JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

REVIEW OF THE FUNCTIONS EXERCISED BY THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 19 SEPTEMBER 2018

Members

Hon Dr Sally Talbot, MLC (Chair)
Mr K.M. O'Donnell, MLA (Deputy Chair)
Hon Donna Faragher, MLC
Mrs J.M.C. Stojkovski, MLA

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Hearing commenced at 10.00 am

Professor NEIL MORGAN
Inspector of Custodial Services, examined:

Mr DARIAN FERGUSON
Deputy Inspector, Office of the Inspector of Custodial Services, examined;

Mrs CHRISTINE WYATT
Acting Principal Research and Review Officer, Office of the Inspector of Custodial Services, examined:

Mr KIERAN ARTELARIS
Inspections and Research Officer, Office of the Inspector of Custodial Services, examined:

The CHAIR: Good morning everybody. Thanks very much for coming in. I am going to start with a couple of formalities just for the record. I think you are all very familiar with the way things work in here. We will keep it as informal as we can, given the nature of the setting, but we look forward to the discussion with you. On behalf of the committee, I would like to thank you for agreeing to appear today. I think you have already met all of us. It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything that you might say outside today's proceedings. Before we get the hearing underway, do you have any questions about your attendance here today?

The WITNESSES: No.

The CHAIR: Mr Morgan, I think you have appeared before this committee.

Prof. Morgan: I am not sure about this committee. I have appeared before other parliamentary committees quite regularly.

The CHAIR: You are probably reasonably familiar with the way this committee operates. We are the oversight committee for the Commissioner for Children and Young People and his office. You will not be surprised to hear that our focus at the moment centres around the report that the commissioner did, I think, at the end of last year or the beginning of this year—the oversight report.

Prof. Morgan: Yes.

The CHAIR: That is something that this committee in its various iterations over the last couple of Parliaments has focused on and we see it as very much a part of our role in that we have a constructive role to play in this discussion as we move the policy ideas along. Your name came up in a recent hearing about six months ago with the commissioner because in the context of a longer discussion about oversight, the commissioner talked specifically about the Kath French centre and he came to your role for obvious reasons. Perhaps we could start by asking you to give us some comments about that aspect of things.

Prof. Morgan: About what we do or what we do not do?

The CHAIR: Perhaps if you want to talk about Kath French and tell us what you do.

Prof. Morgan: Before we came in, I just had a few minutes in the car and I jotted down—I thought there were probably four things that might be of interest. I do not want to lecture you, but one was

what we do and what we do not do. One was perhaps a little bit about our costs and organisation. Also, in what was sent out to us there was a comment about barriers, so we might talk a bit about methodology and how we do our work and the barriers and then, if you are interested, whether we are effective or not. It seemed to me those perhaps were some of the headings.

If I talk about what we do and what we do not do, our jurisdiction basically extends to prisons, youth detention facilities, court custody and prisoner and youth transport arrangements. What we do not cover is places like secure forensic mental health facilities in which children are sometimes placed. We do not cover disability centres and we do not cover places like the Kath French. Again, as you would be aware, there is a disability justice centre in Bennett Brook. We again have no jurisdiction over that. We also do not have jurisdiction really over police lock-ups, which is probably the biggest single closed place under state jurisdiction that is not subject to independent oversight at the moment.

In terms of our office, there are probably five key functions, some bigger than others. One is the role of the inspections, and you would have seen our reports where we report on individual sites and we are required by legislation to report on every prison, detention centre and court custody centre at least once every three years. That is probably the bulk of our work. One of the reasons that Kieran is here today is that Kieran has been responsible for the most recent inspections of Banksia Hill as our liaison officer. We also have reviews, and Christine is a member of the review team. This is where we look at specific issues rather than the sites, and if we look at the position of young people, there have been two very significant reviews that we have done in the last couple of years. One was into behaviour management at Banksia Hill and that was a report that was done at a time when the place was undergoing major incidents and how were they responding to the young people. I think that actually triggered some improvements in how they dealt with young people.

The second one was a recent report, which you may have seen, where the minister directed us to review allegations of ill treatment that had been made by Amnesty International, which got a significant amount of publicity. The directed review is quite interesting because unlike some independent accountability agencies, I have a very direct close relationship with ministers, but obviously my formal reporting line is to Parliament. One of those is regular meetings, and ministers can also direct us to do pieces of work but I have the final say whether I do it or not. If we look at the Amnesty one, that was allegations by letter to the minister, and very soon after receiving those, he asked if I would take a proper independent look because he was concerned about the allegations and also keen to make sure there was some level of independence in terms of any review.

That is basically the inspections and reviews. Over and above that, which is important I think if you are looking at monitoring closed places, is that we conduct regular liaison visits to every facility. With Banksia Hill, Kieran, I think we did 13 over a 12-month period. These were formal internal office visits that were reported. Is that right?

Mr Artelaris: Yes, for that financial year we did.

The CHAIR: You did 13 visits in a year.

Mr Artelaris: Yes. That is a lot more than usual and that sort of reflects the way that we are flexible in terms of how we respond to what is going on in each facility.

The CHAIR: Do all those visits—I do not want to interrupt you—include discussions with the children and young people?

Mr Artelaris: Not necessarily. Most of them would have involved some sort of liaison with the children, but some of those visits might have been fairly staff focused, so we would not necessarily have spoken to young people every visit.

Prof. Morgan: Normally we would visit facilities like Banksia Hill every two months during the year and every other facility in the state at least four times a year. While we are reporting to Parliament every three years, you cannot let things go that long because things can fall apart really quickly or improve really quickly.

The CHAIR: What proportion of those visits are unannounced?

Prof. Morgan: Not a high proportion, and this is something we talk about internally but we quite often do not give them much notice that we are going. I guess I have mixed views about unannounced activities. The full inspections that end up with the report, if we did them unannounced, would probably be logistically really difficult because you actually need to be able to talk to people and you want to have meetings arranged, otherwise you go and you end up actually being really inefficient with your time. Those full inspections are normally almost all announced, although—I do not know whether you call it announced or unannounced but for instance, with the recent events at Greenough Regional Prison, we have actually just decided that we are going to do a piece of work, which is to complement the work being done by the external person appointed by the minister to review the incident. We are going to look more at the follow-up. She will be looking at the critical incident itself, and we are looking at the follow-up management of the people, especially of the women being moved out of the facility and the impacts on staff. I guess that has never been announced. That was just something we said that we were going to do. We tend to find that with the liaison visits, we do quite a lot of those—you might just tell them in the morning that you are going. At least it is a matter of courtesy that you do not lob up. There is nothing that people can really hide if you phone at 9.00 am and you lob in at 10.00 am, or even if you phoned the day before. Quite a significant amount of that activity is short. I do not know whether it is announced or unannounced—there is kind of label issue there—but we do not usually lob up without telling people we are turning up. But we do not always give them much notice. Does that make some sense?

The CHAIR: Yes, absolutely.

[10.10 am]

Prof. Morgan: The times when I have used unannounced drop-ins have been, for instance, when I am just kind of suspicious of something. There was a time at Banksia Hill when they were claiming that they were getting all of the young people out on the oval at weekends. For various reasons I was not sure whether to believe what I was being told, so I dropped in one weekend and actually the kids were all on the oval, which was great. But I just thought, "No, I'm just going to go and check this out." It was very short. That was not a formal liaison visit, that was just a drop-in. We also have an independent visitor scheme, which is basically representatives of the community, so they are volunteers, and they would also go—on average, Kieran, how often do the IVs go?

Mr Artelaris: They are there once a month.

Prof. Morgan: Once a month, but in the regions it is obviously less, where we do not have the—unfortunately it is very hard to recruit in the regions, but Banksia Hill would be once a month.

Mr Artelaris: Definitely once a month, yes.

Prof. Morgan: And they go in and they will also—they have a little bit more of a kind of complaints function from the children, so they will listen to complaints and grievances and they will raise those with management. But they will also take a look around the facility more generally at how they believe it is operating.

The CHAIR: So these are people that you train?

Prof. Morgan: We do train them, yes.

The CHAIR: What sort of training do they have?

Prof. Morgan: I will actually hand over to Kieran again for that, because he has done the hands-on—I know what is on paper.

Mr Artelaris: Yes. It is essentially an induction process, so we have an induction package that we deliver to them. We explain their role to them, and then they will usually go out to whichever facility. We are talking about Banksia Hill, so they will go to Banksia Hill, usually with someone from our office, so me or somebody else who might be available, and usually one of the pre-existing independent visitors, so somebody who has been doing that role for a while, and just get a sense of what the role is and what they should be doing.

The CHAIR: So is it up to Banksia Hill how they interact with the children and young people, or do the independent visitors get a —

Mr Artelaris: The independent visitor?

The CHAIR: Yes. How does that actual interface work?

Mr Artelaris: They have largely got free rein of the place, much like we do. Different independent visitors have different approaches to how they carry out their role. I have got some who like to get the centre to arrange a meeting with a group of young people, because I think to be honest some of the independent visitors do find it difficult to engage with the young people at Banksia Hill; they can be difficult to engage with. They are less likely to walk up to you and raise an issue in the way that an adult prisoner in a prison would do. So it is more difficult to get those sorts of issues out of the young people. But then we have other independent visitors who have just been very good at engaging with the kids, and they will just go to a particular accommodation unit and just speak to any children they come across. So it is variable.

Prof. Morgan: I think there is a sort of general systemic issue—the same for the Ombudsman and the children's commissioner—which is actually particularly with kids who are in custody who are inherently disengaged in many respects and quite suspicious. It is actually quite hard. Christine worked at Banksia Hill for some years, so Christine has been actually invaluable. I think most of them have left —

Mrs Wyatt: Yes. It was a long time ago now, so they have aged out of the system, thankfully.

Prof. Morgan: But there are some young people that, when you started, certainly actually recognised Christine, and it is very clear that that makes a big difference to their willingness to actually come up and talk. Another critical person in my office is the community liaison officer, as he is called, who is an Aboriginal man. His connections with community are incredible, and his ability to connect with young people and actually with adults in custody is incredible because he has been in the job for over 10 years. They know him, they respect him, they call him uncle. So when he goes in, it is a very different experience, to be honest, from the rest of us going in by ourselves, and it is sad because of course they are his nephews and nieces. He has got by far the hardest job of anybody in the office. I do not have to go in and see family.

The CHAIR: Is he on your staff?

Prof. Morgan: He is on my staff, yes. He is a full-time employee, and he is pivotal to that. I guess that was another part of what we do, which is we try to get information from the community. Joseph is again vital in that because he talks to the parents and grandparents in IGA on a Saturday morning or when they are at the football or whatever, and it is through a lot of that that you actually start to get some sense of whether there are issues we need to be following up on at times.

The CHAIR: Yes, building the picture.

Prof. Morgan: Because the kids themselves are not necessarily that forthcoming. I was a pretty taciturn and revolting teenager, and I think most boys probably were, so we never talk to our parents, let alone to people who just wander into a unit in a detention centre.

The CHAIR: There is a great part of the commissioner's work earlier this year, the school and learning consultation —

Prof. Morgan: Yes.

The CHAIR: — where he is able to show that while most teenagers are foul to their parents, they actually highly value them. I was thinking if I had a teenager, I would be very reassured by that.

Prof. Morgan : I loved my parents, but I did not want to talk to them.

The CHAIR: Yes: "I loved my parents, but".

Hon DONNA FARAGHER: Can I just get some clarity in and around the official visitors. Is it a similar regime, if I might use those words, to the Council of Official Visitors that I think is done through the Mental Health Advocacy Centre? I suppose I ask that question in the context with regard to the declared places and you mentioned Bennett Brook. As I understand, it sounds like it might be a similar approach.

Prof. Morgan: Yes.

Hon DONNA FARAGHER: So the official visitors, do they come to you? Do you find them? How does that actually work in practice?

Prof. Morgan: Two things. First of all, I probably do not know quite enough about how Debora Colvin's team works to comment in detail on the similarities or differences. But certainly you are right; they have been given that independent oversight role of the Bennett Brook facility and they produced a report on that about 12 months ago or so, or more recently —

Hon DONNA FARAGHER: They do an annual —

Prof. Morgan: Yes. Our volunteers, some of them come to us, but particularly in the regions we have to go out actually looking for people, because people do not necessarily put their hands up to do this type of work. One of the issues we have is that it tends to be, dare I say it, people of my vintage who do it or want to do it, because they have reached the point in life where they have done a lot of things, they are interested in this type of work and they have a bit of free time. It is much harder for us to recruit younger people, which is certainly a possible issue at Banksia Hill, but certainly the people that we have working there for us are very well qualified and skilled. One of them actually happens to be Darian's partner, who is one of our independent visitors, and that was before he ever started in the office; so there is no conflict of interest there. We do not pay them, but we do pay petrol money essentially —

Mr Artelaris: Yes.

Prof. Morgan: We pay their costs, but we do not pay them. I guess we feel that works reasonably well, because people are doing it for love, not money, because they believe in it. But it probably also again makes it that little bit harder to recruit. I do not know whether Debora Colvin pays her—I think some of her volunteers may be paid and some not, I am not entirely sure.

Hon DONNA FARAGHER: Thank you.

Mrs J.M.C. STOJKOVSKI: Just on that, if I can, this is the first I have ever heard about it. What do you do in terms of recruitment? Because I am just thinking that there are lots of councils that have lots

of youth workers that I am sure would be interested in that type of role, particularly around certain areas. Do they know about it?

Prof. Morgan: That is an interesting question. We are actually currently reviewing our whole independent visitor process. The reality is that with the budget we have, it is one of those things that probably most of the office actually runs on the sniff of an oily rag. I have actually asked for a complete review internally—a review of that—to see how we can actually improve our outreach. We certainly advertise in newspapers, particularly in the regions. But that is a really good suggestion, and I think we will —

[10.20 am]

Mrs J.M.C. STOJKOVSKI: Because it could be as simple as an email to the director of the relevant—usually it is community development or something like that—in each local council, pass it down to the youth teams.

Prof. Morgan: Great idea. Kieran is writing that one down. We will definitely follow up on that one.

Mrs J.M.C. STOJKOVSKI: Sorry!

Prof. Morgan: But seriously if anybody has got any good ideas, please help me, because —

The CHAIR: Our advisory service is free of charge! We are here to help.

Prof. Morgan: Yes; I know, I know.

The CHAIR: The other thing that occurred to me on that same tape was the recent news report about the number of young men going into primary teaching. Apparently there is a blossoming of recruitment amongst young men.

Mrs J.M.C. STOJKOVSKI: Well needed.

The CHAIR: Yes. And that might be another place, local primary schools—given that, I imagine, young men would be at a premium, as far as your IV program goes.

Prof. Morgan: Yes. That is excellent. Please follow up afterwards with any other good ideas for us.

The CHAIR: I think we took you on a track away from the report—you were getting us into the four areas.

Prof. Morgan: Basically the areas that I am thinking of is the inspections, which lead to a tabled report and the reviews which lead, generally, to a tabled report, unless we believe that there are security or confidentiality reasons for them not to be tabled. But copies of those do go to our parliamentary committee. For example, why would we not be public? Well, for example, we are currently actually doing a review of the birth that took place in a cell in Bandyup Women's Prison, which got media. We have also done a review of the way in which some mentally unwell women were transported from Bandyup Women's Prison to the Frankland Centre in secure forensic mental health, and one of them was naked. Again, that received a lot of publicity. So, when we report on those, we have a number of ways of doing it. We may issue a heavily redacted public report, at least on the birth, because a lot of that—I do not want it in *The Sunday Times*; it does not belong there. It is very simple. They have run with the story already, they actually got most of their facts right. I do not want to revisit that.

The reviews are usually the area where we have to take a call on what is or is not public. Inspections, reviews, independent visitors, community liaison and then I guess the fifth limb to what we do is the other parties, so it is people like yourselves. I mean, I regard parliamentary accountability as absolutely vital. I would like to appear before committees more often. I obviously also, as I said earlier, have a particular statutory relationship with the minister, so we would meet regularly. That

is really important to me, so that the ministers get some independent sense of their risk, and also where things are going well. For example, prior to the riot at Banksia Hill in January 2013, which led to the place being closed, effectively, for many months, we had actually given a very explicit warning to the then minister about the risks of amalgamating the two centres, which was Rangeview and Banksia Hill, in the time line that was being proposed. He then took advice from the department and got very different advice from what we were giving. But that is an example of where I think you can see that the value of an independent set of eyes and ears that says, "Look, here's what we're hearing." Because unfortunately, I am not sure whether the days of frank and fearless advice by public servants have entirely gone, but they are often giving the good news. My sense is—I have experienced it in all the 10 years I have been doing this—far too often the departments are giving filtered good news to their ministers rather than really articulating the risks. I do not want to be the negative message bearer, but that is in fact I guess one of the roles that we play.

The CHAIR: I think, without saying anything about the public service, the place where it is undoubtedly alive and well is in agencies such as yours who report directly to the Parliament. We see that over and over again, some of the things that the Commissioner for Children and Young People is able to do.

Prof. Morgan: Yes. Exactly, yes.

The CHAIR: Do you have any sort of formal communication with the Commissioner for Children and Young People?

Prof. Morgan: I do not know whether its formal or informal. We talk to each other reasonably regularly. I am not a terribly formal person. We have not seen the need for regular meetings, but we have certainly spoken with each other regularly. Colin has also accompanied me, for instance, to Banksia Hill, on occasions. And yes, when he was doing his report we were certainly liaising with him regularly about that. So I think it is probably an ongoing relationship. We have very different roles, but I think we complement each other. I think actually the way that the state has set up its accountability agencies is pretty smart, because there are quite a lot of us, but we actually generally have a relatively clear role. I think having separate independent bodies is a real strength as well, rather than rolling—you see some models like the Australian Human Rights Commission, you have got several commissioners. I do not think it is actually the most effective organisational structure. I think having them separate with our own independent budgets, our own independence and our own separate legislation that meets the particular need, is actually probably as good as it is going to get, to be honest.

The CHAIR: That is a very interesting observation. We might try to tease out a bit more about that, if I can take you to the question that I suppose is front and centre in the minds of a lot of people at the moment, which is about the state's existing child safety mechanisms, the frameworks in which we currently regulate and audit child safety. Clearly they are deficient; they need improvement. The question is: how do we do that? Have you got some reflections on the existing system? Maybe just spinning off exactly where you got to then about separate but clear roles for different agencies.

Prof. Morgan: I suppose for me, the child safety standards appear to be a bit of an evolving and developing area. I do not have, and I have not in all honesty got—and I saw them up on the screen and I am familiar with the nine or 10 areas.

The CHAIR: I might just get Michele to put those up again.

Prof. Morgan: I guess what Colin's work did was to highlight those areas where there are gaps. I would be relatively confident, that is all one can say, that we exercise a good oversight of youth custody. We have done eight reports in seven years, so it is actually not for lack of reports.

The CHAIR: I think Trish Heath's view was that your work is why we have not got a Don Dale.

Prof. Morgan: I will take that compliment.

The CHAIR: Yes, I was very impressed when she said that.

Prof. Morgan: Although, that is setting the bar very low.

The CHAIR: It is, that is true, but it is something.

Prof. Morgan: I think there is a strong element of truth in that, without blowing my own trumpet. I think we probably get a little bit frustrated sometimes that we do not see as much progress as we would like, but I think you also have to ask that question: what would it have been like if we had not been there? And some of the things that we felt it necessary to surface in public, for instance the use of tear gas, the use of firearm laser sights trained on the genitals of young boys on a roof, this was stuff that had we not been there would not have been surfaced, and the risk is that that would have continued rather than there being a more preventive approach. That was when the system was very much in reactive mode, putting out incidents, trying to avoid anybody getting injured in the course of putting out the incidents. But there was not enough focus on prevention. I will take that compliment. As an office it is fair to say we have not really turned our minds in detail to the standards. As I say, I see them as an evolving thing. Certainly I would hope that we are compliant with most of these. Is there work that we can do? Yes, I am sure there is work we can do to improve.

[10.30 am]

The CHAIR: It is a question of looking at those through the youth custody lens.

Prof. Morgan: That is right, yes. Certainly, child safety is absolutely embedded in our whole way of doing business. That is, actually, in a sense what we do, and the work that Christine did on behaviour management is very much about that. Children participate in decisions affecting them—I suppose we do not take decisions that affect them, but we participate with children. Going back to what Kieran said earlier, we do a lot of work through groups because we find that you do not get a lot out of individual kids. But if you can get a group of them together and you can get a really good—I mentioned Joseph earlier, the Aboriginal community liaison officer. He is very good at getting a group talking, and talking about things that they may not be comfortable talking about one on one. Such is age—I cannot read the third one now. Families and communities are informed and involved—certainly, as I said earlier, we see community engagement as a critical part of our work. Could we do more? Yes. We are forever fighting the balancing-the-budget issues on that. Equity is upheld—definitely a strong point of ours. We have been very strong on the rights of Aboriginal children, women and young girls. Just one example of that is when there was the riot in 2013 and most of the boys were transferred to Hakea Prison, if you remember that, for a while, what it meant was that the girls were left behind at Banksia Hill, and a number of the other boys. We were doing a big review of the causes of the riot and the follow-up management of it, but I wanted to make sure that we did not forget the girls, because they were, by and large, outside of the riot and they were not moved to Hakea Prison. We did a specific report on young women and girls at Banksia Hill and how that was progressing. People working with children are suitable and supported—I would like to think we are.

The CHAIR: I was going to ask—actually, perhaps it is a question to Kieran—about the support you give to the IVs. Presumably there would be occasions when they are hearing some pretty distressing disclosures.

Mr Artelaris: To be honest, that sort of thing does not come up particularly regularly. Part of that is what we have talked about. The young people are not particularly likely to come up to somebody that they do not know particularly well and disclose something extremely personal. I think that is

why that sort of thing does not come up a lot. Having said that, we have regular contact with our independent visitors. The process is that they write a report from their visit which outlines all the issues that have come up during their visit. That is all raised with senior management at the centre before they leave the site that day, and they will include any responses that they got in their report to us. We will then look at their report, add some comments of our own, typically, and send that back to the centre for a more formal response. Often on the day their response will be, "We'll follow that up and provide a proper response." Every time the independent visitors visit the site, we are engaging with them. We are talking to them about what they have found on that particular day. If they have anything that they want to debrief with us about, there is always that opportunity, certainly. As I say, it honestly does not happen very often.

Prof. Morgan: I think it is an issue for us internally as well, though, because when we do a full inspection, we are there for a week or more and it can be quite emotionally draining. Especially if you are there for that period of time, you find that young people do start to tell you things once they have seen you a couple of times in the previous days. They might then come up. We have had some—they are often kind of operational things, if you like, but they are really significant to the young people. In our last inspection of Banksia Hill, I was very concerned about some aspects of the treatment of the girls. What I mean by what that was, for instance, they were told that if they wanted to see the doctor, they needed to tell a custodial officer that they needed to see a doctor and why. In my view, there is no reason for anybody to know the reason why. If you are dealing with young women who might want to talk about very private matters of sexuality or whatever, it is nothing to do with anybody other than the medical practitioner. That was one where, to my mind, the practice did not meet those sort of standards, speaking very broadly, and immediately when that was raised, the superintendent actually said, "I didn't know that was happening. I will stop it." That is a good example. There was another one where the girls were concerned about how they were being supervised when they shaved their legs. This is very personal stuff that will come up to us every now and then and, again, we actually managed to get that resolved, because with children, young people in custody and razors, there is obviously a need for caution, but there is a way you can manage that without intruding on the young people's rights of privacy. A lot of the time we can actually deal with those things. Those things would probably never make it into a report because we can actually just deal with them on the spot. Certainly, your point about support for people is important. I like to pride myself—I think we have a really supportive office and I think a lot of the support for colleagues comes from each other. But we also, obviously, have access for staff to counselling and so on if they require it. Just on that—the little things that you can pick up—I remember early on when I started the job—I could not believe it—I was in Rangeview, as it was at the time, and I was watching the children being put onto a vehicle to go to court, and they had no shoes! It was a cold morning and they were shuffling across the concrete floor. I said, "Why haven't they got any shoes?" The guard said, "I don't know. That's just the policy." I said, "Yes, but why?" He said, "I don't know. It's been like that forever." I said, "Why would they have that policy?" He said, "Some time ago some young kid tried to hang himself with the laces from his shoes." I said, "Really? When was that?" He said, "It must've been 10 years ago." I said, "Do you mean to say there's no shoes without laces? Is there nothing that you can do to put shoes on young people going up to court?" And that, again, was changed. As I say, a lot of what you see in these environments is the old same at home. It is the broken window syndrome, is it not? You do not see it after a while—or the cracked tile in the bathroom.

The CHAIR: And it is lack of thought rather than some kind of cultural practice.

Prof. Morgan: Yes. I would not come across many instances where I would call it deliberate abuse, but I think the institutional environment, particularly when it gets run down and it is under stress,

then that is where the issues come. They tend to be more systemic than they are about individuals, in my observation over the years.

The CHAIR: The commissioner's school and learning consultation found a significantly high proportion of children who were saying that their disabilities were not being picked up by the education system. They regarded themselves as having disabilities that had not been recognised by the school. I guess you had a similar situation at Banksia with FASD. What are your views about that? I presume you would not have been surprised.

[10.40 am]

Prof. Morgan: No, I am not at all surprised. I think the FASD work is fantastic. I think it has highlighted the levels of need. I also have a slight concern which is that there will be a significant number of young people who are not diagnosed with FASD but need an awful lot of support. I suppose my concern, as always, is that when you manage to label or attach a label to something that you might get the supports. I think every single child at Banksia Hill, and there are about 140 there at the moment—every single one of them is in high need. I would say there is nobody who is not. The FASD work is really important because it has drawn our attention to it and it has probably drawn some funding to that area, but I would say that we have to remember everybody as individuals. Are things undiagnosed? They were. I think the FASD work has improved our level of understanding. Are we doing enough to respond to that is another question. My fundamental problem, and I do not think anything is ever going to fix this, is that Banksia Hill is too big. It has too many kids in one place and there is not enough ability to separate people out by need. You have that girls, you have boys and you have 11-year-olds often from regional areas, and invariably Aboriginal. The younger they are, they will all be Aboriginal, and you have them alongside people who are actually young adults—18 or 19. The centre does what it can to manage this cohort within one place but I think to really get to the bottom of the young people's needs, we need smaller, more focused facilities. I actually have the view that Banksia Hill could then be turned quite well into a very good women's prison. But turn it away from its focus on children. There is nowhere else in Australia that puts 140 children in one place without the differentiation. They are not differentiated by legal status either, so remand and sentence are all together. The centre does what it can and then the infrastructure for managing young people who are in particular need is very poor. The crisis care unit is—how can I put it?—one of the most counter-therapeutic environments you could think of. The infrastructure is creating a problem, even once we make those diagnoses. It is actually creating a real problem. What do we do about it? How do we do better?

The CHAIR: What is the modern view about the optimal size of a facility?

Prof. Morgan: I am not sure whether there is a modern view and I suspect it will depend on the country that you are in. But with Australia where we have such a scattered population—for instance, South Australia has, I think, the last time I looked, around 80 young people in custody. They are on the same sort of site but they are in separate facilities. They were keeping the girls separate from the boys and the remand separate from the sentenced. The longer term young people were being given a much more structured longer term education strategy and the ones who were rolling in and out—the remands—had a different approach to that. I cannot comment in detail on it but that seems to me to be the sort of model where you might be breaking down those numbers a bit. In Western Australia, we are not Don Dale. One thing the Northern Territory had right, though, was that they had a detention centre in Darwin and they had a detention centre in Alice Springs. We put all of our kids in Perth. My advice to people in the Territory has been do not—they are talking about building one big detention centre in response to Don Dale and I have said, "Don't put all of the kids in Darwin. They don't belong there." An awful lot of them belong in Alice.

The CHAIR: There is no better way to make sure a child loses contact with the support services than to —

Prof. Morgan: Yes. As you would probably be aware from the media, there has been quite a bulge of young Kimberley boys and girls down in Perth at Banksia Hill. There is no single numerical figure, but I think it comes down to diversity in accommodation and safe places for young people. Another uncomfortable truth is that many of the young people do not feel safe all the time at home. How do we make sure that what we give them is a safe and appropriate environment that then nurtures them and gets them back into and increases the safety within the home and the community?

One area you have touched on—education is an area that has been very, very poorly done at Banksia Hill. We have not seen, in my view, enough engagement by the education department and we have not seen enough attempt at continuity so that when the young people come out—no point expecting them to go back to a normal school; they never went to school in the first place. What you have to look at is what can we do by way of streamlining them into alternative streams of education and training that might actually meet their particular needs. It seems odd that kids who have not been to school, when they go to Banksia Hill, they get a bit of schooling and then we put them out and we think that they are going to go to school—they will not.

Hon DONNA FARAGHER: Can I just pick up on that, because I had a look at the recommendations that were in your 2017 report and I did note recommendation 14, which you referred to—the state provides a separate education budget managed by the principal. I am interested to know a little more about how it actually works in practice in terms of education for the children and young adults at the centre and where you think the improvements can be made.

Prof. Morgan: I think the improvements start at a strategic level and, Kieran you can correct me if I am wrong on this, the education department provides funding.

Mr Artelaris: Yes, a certain amount of funding.

Prof. Morgan: But the Department of Justice then delivers the education into the centre.

Hon DONNA FARAGHER: Sorry to butt in. Just so that I am clear, does the education department provide funding to the Department of Corrective Services or justice or whatever it is now?

Prof. Morgan: Yes, that is our understanding of it, and then they provide the teaching at the facility. The department, because it has adult custodial facilities on the one hand and youth on the other, has actually had quite a vibrant adult education but that has been separate from the youth. I think it is fair to say that the youth education at Banksia Hill was basically left to cope on its own, essentially. It became very stale and when people are constantly working in a high-stress environment, and if you look at the last—it must be a coincidence. Since I took on the job, Banksia Hill has been struggling. It has been going through these troughs and then slight peaks and then it goes down again. If you look at trying to provide an education program through that, the stress on the staff is immense. We have not had the strategic direction that, as I say, links what is done in custody back into the mainstream education or specialised education on the outside. Is it fair to say in your view—Kieran and Christine—that what has happened is because there has been necessarily so much focus on security because of the level of incidents, it means everything else drops back? Again, on the day-to-day basis in the education centre, things have been impacted constantly by security overlays. Some of it comes from the fact that you have all these young people in one place. If you could break it down into smaller modules, you would probably have more chance of getting the kind of specific education needs met. Another thing is that I remember walking into a unit once where the girls were doing education and I felt like I was walking back into school when I was at

school; there were pencils and it was kind of weird. It was nothing like a modern school would look. It was very, very old-fashioned.

Hon DONNA FARAGHER: This is not a reflection on the Department of Justice, but is that perhaps because there is a disconnect where the Department of Education might well provide the funds but then does not have responsibility in actually delivering the education on site? Do you think that that may also be a contributing factor?

[10.50 am]

Prof. Morgan: Yes, I am trying to recall exactly what we said in the report because we came very close to making a recommendation that it actually be an education department responsibility. From memory, we basically said in the report that if things did not change for the better—they say the department says that it has put in mechanisms to improve—then, in our view, there needs to be a complete review of that.

The CHAIR: We think we might be able to bring the recommendations up here on the screen.

Prof. Morgan: Yes, I am trying to remember what was the text around the recommendation. I remember a conversation about how we were going to word that recommendation. It basically was intended to be—the bottom line is that it has got to improve.

The CHAIR: It is pretty clear. Recommendation 14 says, "Provide a separate education budget managed by the Principal."

Prof. Morgan: Yes.

The CHAIR: That presumably means that there is a school set up within Banksia Hill?

Prof. Morgan: Yes. But, again, would it be the education department that would oversee it? What we went for initially was to make sure it has its own independent budget, there is a principal appointed, and it needs that strategic drive. My understanding is that the department was looking at bringing in the expertise of the people from the adult education in the prisons to actually help drive improvements in the youth space. Again, we can probably follow up and find out whether that has happened yet.

Mr Artelaris: Yes, I believe that has happened, but I am not 100 per cent sure that that is all signed off yet. The department itself is going through a lot of restructuring at the moment.

Hon DONNA FARAGHER: As they all are.

Mr Artelaris: Yes, so I am not entirely sure how that has all ended up at the moment. I think it might be something that is in place but not entirely formally yet.

Prof. Morgan: I think one of the issues is that when a department is in constant restructure or, dare one say it, at times turmoil, it is very hard for some of these basic services to be delivered as you would hope.

The CHAIR: It might be useful if we perhaps gave you, not homework, but would you be prepared to take something on notice from us?

Prof. Morgan: Probably! Tell me what it is and the time frame.

The CHAIR: I will see if I can start the ball rolling and then Donna can say what she wants. I was looking at recommendations I 11 to 14 from your 2017 report and I will perhaps ask for an update on the implementation of each of those.

Hon DONNA FARAGHER: Yes, I think that would be good, and I suppose if that does prove a little difficult from your perspective, then we can follow up with the minister as well.

The CHAIR: We can follow up with the minister, yes.

Mr Artelaris: We can answer recommendation 12 now, because they have done that. They have re-established the principal position and they have recruited a principal. So that is one positive step in the right direction. The rest of them probably do need a bit more probing from us to see exactly where they are up to.

Prof. Morgan: We are certainly prepared to take that on. I am not sure what time frame you have in mind.

The CHAIR: You give us a signal and we are very receptive. Close of business tomorrow would be fine!

Prof. Morgan: Yes, that is fine! Absolutely! I am having to take six weeks off work to have a knee replacement so that is partly why I ask. That will take me through to mid-November off work. Are you talking a month?

The CHAIR: Yes, I was thinking a month. We have four more meetings this year, so our final meeting will be the last week of November, first week of December.

Prof. Morgan: Kieran, do you think it is feasible, given everything else?

Mr Artelaris: Yes. I am scheduled to visit Banksia Hill next week so I can chase that up.

Prof. Morgan: He is also bouncing up and down to Greenough at the moment.

The CHAIR: Let us say a month and then you can liaise with Michele.

Prof. Morgan: Yes.

Mr Artelaris: No problem.

The CHAIR: It is interesting talking about Banksia Hill as an education facility. Take a 14-year-old. What does the day look like?

Prof. Morgan: It depends on the routine at the time to some degree. Their standard day should be—I will ask Christine—a seven o'clock breakfast?

Mrs Wyatt: They should be unlocked at seven o'clock. Then school commences at 9.00 am—or education commences at 9.00 am. They go back to their units for lunch, around 11.30 am or 12 noon, and then they are back to education by 1.00 pm for probably another two hours.

The CHAIR: So they are doing the same sort of hours in education that they would be in a high school?

Mrs Wyatt: Similar.

The CHAIR: And then after school activities?

Mrs Wyatt: Yes. I suppose that is also dictated to by the regime at the time.

Prof. Morgan: One of the difficulties they have had, probably not quite as bad now as it was—but again it fluctuates—is staff shortages. So that impacts hugely on the regime and the ability, for instance, to go to after school activities or the extent of lock down hours, as we call it, where they are locked in the cell or in the unit where they live.

Mrs Wyatt: But it is also the quality of the education that they are receiving. Forgive me if I am wrong, Kieran, if this has changed, but certainly when we were doing the inspection and the behaviour management review, too many classes were being covered by custodial staff because there were not enough teachers. The quality of education in those classes was fairly non-existent in terms of what you would expect from a curriculum.

The CHAIR: I suppose if you have a year 8 or year 9 child who has never been to school before, or has had very limited schooling, it is beyond the expertise of many teachers, let alone people who have never been near a teacher training program.

Prof. Morgan: It is very hard because when you look at it, you would probably find that there are 40 different sets of needs by way of education amongst 140 young people. You have some young people there, as I said, as young as 10 or 11, who will be from the regions, undoubtedly, and then you have 19-year-olds who want to do an apprenticeship. So meeting that broad spread of needs within the one facility and within current resources is extremely difficult. Some of the older youth feel that they are being given dumb things to do because they feel they are given childish things to do. When I have observed, I have been quite surprised and a little bit dispirited by the mundane nature of what so many of them seem to be doing in class.

Hon DONNA FARAGHER: If you give them a valued education, you would like to think that that would assist them in breaking the cycle that they might already be in.

Prof. Morgan: Yes. I am a great believer, although, again, it is a resourcing issue—Colin may have spoken to you about this as well—in improving the access of young people to things like iPads and so on. That is how they learn these days. It is not chalkboards and crayons anymore, yet it is chalkboards and crayons that you are likely to witness at Banksia.

The CHAIR: Given that you are the principle oversight agency for Banksia, is there anywhere else that the children can go if they have complaints?

Prof. Morgan: They can go to the Ombudsman. I think the starting point, as we have said, is that children tend not to complain a lot. That is one issue. They can go to the Ombudsman and they can go internally. There is an access system, as it is called. The department has an access system for complaints.

The CHAIR: Is that online?

Prof. Morgan: No, it is a yellow envelope and a phone number.

Mr Artelaris: I think it is online, but that is irrelevant because —

Prof. Morgan: Because they are not online.

The CHAIR: Do you monitor that service?

Prof. Morgan: That is an interesting question. Maybe that is another review for you, Christine. I am getting lots of good ideas today! We have not really monitored that service as such. We have done bits and pieces on it. There is not a lot of confidence on the part of people in custody about these internal schemes. Essentially, it would be through us or the Ombudsman. We have a relationship with the Ombudsman. We respect confidential information, but we will talk about what are the kinds of issues that are coming up. The Ombudsman also, after conversations with us, decided that he would conduct clinics every now and then at the facility. This is based on the idea again that just expecting individuals to write in or complain is not going to work; you need to reach out to them. You would have to talk to the Ombudsman about how successful or otherwise those have been. By and large when I talk to young people—I do not know whether Kieran, Christine and Darian have had the same—they tend to shrug their shoulders. They tend to be quite fatalistic about it: "There's nothing we can do." Also, their time frames are interesting because they want it sorted like that, whereas an adult is more likely to say, "No, I want to make a complaint and I understand it will take a little while." But for young people, often they want an immediacy to the response.

In my view we can look all we like at external bodies, but the critical thing is that the way they run the place needs to be responsive. If I go back to some of those examples I raised earlier, why was it

that it was only when we went in that I said, "Why are the kids not wearing shoes?" Why was it when we went in that the girls told us that they were distressed by having to say why they needed to see a doctor? To me, that is raising questions about the internal—we cannot be there all the time, but that should be day-to-day management and engagement.

[11.00 am]

The CHAIR: It is an aspect of what the commissioner talks about, listening to the voices of children and young people. You might not literally be listening to the voices when you see the children without shoes, but you are seeing through a new pair of eyes and observing different things. At Banksia they have about 12 or 13 visits a year from you?

Prof. Morgan: Yes.

The CHAIR: They have the Ombudsman dropping in a couple of times a year for clinics.

Prof. Morgan: We would have at least six what we call formal liaison visits, which is my staff or myself going out, and we would always go with two people to try to validate and reach across to the audience. As Kieran said, some of those involve engagement with the young people. Some of them are more management focused to see how they are going in terms of their resourcing and HR and so on. Over and above that would be the 12 visits from the independent visitors. As Kieran indicated earlier, they raise things on site, as we do, but they also report to us. We collate their reports and see what things are coming up. I am not sure of the regularity of the Ombudsman's visits and I do not know how regularly Colin and his team visit. I think one of the risks is that people think that because we exist they do not need to go. Whenever I talk to anybody—it does not matter whether it is the Auditor General, Ombudsman or children's commissioner—I say, "No, no, you've got to keep going."

Another really interesting aspect of oversight at Banskia Hill, which may have slightly changed now, is that the former president of the Children's Court, Judge Reynolds, was out there all the time. He would go out very, very regularly and he would engage with the children. That is quite unusual for a judicial officer to believe that that is part of the job. There are other judges who, I think, felt that he was too actively involved in that space. My view is that, particularly at times when the centre was going through difficulties, it was absolutely vital that he was going out because he could see first-hand, and then of course he is dealing with those young people when they appeared before him in court. I think that played a really important accountability role. Judge Reynolds was also a very frequent and quite prolific writer of letters to the department about some of their strategic failings.

The CHAIR: He was a very eloquent advocate.

Prof. Morgan: It is interesting when you look at that sort of structure. There is more going on in WA than anywhere else. Is it enough? I do not know. I keep coming back to this thing in my head that you can have all the accountability agencies you like, but unless the agency that is delivering the services is actually responsive, then it is a difficult picture. These things go through waves. We have been through periods when the response to our concerns has sometimes been dismissive. The problem with that is that that generates risk for the children and it generates departmental risk.

The CHAIR: Yes. I will ask my colleagues if they want to add anything, but I just wanted to ask you: obviously we have to return to that question about where the limits of your jurisdiction lie and how you would view an expansion, but that is linked with the question about the particular skills that you and your team have to carry out these kinds of inspections, because clearly it is not necessarily a transferable skill to be an oversight agency looking at services and resources for adults and

transferring that to children. Certainly the commissioner's view is that you have those skills. Presumably you share that. Do you recruit on that basis? Do you train and foster those skills?

Prof. Morgan: We do not specifically recruit. For instance, Kieran is what we call an inspections and research officer, so one of his critical roles is to be liaison to facilities and to work with those facilities. We do not specifically require people to have a background in youth to get those positions, but I think that over the years we have been probably fortunate in the fact that the pool of people we get has opened up. We have one staff member in the inspections and research team who used to work at Banksia Hill, and Christine in the review team also used to work there, so they have some hands-on experience. It is a little complicated, but I suppose some of the generic skills are around things like operational procedures within a closed facility which are not the same in youth as adult but there are some common parameters around that. I feel that we have the balance about right, but no, we do not specifically recruit against that. Put it this way, if I thought there had been a gap, we would have done. Does that makes sense?

The CHAIR: It does.

Prof. Morgan: Because we are so small—any thoughts?

Mr Artelaris: This is a question that comes up a lot because philosophically people look at youth custodial services as very different to adult custodial services, and that is entirely correct. But I think for us as an office the values of our office have always driven what we do. Everything we do is grounded in human rights and I think it is all equally relevant, whether you are looking at adult custodial services or youth custodial services. I have never really found it problematic. I think we are all extremely aware when we are going to Banksia Hill to do an inspection, as opposed to when we are doing an inspection of an adult prison, that we are looking at an entirely different environment and we should have different expectations. Sometimes it is really interesting to be able to compare Banksia Hill to an adult prison environment and say: why is this particular aspect of Banksia Hill harsher than an adult environment? There are things that are like that. I think there is quite a lot of value in having the ability to make that comparison. Now, because Banksia Hill is our only juvenile facility, we would not have anything else to compare it to. If there was an office that was specifically set up only to look at youth custody, I think there would be a lack of context there. I think having that context is really valuable, even if it is not directly comparable.

The CHAIR: And the other secure facilities that deal with children, the ones you mentioned at the beginning?

Prof. Morgan: Kath French, for instance?

The CHAIR: Kath French; particularly the lock-ups.

Prof. Morgan: Yes, we do not have jurisdiction.

The CHAIR: Is there a reason? Have we discussed this?

Prof. Morgan: The history of the office—it probably feeds into this—was that it was established in 2000 because the then Liberal government decided that it wanted to establish a privately operated prison, Acacia, and also that it wanted to outsource prisoner transport. To get the legislation to permit that through the upper house, they needed to reach an agreement with, I think, the Democrats. The Democrats said, "Okay, we will go along with that provided that you establish an independent accountability agency that oversees both public and private." When the office started, it was actually only adult. It was adult prisons and transport. In 2003, I think, it was extended to youth justice and youth custody. For instance, we look at the children and young people in the court custody cells in the Children's Court, but other than that, we essentially have just Banksia Hill and the transport. It has never been extended. The intent originally was to extend our jurisdiction to

police lock-ups. That was always the stated intent, back as long ago as 1998 or 1999, when the legislation was drafted. We have had parliamentary committees who have said, "You should be looking at lock-ups", but there has never been the willingness to find the resources or to change the legislation. I think everybody agrees that it is a good idea, but it is a question of actually —

[11.10 am]

The CHAIR: I am a bit surprised about the disability justice centre, because those people are actually in the corrections system, are they not? They are in the justice system.

Prof. Morgan: You could put Kath French to one side.

The CHAIR: Yes. It is a secure facility.

Prof. Morgan: I actually think our expertise would be very beneficial to Kath French, because it is a secure environment. But leaving that to one side, there are two places where we do not have jurisdiction where I think we really should. One is the disability justice, because, as you say, they are people who would otherwise be in prison; and, secondly, the Frankland Centre, which is the secure forensic mental health. So other agencies are doing that, but it is certainly not as public or as transparent as the way that we tend to do it. The disability justice centre—I think Deborah Colvin's team has done a good job. Why we are not involved, I do not know. I guess we had a reputation for speaking the truth and telling things how they were, and I was told that might have counted against us at the time, but I am in no position to know whether that is true or not.

The CHAIR: Hansard will not record that you said that with a wry smile. I will just put that on the record.

Prof. Morgan: That is basically the history of why we do not do it. I do not have a problem with other agencies with the expertise doing it, but I think the question is: is it really being done? With the Kath French centre, I think the Ombudsman certainly has the jurisdiction to do that type of work. One of the things that we struggle with in terms of legislative structure is that each of these accountability heads, like myself, we are kind of set up as if we work on our own.

The CHAIR: A silo.

Prof. Morgan: Everything is about me reporting to the state Parliament. When you look at the Ombudsman, it is about the Ombudsman reporting, or the Auditor General. I have spoken to the Auditor General, the Ombudsman and others about what we could do to promote joint work, and the answer is not very much at the moment. What we have tended to do is where there has been an opportunity, we say, "Let's do complimentary work", because you do not want to duplicate it.

The CHAIR: What gets in the way of the joint work is just the structure of the statutory frameworks in which you are operating and the resourcing frameworks?

Prof. Morgan: Resourcing in part, but I think also the statutory frameworks are very much based around the fact that the inspector will report to Parliament, or in the case of the Auditor General, the Auditor General will report. I would have thought it is time we said, "Why can't we have a joint report?" But as the legislation is written at the moment people are taking the view that that is not feasible. In my view, it should be possible. Back in 2013, we published our report on the Banksia Hill riot, and on the very same day, the Auditor General also published a report, which was about the management of the amalgamation of the two facilities. That should really have been a joint piece of work, but when I approached Colin Murphy at the time, we thought we cannot really do that by legislation, so we said, "Okay, Colin you look at that—you look at the project management aspect—and I will look at the riot, the causes and the aftermath." They were both good reports and both

complimentary, but there should have capacity to just sit down together and do that kind of piece of work.

The CHAIR: It might actually have been more efficient.

Prof. Morgan: I wanted the skills of the Auditor General's office; I do not know that they needed to put a whole team on it. Does that make sense? I am certainly a strong advocate of that, but I am also a strong advocate of not rolling the agencies in together and actually having them each with a discrete set of legislative requirements.

Mr K.M. O'DONNELL: Regarding police lock-ups, I have worked in them many times, have you approached the new police commissioner, who is very open and forward-thinking, about the possibility of you stepping into that space?

Prof. Morgan: I think that is a conversation that I need to have, because I did approach the previous police commissioner, and he was very enthusiastic, but for some reason—what we were trying to look there was actually the idea of us almost doing it on a voluntary basis, but then you hit a legislative problem that you have not got the access. We have a legislative entitlement to access, and if you are doing it on a kind of voluntary basis, it is more on goodwill than entitlement, if that makes sense. But, certainly, Karl O'Callaghan was very enthusiastic, and I will approach Chris Dawson again. This whole area is going to become one that the state will need to take a look at because of what is called the optional protocol to the convention against torture. Does that mean anything?

The CHAIR: Yes, the commissioner raised it with us in the hearing earlier.

Prof. Morgan: It is called OPCAT. In my view, it is a very badly named treaty because it talks about torture. It is a United Nations treaty and the actual full name is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Do I see torture going on in Banksia Hill or prisons? No, I do not—not in the sense that we understand the word "torture'. Do I see degrading conditions? Yes.

The CHAIR: Being transported naked when you have a mental illness might just count.

Prof. Morgan: This is where the OPCAT becomes important, because Australia ratified the convention itself many years ago. It has only just recently ratified what is called the optional protocol. The optional protocol means that Australia, as a country, must have forms of independent monitoring of closed places. That should include police lock-ups, mental health facilities, prisons and, as you can image, there is a bit of discussion about whether it extends to off-shore immigration detention centres. So there are some peripheral areas where there is some ambiguity, but this will mean that police lock-ups should be becoming subject to a monitoring regime. The timing is good. I did have an appointment with Chris Dawson, which, unfortunately—he has been very busy on things that he could not have predicted, unfortunately. I will follow-up with Chris again, and we might see if we can trial—my plan was to actually trial some inspections on a kind of voluntary basis to see how it would work, how we would do it and potentially get a police officer seconded to work with us because we want that experience. We do not come in and say we know everything—we do not. One thing I would say about police, particularly in the regions, is that they always want to show me their lock-ups because they actually are worried about them and concerned about the conditions in which people are often being held.

Mr K.M. O'DONNELL: You can go from one town and go to a third world country in one area. One quick question, have you put a business plan to the minister in relation to expanding the Frankland Centre?

[11.20 am]

Prof. Morgan: I have put up proposals previously—not to the current minister. I suppose for us, if you look at our jurisdiction, there are a whole series of things that I believe it would be useful for us to look at. Not with the requirement to report regularly, but it would be within jurisdiction—police lock-ups. I think we should be looking at community corrections, because it is quite odd at the moment that my jurisdiction stops at the prison door. If you have young people rolling in and out of Banksia Hill, I can look at them while they are at Banksia, but I have no real oversight of anything to do with how they are supervised in the community and so on, which I think is an important area. So, police lock-ups, community corrections and potentially the Frankland Centre—and again the people who run the Frankland Centre have said that they would like me in. It is not a case of lack of will on the part of people who work in those environments; I guess it is the dollar, to some degree.

To do police lock-ups, as you know, they are scattered around the state, and, with the best will in the world, it will cost money. If I get down to the nitty-gritty of money, when I started nearly 10 years ago, we had a budget of about half of one per cent of the Department of Corrective Services. Our budget has gone down to around 0.4 of one per cent and we are doing a lot more work because we have had additional obligations put on us. We have made a lot of savings—I am not crying poor; I do not do that. We work to budget and always will, but it does not really give us that ability to take on anything else.

Mr K.M. O'DONNELL: Police have a police plane, so you can always get all over the state.

Prof. Morgan: That is true. I will ask Chris if I can borrow his plane.

The CHAIR: Just say Kyran said to!

Prof. Morgan: Kyran said I could borrow your plane for the weekend!

Hon DONNA FARAGHER: On that, just in terms of your budget—perhaps you might take this on notice—would you be able to provide us with a breakdown of your staff and who is entitled. I am keen to have an understanding of, within the office, how many staff you have and across the different roles?

Prof. Morgan: Is that in our annual report? It is probably not in enough detail.

Mr Ferguson: Crikey, I just wrote that, too! I think the number is, but the detail will not be. But we can provide the numbers and detail.

Hon DONNA FARAGHER: Thank you.

The CHAIR: You have been very generous with your time. I thank you for that and we really appreciate it.

Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 working days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide some additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Thank you very much for coming in. That has been a most informative session.

Hearing concluded at 11.22 am

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