

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

## **MISCELLANEOUS PROCEEDINGS**

**TERM OF REFERENCE INQUIRY WITH A PARTICULAR REFERENCE  
TO ITEM 3.3(A)(I) “TO INQUIRE AND REPORT ON THE STRUCTURE,  
EFFICIENCY AND EFFECTIVENESS OF THE SYSTEM OF PUBLIC  
ADMINISTRATION.”**

**FOLLOW-UP ON A PREVIOUS INSPECTION OF BANDYUP WOMEN’S  
PRISON BY THE COMMITTEE**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 26 SEPTEMBER 2012**

### **Members**

**Hon Max Trenorden (Chairman)  
Hon Jon Ford (Deputy Chairman)  
Hon Ken Baston  
Hon Jim Chown  
Hon Ed Dermer**

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**Hearing commenced at 10.30 am****JOHNSON, MR IAN****Commissioner, Department of Corrective Services, sworn and examined:****DOMINISH, MS ANGIE****A/Assistant Commissioner, Corporate Support, sworn and examined:****HARKER, MS HEATHER****Deputy Commissioner, Adult Custodial, sworn and examined:****CHATWIN, MS MARIE****Superintendent, Bandyup Women's Prison, sworn and examined:**

**The CHAIRMAN:** Thank you for your attendance. I have some formalities we need to go through before we start the questions.

[Witnesses took the oath or affirmation.]

**The CHAIRMAN:** Have you all seen the "Information for Witnesses" form?

**The Witnesses:** Yes.

**The CHAIRMAN:** And you understood it?

**The Witnesses:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document—I see that you have documents—as Hansard needs to be able to identify the documents that you refer to in the course of the hearing; and just be aware of your microphones. I remind you that your transcript will become a matter of public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that evidence be taken in closed session. If the committee grants your request, any public or media in attendance—which is nobody—will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise that publication or disclosure of the uncorrected transcript of evidence may constitute contempt of Parliament and may mean that material published and disclosed is not subject to parliamentary privilege. That is quite an important point.

Ian, is there anything you want to say upfront before we get into the questions?

**Mr Johnson:** I have brought some documentation along for the committee. There are copies of the "Female Prisoners Plan 2012–2022", the strategic plan; and there is a copy of a presentation that I may refer to. I will be guided by the committee on how you wish to proceed, and I can probably give you a more contemporary update of where we are at with the women's estate, or we can respond to questions.

**The CHAIRMAN:** Ian, I will just say where we are at. In November this Parliament finishes, and so does this committee. We do not have a lot of capacity between now and November, so we are seeking to put a report to the house sometime in October, hopefully, to discuss the issues of the inspector's reports. As you know, we have been out to have a look at Bandyup. We have had a look

at the inspector's reports, which is one of the responsibilities of this committee. We are seeking to report on those. We have some issues that we will be raising today, and in some of them we will be a bit blunt, but they are issues we are concerned about. We can only raise issues between here and November; we cannot talk to you about what we think are the hard issues. That will have to be within the parameter of a new committee, if it decides it wishes to do that. When the election occurs and five new members come onto this committee—whether they are fully new members or not—the newly constituted committee will decide its own business; we cannot leave them anything. The best we can do is establish where we think we are at as at today's date. That is the context to give you an idea of what we are interested in.

**Mr Johnson:** I think the information that we have provided will certainly be of assistance when you are providing your formal report. I can probably add a couple of matters. When you look at Bandyup, the numbers there were significant; and they are still significant today. Today's figure is around—280?

**Ms Chatwin:** Two hundred and eighty.

**Mr Johnson:** But, really, it has an operational capacity of 260; and even at 260 that is pushing things in terms of the numbers on such a small site. As we sit here today, currently work is under way to provide some relief for Bandyup up at Greenough. Unit 4 at Greenough Regional Prison was historically housed by the males up there. That is being converted as we speak and should be ready by November of this year. That will house an additional 44 female prisoners. It will become a precinct within the Greenough Regional Prison with facilities for women that were designed for women, and will certainly provide some much-needed relief for the Bandyup site.

In addition to that we have the West Kimberley regional prison about to be opened on or about 22 October. The fill of the West Kimberley regional prison will be a gradual fill, but certainly there is provision there for 30 beds for women. The beauty of the West Kimberley prison is that it has been specifically designed, in terms of the women's estate, for the women; so there are provisions there for women and children—specific women's needs. Again, combined with the Greenough option of 44 beds, the 30 beds at West Kimberley will provide some much-needed relief for the current situation at Bandyup regional prison.

**The CHAIRMAN:** Do you expect that to reduce the muster at Bandyup below 260?

**Mr Johnson:** Yes. Everything I say, I tend to say with a caveat with corrections, because X amount of beds does not necessarily mean X amount of women.

**The CHAIRMAN:** We are not looking for that sort of detail. I am sure you are aware that the committee was not comfortable with its visit to Bandyup; that is the bottom line. We will be seeking from you today where you think that is going to go, and we may as well get to those questions instead of talking about them now. We will look through your documentation and if there is anything we need to ask you about it, we will. You have just given us the core that there will be 70-odd new beds, give or take, which is of interest to us and we can move on from there I would suggest.

**Mr Johnson:** If I could, on other options, the Parliament this week will be seeing the introduction of GPS legislation, which is about monitoring people. In the first instance that will certainly be around the dangerous sex offenders, but once we have got through that phase and looked at how that has progressed, then certainly the options that are contained within the plan I have given you a copy of are not only looking at custodial options for women but also noncustodial options and community-based options, which we think are very valid because you can continue to build and build and build and we will continue to fill and fill and fill. So we are also looking at options that stop them from going there in the first place, both at the front end from the judiciary but also an early release option at the back end.

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**The CHAIRMAN:** That is good, and we can peruse that at our leisure and decide what we will do with that.

**Mr Johnson:** Sure.

**The CHAIRMAN:** Let us get into the questions. Would you agree that a safe prison is vital to ensure good prisoner outcomes, high prisoner morale and increased community wellbeing?

**Mr Johnson:** Yes, very much; we are about safe, decent and secure environments.

**The CHAIRMAN:** Do you agree that whatever has the potential to increase risk, stress, poor conditions or outcomes is harmful to prisoner and officer morale and community wellbeing?

**Mr Johnson:** Yes.

**The CHAIRMAN:** The committee understands that women typically make up about 10 per cent of the state's prison population at any time.

**Mr Johnson:** Correct; between eight and 10 per cent.

**The CHAIRMAN:** So, at a statewide and metropolitan level, how significant is Bandyup Women's Prison for your system?

**Mr Johnson:** Bandyup Women's Prison is very significant. It is the only maximum security dedicated women's prison within the entire state. Therefore, it caters for the majority of that population, which is typically just over the 400 mark; and, typically, as we stand today 280 are situated at Bandyup. So it is vital to the system.

**The CHAIRMAN:** Outside of what you said a little earlier about 70 beds, in the last six years how many new beds have been added to men's prisons in Western Australia in net terms?

**Mr Johnson:** That is a good question, which off the top of my head, and Angie may be able to research —

**The CHAIRMAN:** You do not have to ad lib that if you wish to supply that as written information.

**Mr Johnson:** A significant number would be my response, from 2006–07 onwards.

**The CHAIRMAN.** We are interested in how many of these new beds have double bunking in single prisoner cells. We have in the past looked at Roebourne and Broome, so we know there are some prisoner issues involved with double bunking. How many are double bunking? We understand that some prisoners like to have someone else in the cell —

**Mr Johnson:** They do.

**The CHAIRMAN:** — if you can supply that information as well.

**Mr Johnson:** Sure.

**The CHAIRMAN:** Over the same period, how many new beds have been added to women's prisons? It is the same question about double bunking.

**Mr Johnson:** Yes.

**The CHAIRMAN:** As you know, remand prisoners are in custody after being charged with a criminal offence but before they are trialled. Some proportion of these prisoners will be found not guilty in court, and in the eyes of the law they are presumed innocent. How many remand prisoners would typically be held at Bandyup at any given time?

**Mr Johnson:** I could probably ask Marie that question.

**Ms Chatwin:** Possibly one-third of the population.

**The CHAIRMAN:** As high as a third?

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**Ms Chatwin:** Yes; that is a changing number all the time. You might get six in today, and six out tomorrow.

**Hon ED DERMER:** That makes sense that it would be constantly varying.

**The CHAIRMAN:** In terms of the prison population is it true that Bandyup caters for nursing mothers with infants and occasional day visits for children?

**Ms Chatwin:** Yes.

**The CHAIRMAN:** From our visit to Bandyup, the committee is aware that the prison holds remand prisoners as well as sentenced prisoners serving sentences for everything from fine defaulting all the way up to murder, so Bandyup covers it all. How many of these different categories of prisoners are segregated within Bandyup?

[10.45 am]

**Ms Chatwin:** None of them are segregated according to the nature of their crime; they are segregated by earned privilege or a hierarchical model, in essence, which is a reward system, really.

**The CHAIRMAN:** Okay. How would you describe the state of the physical facilities at Bandyup? What is the department's view on Bandyup physically?

**Mr Johnson:** I think it would be fair to say—I will defer to Marie, being the superintendent—that some parts of Bandyup are relatively new, such as the gatehouse and the accommodation units down by the back fence of the river, but unit 1, which is the earliest unit, is not in a good state at all. Certainly we are not happy with it. You have a mix of good and bad, and something in between.

**The CHAIRMAN:** We would agree with that point of view, obviously. We will talk a bit about that later. Does the ageing infrastructure of the prison pose problems for the administration you have talked about; that is, the blending of prisoners and having everyone together, from people who have been accused of committing very minor crimes to people who have been accused of wilful murder? How does the physical state of the prison help or hinder your operation?

**Mr Johnson:** I do not think it is about the mixing of the women and the nature of their crime; it is more about the supporting infrastructure to allow us to do all the business that we need to do. Essentially, we have a structured day that was geared for 150 prisoners and now we have 300. The structured day was about equality for all women, particularly Aboriginal women, to allow them to be employed at the same level as white women, but because our population is double that, we do not have enough work or the capacity within our industrial area, or the educational and supporting infrastructure, to allow our philosophy to be fully developed.

**Hon ED DERMER:** So the limitation on infrastructure is holding up what could be done to give those women a better chance of not getting back into the criminal cycle once they are released?

**Ms Chatwin:** Yes.

**Hon ED DERMER:** That is a prime concern.

**The CHAIRMAN:** That is a comprehensive answer. When was the last time DCS conducted a comprehensive risk analysis of the prison?

**Mr Johnson:** I am not sure whether there has been a comprehensive risk analysis in terms of giving you a document that says, "Here it is." The temperature of a prison—when I talk about the "temperature", I mean the feel of the prison—is monitored on a weekly basis. The monitoring of the prison is ongoing. There is no one point in time when that is done. For example, we have various standards that we try to adhere to. Professional standards go into operational compliance testing. Obviously the inspector inspects a whole range of services and infrastructure and produces a report but we do not have a risk analysis that we do as a formal report on a regular basis. It is a daily, weekly ongoing thing.

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**The CHAIRMAN:** We may have some thoughts about that. When we talk about a comprehensive risk, it is not just about physical risk; it is about the health facilities and a clear mental health program within the prison.

**Mr Johnson:** It is about the whole package—the holistic services that we provide to the women within the prison.

**The CHAIRMAN:** Tell us briefly about the proposed Bandyup stage 3 development.

**Mr Johnson:** There are various components of stage 3. There is a plan that is slightly in excess of \$60 million, which is comprehensive and involves additional accommodation units, a health centre, a new visiting area, a new orientation area, a new administration block and the refurbishment of unit 1. That is a fairly comprehensive plan that deals with a range of issues and is in excess of \$60 million. There are other breakdowns of that. The next stage would be \$30 million, which involves considerably less attention to some of the infrastructure, and there are various iterations that can be drawn out right the way through. All up there are about five different options that have various stages within them. We can supply a detailed plan of what is contained within the \$60-plus million option to give you a good understanding of how many beds —

**The CHAIRMAN:** That would be useful if you would supply that.

**Mr Johnson:** That would give you a good indication of how many beds and other facilities will be provided. It is a staged option. Because Bandyup has such a small footprint, as you would appreciate, certain things have to be knocked down first and there is a sequence of events to maximise the cost benefit. As strange as it may sound, the administration—correct me if I am wrong, Marie—is one of the first areas that would need to be constructed because it would allow officers to be released from those buildings and placed within the new administration centre and the other areas could then be refurbished. We will give you the sequence of events as well.

**The CHAIRMAN:** You are obviously not in control of the budget, but the optimum time to do it would be when you have fewer people in the prison.

**Mr Johnson:** The window of opportunity is always limited. As we currently stand, the sooner we can get on with it, the better.

**The CHAIRMAN:** The education, health, transport, and police departments all have four-year rolling capital expenditure plans. That indicates where they are going. In education, for example, they model a typical mix of school sites for every new housing development and in line with population growth generally. Does DCS have a capital expenditure plan extending forward into future years based on projections of need such as the growing population and those sorts of issues?

**Mr Johnson:** Yes, we do. I am not sure of the actual timeframe in terms of the completion of the planning for the current year, but we are going through the process of putting that plan together. We put a plan together each year. The document that I provided to you about the specific plan for women outlines the long-term, medium-term and short-term options that we desire for the women as well.

**The CHAIRMAN:** Can we be clear—at least in my own mind—about what you are talking about? Is this a forward plan?

**Mr Johnson:** Correct.

**The CHAIRMAN:** For a projection of how many years?

**Ms Dominish:** It is a 10-year plan. The normal strategic asset management plan is done as part of the process.

**The CHAIRMAN:** You do not have to give us an exact time, but when is it expected that that will be made public?

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**Ms Dominish:** It forms part of the budget cycle. We need to have something ready in October or November and it is reviewed each year as part of the budget cycle.

**The CHAIRMAN:** Thank you. Will that plan be published later sometime this year or when it goes to cabinet?

**Ms Dominish:** When it goes to cabinet.

**The CHAIRMAN:** Will it be published?

**Ms Dominish:** It does not get published, per se.

**The CHAIRMAN:** We need to understand the status of the document. Is it a document that goes into Treasury for the budget cycle or is it a planning document that goes to Parliament and is made public?

**Ms Dominish:** The strategic asset plan goes into Parliament as part of the budget cycle. The female strategic plan, which we have here, is a published document for our organisation, and components of the strategic asset plan are made public when they are approved.

**The CHAIRMAN:** Does the capex argument go out to 10 years? Will that be part of the document?

**Ms Dominish:** That is part of the strategic asset plan.

**The CHAIRMAN:** At some stage, will people be able to read that document and see your projection for the next 10 years for capital expenditure?

**Ms Dominish:** Yes.

**The CHAIRMAN:** Is that document about just Bandyup or all prisons?

**Mr Johnson:** All of the estate.

**The CHAIRMAN:** Will there be a clear section on Bandyup that people will be able to follow?

**Mr Johnson:** Very much so.

**The CHAIRMAN:** When did DCS first advise the government of the need for a new prison?

**Mr Johnson:** If we go back to talk about stage 3 and the needs for women, that would have been back around the 2005 mark. I will confirm the date.

**Ms Dominish:** It was around the 2005–06 financial year.

**The CHAIRMAN:** At the time, what was the estimated cost of the new prison? Was work done on an estimated cost?

**Mr Johnson:** I do not have that document in front of me. Angie will look it up if she has it. This is in relation to the full stage 3. Did you say a new prison?

**The CHAIRMAN:** Yes, a new prison. Was there a plan for a greenfield site for a new prison?

**Mr Johnson:** No.

**The CHAIRMAN:** So the plan for 2005–06 was about stage 3 of Bandyup?

**Mr Johnson:** Correct.

**The CHAIRMAN:** That is what we want to talk to you about. So there is no plan being presented to government for a greenfield site for a new prison?

**Mr Johnson:** In the strategic plan, which we have provided to you, one of the long-term options is 10 years onwards, and that includes a new purpose-built women's prison.

**Ms Dominish:** A completely new women's facility was raised in the 2010–11 strategic asset plan.

**The CHAIRMAN:** Therefore, can we presume that you have not done the costing for a brand-new site?

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**Mr Johnson:** We have some estimates but we are still waiting to see whether the government and Treasury wish to go in certain directions, one being a standalone site and another being a precinct approach where you build significant core infrastructure that would service a number of prisoners as you need them. Until they make the decision about which way they want to go, it will impact on the actual cost.

**The CHAIRMAN:** Do you have any preliminary figures for those plans?

**Ms Dominish:** For a completely new metro facility for women?

**The CHAIRMAN:** Yes.

**Ms Dominish:** Over \$200 million. That is the estimated cost based on 2011 figures.

**The CHAIRMAN:** I presume that you would argue that you have built two new facilities in the regions recently.

**Mr Johnson:** Regionally, my position would be that we have sufficient facilities at Roebourne, Greenough, West Kimberley Regional Prison and the new Eastern Goldfields Regional Prison, which is estimated to open in December 2015 and will have 50 specific beds designed for women. With those in mind, and the projected growth in the women's prison population, I would not envisage the need to build anything further in the regions. If we did, it would be to expand our existing sites.

**The CHAIRMAN:** Can the current size—the footprint, as you said earlier—of Bandyup be increased?

**Mr Johnson:** It is our understanding that the answer is yes. If you are standing in front of the prison and looking at the prison, to your left is where we are looking to do the expansion by taking out the fence. Part of that stage 3 project would be to have a unit on that side of the prison.

**The CHAIRMAN:** How much land does that constitute?

**Ms Chatwin:** I do not know the size but it is about pushing the current perimeter to its furthest point.

**The CHAIRMAN:** Could you supply that for us? That is an important argument. The committee is wrestling in its own mind with whether money is better spent on doing something at Bandyup or whether money would be better spent—not only money spent, obviously, but the condition for prisoners, prison officers and visitors and all those issues would be better served at a greenfield site.

**Mr Johnson:** One thing that I would ask you to take into consideration—we cover this in the plan—is whether you could look at Bandyup as a correctional facility as opposed to a specific women's site. We feel that it is worth the investment because of the location. Something within such close proximity to the CBD will be impossible to get in the future as a correctional site, whether it is used for women down the track or is converted to another facility, and a whole range of options could be open to that.

**The CHAIRMAN:** The committee is prepared to keep an open mind. We would like to know what you think is the extremity of the land that may be made available to you, whatever the argument is, because that would be a public argument, obviously. We would be interested to know what you think it could be. What are the constraints to the growth of the prison? You have the river and the road. If you are looking at the left and right of the prison, what are the constraints? Is it the metropolitan area or the public living around the prison?

**Mr Johnson:** The constraint to the Bandyup site is that the back of the site is as far as it can go. If you are standing at the front of the prison, the back of the site is as far as it can go. The right-hand side of the prison is as far as it can go—actually, it can go a little bit further forward but that would be an enormous expense in terms of the gatehouse fence and the like. The main area of growth will

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be to the left of the prison as you stand in front of it, unless we can move the Swan River, which I do not think we can!

**The CHAIRMAN:** Can I just assume that no work has been done on identifying a greenfield site?

**Mr Johnson:** Work has been done on identifying a site for a possible precinct. That work was done some years ago and it has now been reinvigorated in terms of looking at that as an option for the future. A precinct site would include the capacity for a women's prison. Some work has been done on that.

**The CHAIRMAN:** Each year, the department participates in the bilateral budget process with Treasury. How often do the relevant Treasury officials visit Bandyup? Have you had an inspection in recent times?

[11.00 am]

**Mr Johnson:** From the department's perspective, it is the highest priority for us in terms of construction. For a new minister, it is the very first prison he went to and it is certainly a very high priority for him. The first thing he asked for was material on Bandyup and the options and what the plan is.

**The CHAIRMAN:** In the last three years, how many times would you estimate that Treasury has attended the prison?

**Ms Chatwin:** Once, I believe.

**Mr Johnson:** That is not the only time it has been briefed about it. It has been briefed about it more than once.

**The CHAIRMAN:** There is an argument about dollars and cents and there is an argument about people actually knowing about the conditions.

We have four particular concerns about Bandyup that we wanted to talk about so let us get down to the nuts and bolts. The first is the appalling state of unit 1. Do you have any comment about that?

**Mr Johnson:** We agree that it is in a very poor state. We currently have, and still have until November when it comes along, women who are sleeping on a mattress or a trundle on the floor, which obviously for us is totally unsuitable. Unit 1 is in poor condition. A key part of stage 3, whether it be the \$60 million plus option or the \$30 million plus option or anything less there on, unit 1 has to have some attention paid to it.

**The CHAIRMAN:** The second one is the positively dangerous design and poor condition of the health centre.

**Hon ED DERMER:** I have a comment that is relevant to that last point. They are very small cells, with mattresses on the floor. One would have to climb over the other to get to the toilet. The toilet was totally exposed and in a confined area. I just wanted to draw particular attention to that because that would be the type of thing that most Western Australians would be very concerned about. It cannot be lifting people's self-esteem or dignity, factors I would have thought would be important to achieve a less likely recidivist outcome once people are released.

**The CHAIRMAN:** We have a question on that.

**Hon ED DERMER:** It was raised.

**The CHAIRMAN:** We have some detail here. We also want to talk to you about the visitors' area and the receival areas for new prisoners. Unit 1 is an assault on individual's senses. We are horrified that so many of these one-bed cells have two occupants. Anyone who has not seen these cells would struggle to imagine what they are like. The bed on the floor can only be slept on when it is pulled out hard up against the toilet seat. This means that when one prisoner is using the toilet during the night, the other person is lying on the floor hard up against the toilet seat. We understand

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that sometimes prisoners from the same family prefer to share a cell but no-one should be forced to experience confinement on these terms in a civilised society. That is the committee's view on unit 1.

**Mr Johnson:** I share that view. My former career was as a police officer for 30 years so I spent 30 years locking people up. I do not sit before you as a bleeding heart. I also visit prisons just about on a weekly basis, as does Heather and as do my colleagues. I speak to offenders on a regular basis. I certainly do not like to see the conditions I see at unit 1 at Bandyup. You will get no argument from me.

**The CHAIRMAN:** As we are not arguing with you, we will move on.

We understand that a significant proportion of the entire state prison population suffers from mental illness.

**Hon ED DERMER:** Before we move on, the obvious question there is: what can be done both in the immediate timeframe and the longer term to put a stop to that practice?

**Mr Johnson:** The immediate step that we have taken is to convert unit 4 at Greenough to a female precinct. If you get the opportunity before writing your report, I would certainly recommend going up to Greenough and we will show you through there. It is not just an ad hoc attempt; it is a proper female precinct that is separate from the men and will provide some relief. West Kimberley regional prison will also give us another 30 beds. It is purpose built, brand new and, again, certainly worth a look. There are 74 beds coming online by around about November this year, which will provide some relief for Bandyup in the immediate future.

**Hon ED DERMER:** How many prisoners are currently in unit 1?

**Mr Johnson:** In Bandyup, there are 280 as we are sitting here today.

**Ms Chatwin:** Unit 1 has a capacity to take up to 60 but there would be more than 60. I cannot give you the figure at the moment but it would exceed 60.

**Hon ED DERMER:** So it is more than 60. When you talk about capacity, is that two people per unit?

**Ms Chatwin:** No. It was designed for 60. The women on the mattresses on the floor would exceed that number.

**Hon ED DERMER:** So 60 would be one prisoner per unit?

**Ms Chatwin:** Yes.

**The CHAIRMAN:** Can we take a snapshot? At today's date, how many are there today?

**Ms Chatwin:** In unit 1?

**The CHAIRMAN:** Just write to us. Inform us in the future how many are there to date.

**Mr Johnson:** Just to assist you with your previous question, I can give you an exact figure about those on remand. As of 20 September, there were 279 women in Bandyup, and 83 were on remand.

**The CHAIRMAN:** That is a big percentage. Greenough is not in my electorate so you just might get a call. If we do not go as a committee, a couple of us might go and have a look.

**Hon KEN BASTON:** Can I just add that I have inspected the new West Kimberley prison, which was fantastic.

**The CHAIRMAN:** It does help us to have a look. I might give you a call to see that I can be let in the doors.

**Hon ED DERMER:** Normally we would be very keen to look at what is evolving. It sounds very encouraging from what you have told us so far. It gets back to our effective life span being

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November this year. We have quite a few matters that we have been investigating. Where we cannot include it, we need to at least report in a sensible fashion; it is a work in progress.

**Mr Johnson:** Once we have it to a certain stage, we can give you some photographs that may assist as well.

**The CHAIRMAN:** If you have any, do that—anything that you think will assist us writing the report. You get the gist of the likelihood that the report will be pretty strong on doing something. Let us move on. We understand that a significant proportion of the entire state prison population suffers from mental health problems.

**Mr Johnson:** Correct.

**The CHAIRMAN:** One half of the unit has been set aside to co-locate prisoners at Bandyup who suffer from mental health problems for prisoner management purposes. Is the environment in unit 1 the most efficient or medically appropriate place to stabilise and manage the mental health problems of troubled prisoners?

**Mr Johnson:** The general answer would be no. There are various stages of mental illness and various estimates as to how many there would be. The estimates would range anywhere from 20 per cent of the population to probably the high 30s. But again, it needs people to self-disclose. It depends on what we are talking about—whether they have been medicated at some stage, treated at some stage or have a significant mental illness. Within the entire prison population, male and female, mental illness is certainly a key issue for us and, to be quite frank, one that concerns us significantly because a prison environment is not the best place to treat someone with a mental illness.

**The CHAIRMAN:** What are the systems you are looking at that may manage mental health better?

**Mr Johnson:** There were some reports generated three to four years ago now, which were really a three-phase approach. At the front end of the process there was a diversionary aspect of the judiciary. First, when there is an identified medical health issue, they get moved away from the system. Second, they come to a prison and we have a dedicated mental health facility either within that prison or as a dedicated facility on the outside of that prison. When I say “a dedicated facility”, probably a good example would be one designed along the lines of the Thomas Embling Hospital in Victoria, which has a secure perimeter but a normalised interior. As much as you possibly can, you take away the thing that causes people to act up. The third aspect is that once people are released, there are better community-based facilities to manage that re-entry back into the community. Those plans were submitted through to what was then the ERC and is now the EERC but it has not been funded at this point.

**The CHAIRMAN:** In the second point you make, is it reasonable to assume that the percentage in terms of management of your prisoners is a greater problem—the 20 per cent is not just 20 per cent? Surely difficult people or people getting deeper into mental problems is a big management issue.

**Mr Johnson:** People with mental health issues require a different management approach. Our officers are not skilled up in that area to deal specifically with mental health issues. We have generic training, we have some specific training for some officers, we have mental health nurses, we have visiting psychiatrists and psychologists and the like but a general comment back: we are not a mental health institution so therefore our staff are not trying to deal with them.

**The CHAIRMAN:** What special training support do they receive for dealing with these people and should they receive more?

**Mr Johnson:** As I said, we have specialised services—psychiatrists, mental health nurses and the like and our own health service. In terms of staff, there is some basic mental health training. Would I ever sit here and say, “Could there be more training” and say “No”? I would not say that because more training is always a good thing. You have to balance that. In terms of training, that means staff

taken offline. We are coping with a high prison population. Taking staff offline and away from the prison is not that easy. It is always a balance in terms of training needs and staff availability. As a general comment, again coming back to you, more training is always better.

**The CHAIRMAN:** What about the other side of the coin? Have you measured the impacts on prison officers working inside places like unit 1?

**Ms Chatwin:** Ideally, we would all love to have a mental health unit to manage these people appropriately. That is the utopia. But the reality is that we do not. Staff do an amazing job, particularly in Bandyup, where we can have up to 70 women in our prison at various stages of mental health due to drug withdrawal and whatever. Essentially, they do have some training at the academy. We have a psychiatrist attend regularly and psychiatric nurses on site. Considering the facilities at Bandyup, they do an amazing job.

**The CHAIRMAN:** That is not really the question. Do you measure what effect all this environment has on the officers?

**Ms Chatwin:** It is stressful.

**The CHAIRMAN:** Do you measure that? Do you have an idea what it is doing to your workforce?

**Mr Johnson:** We have various surveys. There is an annual survey in relation to staff wellbeing. We have employee welfare and all those typical structures and systems in place. Do we have a specific one that asks the question about people with mental health issues and the impact on staff? No, we do not.

**The CHAIRMAN:** If unit 1 was bulldozed and rebuilt, would you physically be able to accommodate the current residents in unit 1?

**Mr Johnson:** It is always a struggle building within a prison. We are currently experiencing that as we sit here today. Running a maximum security prison, or any prison for that matter, and having a built-in program within is very difficult. Unit 1, because of its proximity, would make it even more difficult. We would have to manage that looking at the Greenough option coming online. If we got the money to refurbish unit 1, we would have to look at where we can displace those prisoners. To give you an example, it depends on the classification of who we are talking about. They may be moved around within the prison itself, and then we move some, if we have enough, minimum security prisoners out of there. There are options available to us. At the moment we have a unit at the front of Bunbury prison that could accommodate around 30 people but again that is dependent on having the staff to do it and the right prisoners in that prison because it is for minimum security only; it is not for medium or maximum security prisoners. It would present an operational problem for us, which is something we just have to get on and manage, because we come across that same issue in the majority of our prisons. We are doing it at the moment with Greenough. We are not constructing as such but we are certainly putting a fence up and a precinct approach for the women.

**The CHAIRMAN:** Clearly, it is in the interests of the public to keep prisoner movement in the community to a minimum. The medical centre is a crucial part of Bandyup. If a prisoner needs medical or dental services that are not available at Bandyup, how do they get treated?

**Mr Johnson:** This exists throughout the entire state. We have our own medical service. We cater on an annual basis for about 120 000 medical appointments internally, and externally we are getting close to about 6 000 medical appointments. That gives you the scope of it throughout the entire organisation. I do not have the specific figures for Bandyup. If there is a need for an external medical appointment, there are a couple of ways that can happen. It can be by telehealth if that can be facilitated. If not, there is a secure unit at Royal Perth Hospital and there will be a secure unit at the new Fiona Stanley Hospital, which is being constructed.

[11.15 am]

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But, like other members of the community, then we have to have an escort to a prison, if it is a specialist sort of a need, and the prisoners are under escort.

**The CHAIRMAN:** You have basically answered half of my next question. So you are saying a bit over 100 a week—is that what you are saying—or 120 a week would be the movement?

**Mr Johnson:** Over 100 000 medical appointments we do per annum.

**The CHAIRMAN:** You say internally, yes. So how many people would actually exit the prison?

**Mr Johnson:** Do you have a sense of that?

**Ms Chatwin:** It could be 10 one day, two the other. I would have to check those figures.

**The CHAIRMAN:** So they are not high numbers.

**Mr Johnson:** I can actually get you the exact number of prisoners that leave the estate for medical appointments.

**The CHAIRMAN:** That would be very useful to us—if you could make that for, say, the last 12 months or a period.

**Mr Johnson:** Sure. On an annual basis, we do about 32 000 prisoner movements per year, but that is prison to court, court to prison—a whole range of things. But we can give you the specifics for health purposes.

**The CHAIRMAN:** Okay. We will get down to talking about the medical centre. We were alarmed to discover that the medical centre is so poorly designed from a safety perspective. Having only one door that is both the entrance and the exit servicing a narrow, L-shaped corridor is obviously a safety hazard. Staff and prisoners in the end rooms of the corridor are put at unnecessary risk in the event of a fire, for just one example. We also saw that there is no space in this cramped corridor that can be made sterile, so the range of medical services available on site shrinks, meaning that there is a greater use of outside medical services—or that is our perception of it. When will the medical centre be upgraded to a purpose-built facility?

**Mr Johnson:** It is certainly part of stage 3, the medical centre. I think, from memory, about \$1.3 million is allocated for that purpose, should that plan get up. So it is in our plan for stage 3 to be redeveloped.

**The CHAIRMAN:** Is it reasonable to assume that you really cannot do much with the current building?

**Mr Johnson:** You cannot make a silk purse out of a pig's ear, and that is where we are at.

**The CHAIRMAN:** Okay. The Inspector of Custodial Services correctly pointed out that Bandyup has the worst visiting centre of any of the metropolitan prisons, which is amazing considering it is a women's prison.

**Mr Johnson:** Correct.

**The CHAIRMAN:** Arriving at Bandyup is unsettling enough for adults, but for children who make the difficult trip to visit a grandmother, a mother, a sister, an aunty or a cousin, there is nowhere to play, and the seating area is just one bare room with plastic tables and chairs. Visitors' toilets are almost non-existent. Children should not be punished for their parent's bad decisions. Why is it acceptable to have playground facilities for visiting children in men's prisons—I have been to Wooroloo recently, and it is an excellent facility in that context—but not in the main women's prison?

**Mr Johnson:** The answer is that it is not acceptable. If you look at Boronia and you take the opportunity to visit there and look at the visitors' area there and the children's playground, you will see a completely different picture from what you see at Bandyup. At Bandyup, again—I seem to be like a broken record that it is in stage 3, but the visitors' area is part of that stage 3 redevelopment.

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**The CHAIRMAN:** Okay. Prison staff need to have a fully functional administrative area so that the prison can be run efficiently and effectively. In a prison as poorly planned and built as Bandyup, there is even a greater need to provide top-quality administrative facilities. We have learnt that recently extra office space has been found at Bandyup by converting a toilet into an office. We actually saw that. This highlights how cramped things are at Bandyup. But, to be practical, Bandyup actually needs every available toilet. Which is more important, the toilet or the administration area? In your corporate DCS offices, have you ever had to convert a toilet into an office to accommodate your own staff?

**Mr Johnson:** I will ask—a toilet? Yes.

**Ms Chatwin:** Converted to an office.

**The CHAIRMAN:** Yes, we saw that. When will Bandyup receive a purpose-built administration block?

**Mr Johnson:** Again, coming back to stage 3, it is part of that stage 3 redevelopment, and it actually is one of the first stages of that, because it then has that flow-on impact that I talked about earlier.

**The CHAIRMAN:** Do you agree that prisoners arriving to any prison need to be carefully and thoroughly processed on arrival and given a comprehensive induction?

**Mr Johnson:** Yes.

**The CHAIRMAN:** We found that at Bandyup you have to use some of the old administration block and some sea containers for this purpose. Do you believe that the reception facilities at Bandyup meet the needs of prison officers and the newly arrived prisoners?

**Mr Johnson:** No, and again, in anticipation of your next question, it is part of the stage 3 redevelopment.

**The CHAIRMAN:** Yes, that is where we are heading.

**Mr Johnson:** Probably coming back to the original concept of Bandyup, it was, before our time, of course—maybe Marie worked there then; sorry, Marie—in the 1970s it was originally a farm, so it has never been designed to be a purpose-built prison. You have been to West Kimberley. That has been designed as a prison. If you go to Boronia, that has been designed from day one; Casuarina and the like. Bandyup just gets built on and added to and converted.

**The CHAIRMAN:** Getting on to details about these costing issues again, documents that you provided to this committee in June this year show that in 2007–08 DCS proposed spending more than \$15 million on fire and emergency services to deal with fire safety issues in all of your prisons. You were given half of what you expected for the following year. Is that correct?

**Mr Johnson:** I would have to have a look through that, but I will take it as a —

**The CHAIRMAN:** Yes. Well, that is our understanding. In the financial year just passed, DCS asked for more than \$86 million to achieve fire safety levels within your prisons.

**Mr Johnson:** In the most recent that we put up, we have actually revised our approach in terms of: I suppose you get sick of banging your head against a wall. So we have actually revised that down considerably, both in terms of the fire hazard and how we deal with that and the ligature minimisation program. The approach we are taking is rather than trying to say we are going to retrofit sprinklers throughout the system, which is just not going to be feasible, it is to say, “Make sure that our training is up to date for all of our staff, their equipment is up to date and the fire escapes and the like are implemented throughout the system, making sure all of that is compliant.” We have recently had FESA go back through and make sure their assessment of our estate is still contemporary. So, rather than saying we are going to try to get \$80 million-odd, we are just saying it is just not feasible to do that, and it is never going to be, to be perfectly honest, in such an environment that everyone is competing for funds.

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**The CHAIRMAN:** Our interest is: of that global amount of money and that global effort, how much was concentrated on Bandyup?

**Mr Johnson:** I would have to get you the detail of that, but, like I say —

**The CHAIRMAN:** There is no point just guessing at it.

**Mr Johnson:** No, no.

**The CHAIRMAN:** If you could supply that, that would be useful to the committee. How much of the fire proposal was actually funded in the last budget? What did you actually get in the last budget?

**Ms Dominish:** None.

**The CHAIRMAN:** Again, if you cannot answer that directly —

**Hon ED DERMER:** Have we got an answer?

**Mr Johnson:** Yes. We got none.

**Hon ED DERMER:** None?

**Ms Dominish:** The submission that we put up—none of it was endorsed.

**The CHAIRMAN:** So none of it was supplied?

**Ms Dominish:** Yes.

**The CHAIRMAN:** So you expressed a concern about the safety of the fire conditions and the safety of your prisons.

**Mr Johnson:** This was the last one we put up, where we put the revised amount in, yes.

**The CHAIRMAN:** Yes. We are talking about prior to the last budget.

**Mr Johnson:** Yes.

**The CHAIRMAN:** And none of that was funded?

**Mr Johnson:** No.

**The CHAIRMAN:** What are the risks of not getting that funding and not doing the work?

**Mr Johnson:** What are the risks? The risk, like I say, we identified is that—looking at the fire hazard, there is no way we can actually retrofit sprinklers throughout our system. So it is making sure that everything else is on track in terms of staff training, doing exercises, making sure there are enough fire escape doors. We have implemented fire-retardant mattresses and those things to mitigate against the risk, but prisoners and fires—you can never actually eliminate that risk. So there is always the risk of someone either deliberately lighting a fire as an issue or an accidental fire. We have had a complete electrical check done of all of our prisons in terms of the —

**Hon ED DERMER:** Circuitry.

**Mr Johnson:** Yes, the circuit-breakers. That has been done. We certainly have fire-retardant mattresses, but like an environment, the prison environment, there is always a risk that we mitigate as much as we possibly can.

**The CHAIRMAN:** What about the external risk? A prison like Wooroloo has an external risk.

**Mr Johnson:** It has the external risk, yes, certainly. We have had some significant fires go through Wooroloo some years ago, and Acacia. Again, we are making sure our emergency management procedures are up to date and that our planning is up to date in terms of evacuation. Some recent developments, certainly from a communication perspective, are that in the not-too-distant future—we are currently on the same system as police, the radio network, so we have that interagency operability, and FESA is about to come on to the same network. So that communication, in my

mind, will be the first in Australia in terms of how we have that communication between the three key agencies. But certainly there is that preparation, making sure you have all your firebreaks, and all the basic precautionary measures, and then, of course, how we manage that event, if it does unfold, and where we place prisoners is part of our emergency planning that we constantly look at.

**The CHAIRMAN:** Okay. Now, to change the subject again: identified hanging points. You asked for \$47 million. How much of that money did you receive?

**Mr Johnson:** Can I come back? I do not think the money would be different; Angie looked that up for me. But again we looked at the ligature minimisation and where that program was heading. When the initial recommendation was made back some years by the coroner, a plan was embarked upon to try to ligature minimise a number of cells throughout the entire estate. For some, there are different levels of that. It can be just basic—so removing bars off windows and the obvious hanging points, if you like—and others are more of a comprehensive elimination of ligature points. Again, as we looked at the magnitude of this program and looked at the risk that we were managing on a day-to-day basis, we sat down and formed an opinion that a lot has changed since the coroner made those recommendations. We now have an at-risk management system where prisoners are properly assessed; and, if they are deemed to be at risk, they are closely monitored and placed in crisis care and a whole lot of other systems are put in place. There is also gatekeeper training for all staff now in terms of suicide prevention recognition. Peer support prisoners again contribute to that. There is a whole lot of practices put in place that actually reduce that risk. We have also, we feel, apart from about two prisons now, I think, from memory, enough safe cells throughout the system to properly manage the system if someone, we feel, is at risk of committing self-harm.

**The CHAIRMAN:** That does not change the fact that in 2009–10 you asked for \$47 million.

**Mr Johnson:** I do not think it is—you may be right; sorry.

**Ms Dominish:** I would need to go back and actually get the full figures. It was a whole revised program for that that we got for —

**The CHAIRMAN:** We would like to know, because, to us, it is really about the picture all this paints. In the last financial year, you still asked for \$26 million. That is what we believe has happened, so can you just confirm that?

**Mr Johnson:** Yes.

**The CHAIRMAN:** We can understand that you may be—I am not saying “may be”—you clearly are looking to remedy the issue, but it seems strange that a number of years ago it was \$46 million, unfunded, I presume, substantially; and then \$26 million in the last budget, unfunded substantially.

**Mr Johnson:** We will be able to give you a significant outline of what has been asked for and what has been done and the work that has been commenced over the past few years, because a lot of cells have been ligature minimised. We do a lot of work in-house, of course, because we have the industries area there, so we do an awful lot of work in-house where we do the minimisation.

**The CHAIRMAN:** Nevertheless, I cannot say I am an expert in any way, shape or form on prisons, but in my own community, where the suicide rate is frightening, everyone is shocked when a person commits suicide. So not everyone who is going to commit suicide signals the fact that they are going to.

**Mr Johnson:** No. I spent 30 years knocking on doors, telling people that someone had done it, and it came as a huge shock to most people because you just do not see it coming.

**The CHAIRMAN:** So we have an interest in those figures and the result of those figures. We note that over the years DCS has made three proposals for funding so you can actually comply with the Contaminated Sites Act requirements relating to DCS land. What proportion of these funding aspects was allocated?

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**Mr Johnson:** You have got me there.

**The CHAIRMAN:** Again, we do not need you to tell us now —

**Mr Johnson:** Sure.

**The CHAIRMAN:** — but if you could promptly supply us with that information, we would appreciate it. We know that staff, prisoners and visitors face other challenges at Bandyup from day to day. The issues that we have focused on today are just ones that we saw ourselves having an impact on prisoners, prison officers, support staff and the general community. So these are the matters that we saw. But what disturbs us is that we do not see a strategy to get out of this. Amongst ourselves, we talked about a greenfield site plan, but if you can convince us that there is a good argument for Bandyup, you need to do that. That is why we have asked about the land.

**Mr Johnson:** Yes.

[11.30 am]

**The CHAIRMAN:** We could understand—I think all of us could understand—about the location of the prison and that it would be easy for people to visit, and a whole raft of positives, but, on the other hand, we see a pretty dysfunctional prison, which does not please us, obviously. When can Parliament expect to receive a comprehensive strategy for women's prisons in Western Australia that allows the system to meet the demands placed on it well into the future? We do a bit of this, unfortunately. This is not about just asking for money each year and getting knocked back each year. Bandyup is an unacceptable prison. So what are we going to do about it?

**Mr Johnson:** That plan that I again handed out contains our recommendations to government for the future of the women's estate in total—not just about Bandyup, but the women's estate, how we manage women, the philosophy behind how we look after women and their needs. So that is our submission. Once we have the indication from government as to which way they want to go, we then progress. But certainly our long-term plan is a new women's prison; immediate and short-term to medium is Greenough; West Kimberley regional prison; Eastern Goldfields, which is up and running; complete the development of the Boronia precinct, which would be another two houses at Boronia, and that was part of the original master plan; look at alternatives to custody; look at the community-based orders as to whether they are actually setting women up to fail, which then results in them being incarcerated —

**Hon ED DERMER:** Aggravating the basic problem.

**Mr Johnson:** Yes—and then expanding on the current Greenough precinct to incorporate things like a house for overnight stay for kids when they want to visit, obviously a visitors' area, a medical centre specifically for women. Those are outlined in here. That is the plan that we have. Then it gets down to which direction the government wants to go in as a result of this, and we develop further.

**The CHAIRMAN:** We actually do not struggle with this issue. We have had this issue come before us several times this year. There are two issues. Your responsibility as an agency to seek funding and to seek planning and so forth is one issue. But you have another responsibility, and a stronger responsibility, and that is to tell the Parliament what you intend to do. We have no interest in whether Treasury knocks you back or not.

**Mr Johnson:** Yes.

**The CHAIRMAN:** We have no interest if the minister knocks you back or not. What we will have an interest in is whether you are telling the Parliament what you want the plans to be, so by telling the Parliament, you are telling the people of Western Australia. That means Treasury comes under a different set of pressures, and ministers come under a different set of pressures. We have struggled with this issue several times in the last couple of years and we just want to make it clear to you that we will get pretty dirty and angry if it is not done that way. We would expect a plan to Parliament, whether that is met by Treasury or met by Parliament. We understand that process; we are members

of Parliament. But, clearly, in the case of Bandyup, there needs to be a plan, and that plan either has to be a clear indication that you can do a range of things at Bandyup and expand things, as you explained earlier in your presentation, or the closure of Bandyup and to a new purpose-built prison. So that is really the core of the interest of this committee.

**Mr Johnson:** Sure.

**The CHAIRMAN:** We just do not accept the current status of Bandyup.

**Mr Johnson:** And can I say neither do we. Since 2005 we have been putting up for stage 3 redevelopment. I do not like Bandyup any more than you do not like it. If I look at the rest of the male estate, the males have certainly got it better than the females, with the exception of Boronia. Boronia, on one hand—you could not get two more extremes. Boronia is, rightly so, a world-class facility that is recognised throughout the world for the innovation and for the actual design, and then you have Bandyup, which is a 1970 converted farm that now ends up being our maximum-security prison for women. We have put forward the plan. We have the various iterations of the stage 3 that can be considered by government, and then the 10-year option as well is to build a new site that is purpose built for women.

**The CHAIRMAN:** We will be particularly interested, and if it is beyond our time, we will be writing a brief for the new committee to extend that interest. As I said earlier, we cannot guarantee they will do that, but we will be urging them to take an interest for a plan for either—I am repeating myself—a revitalised Bandyup on a plan or a greenfield site, or some sort of amalgamation of both. Members, any other questions?

**Hon ED DERMER:** I am encouraged by what we have heard, and we are hoping that the money will come forth to see it all realised, and sooner rather than later.

**Mr Johnson:** We actually do thank you for your interest too, because the women's estate is a concern, and I did not just come here with three women because of the numbers.

**The CHAIRMAN:** We understand how you feel; we are outnumbered as well!

**Mr Johnson:** But Heather Harker here is the—and probably for the last six months—deputy commissioner that looks after prisons, so let me tell you that no-one has a stronger interest than the two people on my left in terms of making sure this happens.

**The CHAIRMAN:** We understand. We appreciated the visit. The good thing about those things is that it did shake us down to the soles of our feet. So we see the conditions that you work under; we see the conditions that your staff work under. More importantly—and for me personally—the condition of that mental health unit is just frightening.

**Hon ED DERMER:** Mr Chairman, I am sorry to do this, but it does raise with me a point that I wanted to raise while we are here. I got the impression, listening to the staff in the health unit, that they were very committed and dedicated to their work. Sometimes these signs can be misleading, but I thought I was picking up quite distinct signs of stress, and I do not think it was stress in any way from our presence; it was stress probably of overwork, and probably with very difficult customers. I just wanted to share that thought while you are here. You are probably very well aware of it. But it was something that came through at the time, and without any deliberate effort to give a message of stress; you could just tell fundamentally from the way people spoke that they were under the hammer.

**Mr Johnson:** Just yesterday we had a joint development day, which is our senior people getting together. We had a presentation from a former prisoner from Bandyup prison, actually, and she was telling her story about how she had gone into prison at the lowest ebb, and she had some photographs of herself as she was admitted and where she currently is today. When you look at the photographs and her condition when she entered that system, then drug addicted, drug dependent severely—looked an awful mess. For that first few months, her needs, in terms of her health needs,

are absolutely critical, in that what typically happens is they spiral out of control on the outside, so they do not access the normal health services. So when they actually present to us, they are in dire need of health services and, as sick as this sounds, many people, when they get to prison, it actually saves their lives, because they are in such a poor state of health, and it is for the first time for many years that they actually get it treated. That was a success story with her, but obviously there is a lot more than that.

**Hon ED DERMER:** I think your staff are probably doing a phenomenal job in dealing with all of that, and that is going to take a toll in stress to the staff concerned eventually.

**Mr Johnson:** You want to do my job; that takes its toll.

**Hon ED DERMER:** I have only just got used to this one after 16 years!

**The CHAIRMAN:** We appreciate your attendance. I do not think our report will pull too many punches. We will report pretty much what we talked about today. We are not pleased about the state of Bandyup prison, and our report will say something like that, but it will not be conclusive because of the time factor. So we will be urging the people who follow us to take the matter up.

**Mr Johnson:** Okay. Thank you.

**The CHAIRMAN:** Thank you for your attendance. Because of the matters we have talked about, if you could be expedient to give us those answers we have asked for—we do not have a lot of time left. Members are very keen to do this as best we can and as professionally as we can, so if you respond to those requests for information, we would appreciate it, and we may have to get back in touch with you in relation to a couple of those. But we will all be seeking to finalise this pretty quickly.

**Mr Johnson:** Okay. Thank you.

**The CHAIRMAN:** Thanks very much.

**Hearing concluded at 11.38 am**

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