



Government of Western Australia  
Department of Corrective Services

Office of the Commissioner

All enquiries: (08) 9264 1711  
Your reference: TPC  
Our reference: CR2015/001115

Hon Liz Behjat MLC  
Chairman  
Standing Committee on Public Administration  
Parliament House  
PERTH WA 6000

**Clarification of comments made to the Public Administration Committee,  
25 June 2015**

Dear Ms Behjat

Thank you for the letter of 22 July 2015 in which the Committee sought clarification and further information in relation to the evidence given by the Department of Corrective Services on 25 June 2015.

Please find attached the Department's response to the issues raised. I invite the Committee to contact me if it requires further clarification.

Yours sincerely

James McMahon  
**Commissioner**

11 August 2015

## 25 JUNE 2015 HEARING — CLARIFICATION OF DEPARTMENTAL EVIDENCE

*"In relation to the information above, the Committee asks the Department of Corrective Services:*

- 1) *to clarify the statements made on 25 June 2015 regarding the requirement of persons in custody to be delivered to court 30 minutes before their scheduled appearance, in particular in relation to the apparent inconsistency between the statements made and the provisions in the contract; and*

**Answer:** The response provided on 25 June 2015, and quoted at Page 2, attempted to respond to what was understood to be a question regarding how long a person could be in Serco custody.

Persons in custody are regularly in Serco custody for periods in excess of 30 minutes, namely:

- during court;
- while being seen by their legal representative;
- while in court custody both before or following their court attendance; and
- during movement to and from prison to court.

DCS accepts that persons in custody are required to be in court custody 30 minutes prior to the time on the warrant. This is consistent with the evidence provided by the Contract Manager on 15 June 2015 at page 8 of the transcript.

Persons in custody may also be required to be brought to court or a non-contact room prior to 9.00am. Where the time on the warrant is 9.00am, persons in custody are required to be in court custody by no later than 8:30am consistent with the provisions of the contract. However, if the time of the warrant is 10:00am, the person in custody is only required to be in court custody by 9:30am.

If the person is in court custody 30 minutes prior to the stated warrant time, and the court supports an application for more time with a legal representative, there is no contractual time limit which prevents this from occurring.

DCS concurs with the Committee's interpretation of the Contract which states that persons in custody can be brought to court custody up to 90 minutes prior to the warrant time at the District Court and Central Law Courts and 60 minutes at other courts. This timeframe is provided to enable the Contractor to progressively move and receive persons in custody from a number of facilities while adhering to the '30 minutes prior to warrant time' requirement.

The Contractor undertakes functions relating to court security and/or court custody at various courts. Where the Contractor provides court security functions at a location this would generally include a security search of the courtroom, public gallery and dock prior to court commencement. This would require the Contractor's staff to be in attendance at the court well in advance of court commencement.

The facilitation of legal visits, or time with a legal representative, is included in the Contract as a court custody function and in locations where the Contractor is not required to provide court custody services, these functions are provided by the WA Police.

- 2) *whether and how the information regarding a person in custody's arrival at court prior to the time scheduled on the warrant is captured by DCS; and*

**Answer:** Information regarding a person in custody's arrival at court custody is sourced through the Contractor's electronic system which records the movements and observations on each person in Serco custody. The Department of the Attorney General provides details of court custody times for persons received into G4S custody at the Central Law Courts and District Court Building.

- 3) *whether this information is reflected in any of the KPIs of the contract."*

**Answer:** The Contract includes as a performance indicator a 'Service Failure 4', namely, "Failure to deliver a Person in Custody to an appropriate destination in a timely manner to meet the warrant time." The Contract does not provide a benchmark level of performance for each indicator.