis of what the minister is doing. However, we know that the minister already has a highly charged situation in that prison. We have an extreme issue with shortage of staff and staff being under stress and duress. The minister intends to implement a move that will dramatically increase the risk of riots and misbehaviour by prisoners. I am sure members will have seen people who have gone off cigarette smoking cold turkey. In many people, it leads to quite extreme behavioural changes. This will be manifested in a highly charged prison environment. What is the minister doing to mitigate that risk? Will there be additional staff in the prisons? Will there be medical programs and so on?

Ms S.F. McGurk interjected.

Dr D.J. HONEY: That is the job of the minister.

Ms S.F. McGurk interjected.

Dr D.J. HONEY: That is the job of the minister.

Point of Order

Mr R.S. LOVE: It is soaking up precious time for us to put our argument while ministers on that side interject. I ask that you seek to stop them from doing so.

The DEPUTY SPEAKER: Thank you, deputy leader. I will not uphold the point of order at this point in time, but if members could let the Leader of the Liberal Party finish his contribution in silence, that would be appreciated.

Debate Resumed

Dr D.J. HONEY: That is the job of the minister, but, again, what we heard when the minister bothered to respond to this, and I listened with bated breath afterwards, makes me suspect the minister has not done anything other than make the announcement. If the minister did intend to implement this in prisons, he would have additional staff, not a staff shortage. He would also have additional medical programs to support prisoners through their withdrawal from cigarette smoking. That would also be supervised by medical personnel. What has the minister done? I suspect that the minister has done nothing additional, but we will find out. This minister is simply too overwhelmed with other work to enable him to carry out his work in this portfolio properly.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [3.16 pm]: I rise to support this motion moved by the Leader of the Parliamentary Liberal Party, and to back up the concerns raised about the management of the corrections portfolio, in particular as it relates to the juvenile justice system under the McGowan government's watch. It is very clear that there are a number of descriptors of the management of the juvenile justice system. Denis Reynolds, our longest-serving President of the Children's Court of Western Australia and a retired judge, has described it as a broken system and a basket case, complete with facilities that, as we have heard, are not fit for purpose. Some advocates for a better system in Western Australia have described the system as unlawful. We have heard the countless stories and reports about Banksia Hill Detention Centre. Earlier this week, the Commissioner for Children and Young People, Ms McGowan-Jones, raised real concerns about the vicious cycle of the deteriorating facilities in our sole detention centre. She raised those concerns on the back of the government's decision to send juveniles to our adult prison in shackles. That was not only a failure of this government to better rehabilitate and support those in the corrections system, but obviously a capacity failure. Ms McGowan-Jones also talked about the fact that moving these inmates without addressing the staffing issues just continues a vicious cycle. The commissioner said that she was particularly concerned that the time frame for returning all the children to Banksia Hill had already been extended from one year to 18 months.

There has been damning report after damning report. In March this year, the Inspector of Custodial Services made a damning report into what can be uncovered when there is a snap inspection of the juvenile justice system at Banksia Hill. In this report, the Inspector of Custodial Services described the treatment of youth in detention in this state as cruel, inhumane and degrading. This snap inspection was triggered on the back of a number of concerns that had been raised, including the rate of self-harm in these facilities. Through questions in the other place from our shadow Minister for Corrective Services, it was revealed that from 2019 to 2021, there was a significant jump in the instances of self-harm under this government's watch—from 147 cases of self-harm to 351 cases of self-harm. It is no wonder that this government has lost the support of unions associated with the corrective services portfolio. It is no wonder they describe their relationship with the department and the minister as the worst it has been. It is because we have seen the number of assaults against staff increasing dramatically, from three assaults in 2019—these were horrific in their own right—to a staggering figure of 13 in 2021. That is a significant jump.

The Auditor's General May 2022 report referred to the dysfunction under this minister's watch. It referred to a lack of reliable information on vacancies or an awareness of how many officers are currently employed, overpayments

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

to officers and fraud risks. The Auditor General's report painted a deeply disturbing picture—serious deficiencies in systems, processes, controls and culture; widespread acceptance of noncompliance with processes; and the inability or unwillingness of management and officers to challenge poor practices. We have heard about staff shortages, which members have referred to, but in terms of what that means on the ground for the most vulnerable, Judge Quail put it very well in a recent article in which he described the experience of a 13-year-old child at Banksia Hill. He described harsh and punitive treatment that had no rehabilitative effect. He said that the boy's detention management report, which was read in court, said he was keen to learn, had undertaken extra work in his cell while at Banksia Hill, and that his teachers reported the boy had been enthused about learning, was focused and had consistently demonstrated good behaviour. However, because of rolling lockdowns due to staff shortages in June, this boy had around 12 hours of education for the whole month of June compared with the standard of 135 hours. In the following month, he received just four hours of education. Judge Quail also referred to the self-harm that followed. National Suicide Prevention and Trauma Recovery Project director Megan Krakouer described the situation as an abomination. She asked how much longer the nightmare would go on and why Minister Johnston was managing four ministerial portfolios, as the portfolio of corrective services needs exclusive dedication.

I have more to say as this is certainly deeply concerning. I will leave my comments there, but that is certainly a question worth answering.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.25 pm]: I also want to make a contribution to the motion calling on the Premier to reshuffle his cabinet following the performance of the Minister for Corrective Services. I remind the Premier, who is here in the house, of calls that he made when he was in opposition to the then Premier, in which he attacked the then Deputy Premier and Minister for Health, who was also Minister for Tourism. At that time, he said that the time had come for the then Premier to take some action and make sure we either had a dedicated health minister or a minister who dealt with tourism. We have here a minister who is dealing with four portfolios, as outlined by the member for Vasse. It is time some attention was paid to the very important portfolio of corrective services, which is clearly not getting attention from this distracted and overworked minister.

I also note that the current Deputy Premier referred to the situation with the then health minister in December 2015, when he said that it was always "someone else's fault". We have a similar situation with this current minister—it always seems to be someone else's fault! Today we heard about the desperate situation at Banksia Hill. The minister said it was not his fault, but the fault of judges for sending people to Banksia Hill. What a ridiculous thing to say—it is the fault of the justice system that people are put in a position that they have to go there! It is the minister's responsibility to ensure they are properly catered for when they arrive.

In addition, the minister more or less intimated to the people in my electorate that the poor energy that he is providing under his other portfolio of energy is basically their fault because they are living in the midwest, or it is the weather's fault because sometimes it is hot and dry or it has rained there. Again, it is someone else's fault—it is never this minister's fault! We know from the recent shocking situation experienced by women working in fly-in fly-out that the minister has sought to throw all the fault back on the industry. He has accepted no responsibility with the departments that he heads and has oversight of—the Department of Mines and the Department of Industry and Resources, which exist to keep workers safer in those camps.

When is the minister going to take responsibility for things instead of blaming everybody else and making out that everything that happens is someone else's fault? It is the minister's fault! The buck stops with the minister in our system. The buck stops with the minister in the disaster in corrective services. The Premier needs to take note of the situation and immediately reshuffle his cabinet. He cannot go on with a minister who is at odds with the union involved and who comes in here and makes some bizarre attack on the secretary of the union in question time and starts to read out something that nobody in this house or in the public would know about. Why cannot the minister deal civilly with this union and deal with the situation he has presided over in the prison system, instead of coming into this place and launching some sort of attack upon the union? We know about the bizarre things that have been going on. We have heard about the ban on smoking. Why did the minister pick on Bandyup Women's Prison? Can the minister explain why Bandyup was chosen as the first prison to impose the ban on? What is it about that prison that makes it the target? Why is it acceptable to let criminals sit up at night watching football matches? Why is it acceptable to send takeaway food into our prison system? Why is it acceptable to give a pay rise, in percentage terms, to prisoners beyond that given to staff? Why is it acceptable for the minister to allow prisoners to produce private goods, under private commission, for people in the prison system? How is any of that acceptable? Why is the minister allowing that to continue under his watch, and why is the Premier allowing this minister to continue to fail in these many departments? Why is the Premier not taking action? Why is the Premier not reshuffling his cabinet? We know that other ministers have already expressed the view they will not make it to 2025. It is time for the Premier to reshuffle his cabinet.

MR M. MCGOWAN (Rockingham — Premier) [3.30 pm]: It goes without saying that the government will not be supporting this matter of public interest. The attack that was just launched was beyond pathetic. I have been

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

here a long time and in the annals of pathetic attacks that contribution is right up there. It was top shelf in terms of pathetic attacks by the opposition.

I want to make a few points about what the opposition said. At the end the Deputy Leader of the Opposition said that it is untenable to have a minister who is at odds with the union. That is the quote. Therefore, the new standard of the opposition is that if a minister does not get on with a union, the minister should not be able to hold that role. That is what he said. Does that mean that if and when the Liberal Party and Nationals WA get back into office in the future, as soon as a union says that it does not support a minister, then according to their new standard that minister must resign. Does anyone actually believe that? Does anyone actually think that is right—that you cannot have a disagreement with a union, or to put it more appropriately, if you have a disagreement with a union you must resign as minister? That is the new standard. It is ridiculous. It is a ridiculous thing to suggest. The Minister for Corrective Services obviously is going through a reform program, particularly for some of the leave and overtime issues that have been identified by the Auditor General. That is what is occurring. That has obviously upset some people. Rather than taking the side of the government, which is actually doing the right thing by Western Australian taxpayers, the Liberals and Nationals are taking the other side. It is quite instructive on how far the opposition has fallen to suggest such a thing. If I had said to Colin Barnett or Richard Court that the union disagrees with the minister—I was here with both of them—therefore they must resign, I would have been laughed out of this Parliament. It is a ridiculous thing to suggest.

The next argument of the opposition was about smoking. Does the opposition understand that various prisons systems across Australia have banned smoking, as have numerous venues across the country? The reason for that is a public health campaign over the last 40 years to save tens of thousands if not hundreds of thousands of lives. That is the reason this has been done on a progressive basis over the past 40 years in numerous venues across the country. I am advised that if not all, most prison systems in the eastern states have removed smoking. Why do they do that? It is to save the lives of prisoners, but more importantly to save the lives of prison guards and staff who work there so that they are not passively smoking. I would have thought that it is pretty clear why we are doing that. The union supports it because it wants to preserve the lives of its members. It is a workplace health and safety issue. We selected one prison to start with because we wanted to trial it to find out how it will work and to implement other things to do that. We selected Bandyup Women's Prison because it is a women's prison and probably the easiest to manage. Why would we not do that? The opposition is now attacking us for trying to stop smoking where staff are suffering.

Dr D.J. Honey interjected.

Mr M. McGOWAN: The member for Cottesloe is interjecting. I do not know who advises him. I really do not. He does not seem to have any judgement. His social media is appalling. The stuff he tweets is appalling. The reason he does not get any re-tweets is because everyone laughs at him. He needs better advisers.

Dr D.J. Honey interjected.

Mr M. McGOWAN: He laughs at himself.

Dr D.J. Honey interjected.

Mr M. McGOWAN: I would rather be in my position than yours.

The opposition's next argument is that the Minister for Corrective Services has too many portfolios. The minister has four portfolios: Mines and Petroleum; Energy; Corrective Services; and Industrial Relations. He is a former union official, and proudly so. He has knowledge about industrial relations. He is hardworking and knowledgeable on issues of mines and petroleum. I have every confidence that when he walks into a room with the industry, he knows what he is talking about. He knows every part of the industry and can answer any question. The energy portfolio is complex. Again, I have total confidence that this minister knows what he is talking about. He can hold his head high nationally. Look at us compared with the eastern states. Because of Alan Carpenter and the domestic gas reservation policy that he put in place in 2006, we have not had the problems they have had in the east. We are the absolute envy of the rest of the country when it comes to energy systems. At the Treasurers' meeting the other day they were in awe and asking, "How did you do that?" They have had rolling blackouts and price spikes. They have all these things.

Ms L. Mettam interjected.

Mr M. McGowan: The opposition is again objecting. In 2006, Alan Carpenter put in place a policy and this minister is the inheritor of it. Again, opposition members do not know what they are talking about.

Dr D.J. Honey interjected.

Mr M. McGOWAN: The member for Cottesloe is factually inaccurate. According to the standards that he sets, the minister should now resign.

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

The opposition also put the argument that the minister has too many portfolios. Let us go through that. The Leader of the Opposition is responsible for nine portfolios. The minister has four and the opposition has said that is too many. The Leader of the Opposition has nine. The Leader of the Liberal Party has seven portfolios. The Deputy Leader of the Opposition in the Legislative Council, Hon Colin de Grussa, has six. Hon Martin Aldridge has five portfolios. The Deputy Leader of the Liberal Party has five portfolios. Hon Tjorn Sibma, the fellow who does not like Anzac Day in the AFL—he thinks that is a reason to campaign on; I do not know the view of the Leader of the Opposition on that, but he should be asked a question about it—has four portfolios. There we have it. At least half the opposition frontbench has more portfolios than this minister.

Dr D.J. Honey interjected.

Mr M. McGOWAN: Now the member for Cottesloe is laughing about his party's predicament.

Dr D.J. Honey interjected.

Mr M. McGOWAN: I am not going to take the member for Cottesloe's interjections because, as ludicrous as they are, they are kind of infuriating.

At least six shadow ministers have responsibility for as many if not more portfolios than the Minister for Corrective Services, yet the minister has staff and the resourcing of departments and so forth, and the experience to undertake the roles; whereas, opposition members do not. That was, again, just a dumb argument.

Now I turn to the issues at Banksia Hill Detention Centre. There is a group of detainees at Banksia Hill who have caused a lot of grief. The argument that the behaviour of the detainees is the fault of the Minister for Corrective Services is ludicrous. Some of those young people, because they are in Banksia, have committed some pretty bad crimes that cannot be ignored. In each case—we cannot reveal the details—there is probably a long set of offences against their names individually. Because of their behaviour, 15 to 18 young people had to be moved out of Banksia. They have disrupted it for all other detainees. There are youth custodial officers, education programs, psychiatric programs, psychological programs and everything else at Banksia to help to get those young people back on a better pathway in life, but a group of detainees was wrecking it for everyone. What did we do? In accordance with the law and because their cells were so badly damaged, we had to find somewhere else to place them. To say that that is the fault of the minister—that people behave inappropriately and badly—is a stupid argument. It is a dumb argument. To ascribe what someone has done to someone else is dumb. It does not logically follow. For the member to come in here and say that it is the minister's fault is silly.

The minister has had to deal with a difficult situation. Over time, Banksia Hill has had difficult situations, but when detainees destroy their cells, climb up to the ceiling, assault youth custodial officers and disrupt it for everyone else, we have to act. The minister had to act in accordance with what was available to him. Those offenders have been moved to another venue.

We are also, as it came down in the budget, investing another \$25 million or \$26 million in improvements at Banksia Hill Detention Centre for additional support staff, particularly for Aboriginal detainees. The Aboriginal services unit will provide more support and medical and mental health attention to detainees in Banksia Hill. On top of that, we announced the new Kimberley justice strategy, with on-country opportunities for young people from the Kimberley, and potentially the Pilbara, to divert them away from the justice system. These are innovative and new things that will take some time to implement. They are innovative and new things to try to make sure that we make a difference in this area. All these things have been brought in by the Minister for Corrective Services, the Attorney General and the Minister for Regional Development—a range of ministers working cooperatively to come up with solutions. That is what is happening.

But I go back to the central point. Some detainees have behaved very badly. It is a difficult issue to manage. They have no doubt had difficult lives outside of prison and are acting up inside the prison. But to suggest that somehow the behaviour of those individuals inside prison who are assaulting others and damaging property is directly attributable to the minister is just a preposterous argument. The Minister for Corrective Services is dealing with the issue, which is what we want a good minister to do. As I said to the house the other day, the thing about corrective services is that it has caused grief for every single government in Australia going back to 1788 when the British settlers arrived with a fleet full of convicts. There have always been issues, and that is something every corrective services minister will have to deal with, as they have throughout history. It will never be any different. This minister is doing a good job in dealing with these issues in difficult circumstances, and these spurious arguments deserve no attention whatsoever.

MR W.J. JOHNSTON (Cannington — Minister for Corrective Services) [3.41 pm]: I want to congratulate the opposition for finally bringing some specificity to its resolution. For the first time, it is actually telling us what it is complaining about. I will deal with corrective services, but I will first deal with a couple of other things very quickly.

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

The first one is what the member for Moore said about what I said about sexual harassment in workplaces. All I was referring to was the law. Since 1985, the law in Western Australia has been that employers are required to prevent sexual harassment in workplaces. I do not understand why that is a controversial comment; I do not get that. I do not understand why telling people that that is the law in Western Australia—it has been for longer than most Western Australians have been alive—is a controversial statement. I think that says more about the Liberal Party and the Nationals WA than it does about me or the state of Western Australia. Let us move on from that.

The next one deals with the energy portfolio. Of course, it is hard to provide electricity to every house on the south west interconnected system because it is a very, very large system, and if there is a mechanical failure on any point in the electricity system, there is an outage. The idea that Western Australia's electricity system is not modern and world-leading shows how the shadow Minister for Energy never talks to people in the energy industry. We have some of the cheapest electricity, for both residential and business users, anywhere in the world. The shadow Minister for Energy talked about the hydrogen industry. The people who talk to the government of Western Australia about their expectations from hydrogen investment, including green steel in Western Australia, exceeds that proposed for the rest of Australia combined. The idea that we are behind the game simply reflects the fact that the shadow Minister for Energy does not know what he is talking about. As I keep saying, when the Leader of the Liberal Party changes, I hope that the shadow Minister for Energy changes, because that would be in the interests of the Liberal Party, the Labor Party and the state of WA because we cannot have an uninformed person in that job, which is what we have got at the moment.

Let us talk about the issues that have been raised in corrective services. One of the members quoted from the Auditor General's report without having understood what it was saying. I will read part of the Auditor General's overview on page 2. It states —

I am encouraged by some of the recent determined tangible efforts by the Director General, new Commissioner and new minister in tackling these issues. My Office will maintain a keen watch for improvements.

The Auditor General is saying, "Look at all these disastrous situations inside the administration of the prisons. Thank God we've got a minister who's finally addressing them." Let us look at why the WA Prison Officers' Union would be upset with me. I refer to the Auditor General's report, which found —

A consistent failure to follow processes has become accepted practice which has developed an entrenched culture of noncompliance among staff at all levels. This has resulted in overpayments to officers and increases the risk of fraud.

That is what I am stopping! Now tell me, why is it that the union leadership might have a problem with me? I am also stopping this —

A culture of complacency has developed whereby prison officers fail to account for their leave or absence in a timely manner ...

I have not personally introduced measures, but I have directed the department, because it administers the agency, to bring in a digital rostering system so that we can eliminate this fraud and other problems that are taking place. The report also noted —

Prison officers being absent from a shift without accessing leave or arranging a shift swap. This provides access to unlimited, un-managed days off and creates overtime for officers to backfill the absence.

That is what I am stopping! I ask members of the Liberal Party and the Nationals why it is they think that the WA Prison Officers' Union might not be happy with my stewardship of the agency. Do they think it is because I am reducing the opportunity for a small cohort of officers to be paid for work that they have not done? That is the exact thing that the Auditor General —

Dr D.J. Honey interjected.

Mr W.J. JOHNSTON: The Auditor General asked us to crack down on these things and that is exactly what I am doing. I make it clear that this involves a small cohort, not the majority of officers. The majority of officers are hardworking and dedicated to their work. A small element has caused a problem and there has also been a breakdown in culture. One of the things I have said to the superintendents is, "You should run your own prison. Don't rely on others to tell you how to do it. Run your own prison." But, of course, that means they have to be responsible for budget outcomes. In the past, when they needed more money, they went to central office and asked for more. I am the first minister to get the corrective services element of the department to run to its budget. Of course some people are going to be upset.

Members opposite have said that we should not ban smoking in prisons.

Dr D.J. Honey interjected.

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

Mr W.J. JOHNSTON: That is exactly what you said. Guess what? The union supports us. That is one thing on which the union agrees with us. Why are we starting the ban at Bandyup? It is because it is the women's prison and we want to test the impact on the prisoners, as well as on staff, to make sure that we can manage it in a calm way.

Members opposite talked about the Acacia Prison riot. Acacia Prison is run by Serco, not the government of Western Australia. We do not manage that prison; it is a private prison. We pay for it, but we do not run it. We do not choose the staffing levels. We set standards to which Serco has to comply. Guess what? The riot was a breach of the standards that we require and we are abating the contract right now. Serco is protesting the abatement and asking us to not do that. It is also asking us to pay for the damage that it allowed at the prison. That is what it is doing.

Mr R.H. Cook: Who privatised it?

Mr W.J. JOHNSTON: The Liberal Party privatised it. Quite frankly, we will have to review whether we can bring it back in-house at the end of its contract because I think we will get a better outcome. As I keep saying to members opposite, I am not able to control the management of that prison. It is run by Serco under a contract that the former Liberal–National government introduced. Why do members not go and read it and then come back and tell me why I cannot control what happens at Acacia. The former Liberal–National government gave that prison to Serco and said that letting the private sector do what it wants is better than having the government run a prison. How ridiculous!

Let us go on. The member for Cottesloe talked about concurrent sentencing as if somehow or other the decision of a judge has anything to do with the Minister for Corrective Services. Member, I would really love it if people learnt about the Westminster system and the separation of powers before they came to this place. I cannot tell a judge what to do—it is up to them.

The member talked about prisoners watching television. The prisoners who were in the newspaper were at the minimum-security prison. They are supposed to be managing themselves and getting ready to go back into society. That is the purpose of the minimum-security prison. They cook their own food and they go to work each day inside the prison grounds, but not inside the prison fence. They manage their own affairs. The irony is that if they were in the maximum-security prison, they would have had a TV in their cell. The people at the prison farms are not locked in their room; there is no lock on the door. They can come and go out of the rooms. Many of the prison farms do not have ablution facilities in the cells. If at two o'clock in the morning they need to go to the toilet, they leave the room and go down the corridor to the toilet. It is a prison farm, and the prison farms have been in place for 50 years. The idea is that this is somehow shock-horror. I understand that a juicy story was given to a journalist at *The West Australian* by the secretary of the WA Prison Officers' Union. That is fair enough. He is in dispute with me because I am trying to get control of the costs and the overtime in the prison. The prison officers' union raised a very important health and safety issue. The number one reason that a prison officer claims workers' compensation is from being injured by a prisoner, and we have to deal with that. The union is raising very important issues and we are looking at how we can deal with them.

The number of workers' compensation claims is falling, not rising. When I came in as minister, there was a long duration of workers' comp claims. I have talked about this previously. Anyone involved in workers' comp knows that long duration claims are everybody's enemy. They cost too much and are not in the interests of the individual worker. We want to bring those matters to a conclusion, and anyone who has ever done anything in workers' comp knows that. I think there were 140 claims of more than seven years' duration when I became the minister, and I directed the department and the Insurance Commission of Western Australia to settle those claims as quickly as possible to bring them to a resolution. It is ridiculous that they were allowed to continue for that long.

Let us now turn to Banksia Hill Detention Centre. The member for Vasse talked about the youth detainees being moved in shackles. In 2013, when the Liberal Party was in power and Banksia Hill was destroyed by the inmates, every single detainee at Banksia Hill was moved to the maximum-security Hakea Prison, and guess what? They were all moved in shackles. Whenever a detainee is moved outside the detention facility, they are moved in shackles. The prison service is not a pretty place. It is a very difficult place to manage. We have to make sure that the community and the staff have a risk-management strategy in place, and that is why the detainees are shackled. It is not a pretty idea, but that is what occurs. I remind members that the Office of the Inspector of Custodial Services report into Banksia Hill, which was tabled in April 2021, a month after I became minister, talked about how well Banksia Hill was running. I understand the department did a subsequent report in December to change the narrative, but that was the narrative that the inspector had created for me and that is what I responded to, so when I became minister, I did not pay the careful attention that I did to other aspects in the service because the Inspector of Custodial Services had told me in writing in the report that Banksia Hill was running calmly.

Yes, there was a growth in the detainee population and things did not go to plan, and that is why I got the department to do two things: firstly, a new model for care; and, secondly, to deal with these disruptive detainees. The problem is that there was no second facility. We could not move them back to Rangeview Remand Centre because the

Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

Liberal Party had closed Rangeview. It had concrete poured into the toilets so that they could not be used ever again. There was only one youth custodial facility until I declared unit 18 to be a youth custodial facility, and when I did that, it allowed us to move that disruptive cohort into that other facility. If we had detention facilities like we did before the Liberal Party was in government, we would have been able to balance the arrangement. It was never a question of capacity. We did not move the cohort to unit 18 because of the capacity at Banksia Hill. There are 216 beds at Banksia Hill and it has never been more than half full. That is not the issue. The issue was that there was nowhere for them to go, and every time they ticked off, the place had to be closed down and that resulted in the negative outcomes that the member for Vasse talked about. We have moved the difficult cohort to a different facility so that we can provide the care that is required. The prison service is a very difficult area to operate.

I am proud of the fact that Western Australia's mining sector is still rated the number one jurisdiction in the world. Everybody I talk to in the mining industry says that the reason Western Australia is getting a higher level of investment than any other state is that it is well regulated. Western Australia's energy sector is managed far better than any other state and most other parts of the world. Find me anyone in the union movement who does not say what a great job we have done in industrial relations and work health and safety legislation. Yes, the prison service is difficult to manage. I am pleased that the Premier trusts me to be given such a complicated portfolio and I am glad that I work with dedicated prison officers and other people to manage the service to try to get things done.

MR D.A.E. SCAIFE (Cockburn) [3.55 pm]: We have to think that there is some irony in the opposition bringing a motion complaining about the minister having too many portfolios when we found out that former Prime Minister Scott Morrison had five portfolios that no-one even knew about, yet we are hearing a complaint today that the Minister for Corrective Services has four portfolios. It is just absurd and underlines the problem with this opposition, which is that it is not a serious opposition. We see this week in and week out in the contribution opposition members make to debates and bills and on and matters of public interest. The opposition's problem is that it is not serious. It is not taken seriously and it does not talk about issue in a serious way. This is a minister who takes very seriously his responsibilities in a very difficult portfolio. He appreciates how serious and complex the issues are and also the history of the challenges and of the reforms in our corrective services sector. That is demonstrated by looking at a few articles. I found a few on WAtoday. One is headlined "Banksia Hill a 'tinderbox' before teen prison riot". That is from 7 August 2013, members of the opposition, when Joe Francis, the former member for Jandakot, was the Minister for Corrective Services. Another headline on 28 August 2013 is "Angry Banksia Hill prison guards want apology". Do members know what the article says? It says —

Those words angered the Community and Public Sector Union so much a stop work meeting was called on Wednesday afternoon, with members demanding Mr Francis be removed.

It is history repeating itself because there are challenges in the corrective services portfolio. There always are. We are dealing with people, and in this case young people and children, who have incredibly complex behavioural issues and are there, as the Premier said—it cannot be ignored—because they committed crimes. What I think distinguishes this corrective services minister's performance from that of Hon Joe Francis was that although in this case the minister pointed to issues with overtime and processes within some of those prison services, he said that it is only a problem because of a minority of people. Do members know what Mr Francis said? He said that half of the prison officers were not turning up to work. That is what he had to say. That is right out of the Liberal and National Party playbook, which is to attack hardworking public servants. They do not actually go to the issue. This is classic stuff right here. Saying that half the staff would not turn up to work is not a reasonable proposition to put. That is not a considered understanding of the issues. It is just classic stuff out of the Liberal and National Party playbook, which is to attack half the public servants working in the corrective services portfolio. It is an absurd position to take, whereas we have a minister who is constructively and sensibly addressing the issues that have been identified with the administration of overtime, yet this opposition comes in here and criticises him for it and calls for his resignation. It is an absolutely laughable performance. If opposition members want to be taken seriously by the public, they need to come in here and present serious arguments. So far they have failed to do that. I do not hold out hope that they will change their tune any time soon. I will tell members what: the people of Western Australia deserve better from the opposition. They deserve a serious opposition. They will not get one, but I hope that over the next couple of terms the opposition will do better.

Division

Question put and a division taken, the Deputy Speaker casting his vote with the noes, with the following result —

Ayes (4)

Dr D.J. Honey

Mr R.S. Love

Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Extract from *Hansard*
[ASSEMBLY — Tuesday, 16 August 2022]
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Speaker; Dr David Honey; Ms Libby Mettam; Mr Shane Love; Mr Mark McGowan; Mr Bill Johnston; Mr David Scaife

Noes (44)

Mr S.N. Aubrey	Ms K.E. Giddens	Ms S.F. McGurk	Ms A. Sanderson
Mr G. Baker	Ms E.L. Hamilton	Mr D.R. Michael	Mr D.A.E. Scaife
Ms H.M. Beazley	Ms M.J. Hammat	Mr S.A. Millman	Ms J.J. Shaw
Dr A.D. Buti	Mr T.J. Healy	Mr Y. Mubarakai	Ms R.S. Stephens
Mr J.N. Carey	Mr M. Hughes	Ms L.A. Munday	Mrs J.M.C. Stojkovski
Mrs R.M.J. Clarke	Mr W.J. Johnston	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms C.M. Collins	Mr D.J. Kelly	Mr P. Papalia	Mr D.A. Templeman
Mr R.H. Cook	Ms E.J. Kelsbie	Mr S.J. Price	Ms C.M. Tonkin
Ms L. Dalton	Ms A.E. Kent	Mr D.T. Punch	Mr R.R. Whitby
Ms D.G. D'Anna	Dr J. Krishnan	Mr J.R. Quigley	Ms S.E. Winton
Mr M.J. Folkard	Mr P. Lilburne	Ms M.M. Quirk	Ms C.M. Rowe (<i>Teller</i>)

Pair

Ms M.J. Davies

Mr P.C. Tinley

Question thus negatived.