

INSPECTOR OF CUSTODIAL SERVICES REPORT — DUTY OF CARE

722. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Corrective Services:

I refer to paragraph 7.9 at page 93 of report sixty-five by the Office of the Inspector of Custodial Services, dated May 2010 and titled “Thematic Review of Court Security and Custodial Services in Western Australia”.

- (1) Will the government amend all legislation dealing with people in custody to include principles of duty of care, decency, and respect for human dignity?
- (2) If yes to (1), when will a bill to this effect be introduced?
- (3) If no to (1), why not?

Hon MICHAEL MISCHIN replied:

I thank the member for some notice of this question. The Minister for Corrective Services advises as follows —

- (1) No. The government is not amending all legislation dealing with people in custody.
- (2) Not applicable.
- (3) It is proposed to replace the Prisons Act 1981 and the Sentence Administration Act 2003 with a new act that contains clear objectives and principles relating to the management of offenders in terms of their needs, rights and responsibilities, welfare, and safe custody. In addition, duty of care is a common law principle that is observed by the Department of Corrective Services in its management of adult and juvenile offenders.