

ACACIA PRISON — DUTY OF CARE

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

- (1) Is there a termination provision in the contract between the government and Acacia Prison if a duty of care owed to a prisoner is breached through the actions of the service provider or its staff?
- (2) If the answer to (1) is that there is no such provision in the contract, what action has the minister taken to address this?
- (3) If the answers to (1) and (2) cannot be provided, will the minister please explain why this information is not subject to public scrutiny?

**Hon MICHAEL MISCHIN replied:**

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

- (1) Part IIIA of the Prisons Act 1981 provides for the intervention in a contract such as that which exists between the state and Serco Australia Pty Ltd. In accordance with that authority, section 18 of the Acacia Prison Services Agreement provides for the state to terminate the agreement in the event of there being, in any operation year, two or more separate and isolated instances of a death of a prisoner at or outside the prison while in the lawful custody, care and control of the contractor, being a death by other than natural causes as lawfully determined by a coroner under the Coroners Act 1996.
- (2)–(3) Not applicable.