

**SUBCOMMITTEE OF THE STANDING COMMITTEE ON  
ESTIMATES AND FINANCIAL OPERATIONS**

**2012–13 AGENCY ANNUAL REPORT HEARINGS**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
FRIDAY, 22 NOVEMBER 2013**

**SESSION TWO  
DEPARTMENT OF CORRECTIVE SERVICES**

**Members**

**Hon Ken Travers (Chair)  
Hon Alanna Clohesy  
Hon Rick Mazza**

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**Hearing commenced at 3.38 pm****Mr JAMES McMAHON****Commissioner of Corrective Services, examined:****Ms HEATHER HARKER****Deputy Commissioner, Adult Custodial, examined:****Mr IAN GILES****Deputy Commissioner, Community and Youth Justice, examined:****Ms ANGIE DOMINISH****Assistant Commissioner, Finance and Infrastructure, examined:****Mr GEORGE KESSARIS****Director, Finance, examined:**

**The CHAIR:** Good afternoon. On behalf of the Legislative Council estimates and financial operations committee, I would like to welcome you to today's hearing. Can the witnesses confirm that they have read, understood and signed a document headed "Information for Witnesses"?

**The Witnesses:** Yes.

**The CHAIR:** Witnesses need to be aware of the severe penalties that apply to persons providing false or misleading testimony to a parliamentary committee. It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private either of its own motion or at a witness's request. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question.

Government agencies and departments have an important role and duty in assisting Parliament to review agency outcomes on behalf of the people of Western Australia. The committee values your assistance with this. Do any of the witnesses wish to make an opening statement?

[3.40 pm]

**Mr McMahon:** Mr Travers, I might make an opening statement, if that is okay. I will be very brief and short.

**The CHAIR:** Welcome to your, I suspect, first parliamentary committee and certainly estimates hearing!

**Mr McMahon:** Thank you. I have a couple of opening statements because it is my first one. I am James McMahon, as you know. I just wanted to say, first of all, it is a great privilege for me to be the new commissioner. I have only been there for a short while, but I have been able to review the last financial year's report and, obviously, I have gained some insights over my short time in the position.

Our priority, function and mission are all about a safe community. There are a number of ways of achieving that, but a key way is rehabilitation and reducing reoffending. In my time, that is complex and dynamic, and there are a number of tensions that come out of that. It would be fair to say,

reading the report, that the last financial year has been a challenging year. A couple of key highlights for those challenges were: obviously, the Banksia Hill disturbances; the EBA strike; senior leadership movements; and we reached our highest prison population, I believe on record, at 5 032. In saying all that, there were a number of achievements that are documented in the report: Greenough opening up, which obviously gives us some flexibility with women, and that has been of great service already; West Kimberley, the cultural aspect and philosophically moving towards Aboriginal reintegration in that particular project; the global tracking position; and some work on the Live Works Program, which is all about youth and adult reintegration. I have said that we have challenges and that we have had some achievements, but a couple of KPIs that are very important to us are the KPIs of reducing the rate of reoffending. We have had slight improvement in both of those, and within the context of the year we have had, I just wanted to highlight that point.

Finishing up, in the essence of time, what we do is about providing a safe community, but the clear focus as we move forward is in reducing reoffending. A couple of key points for me are looking at the structure and making sure that we can really integrate our case management as we move forward. I have a view around performance improvement from an organisational sub-unit perspective and also from a people perspective. They are just some opening comments.

**The CHAIR:** Thank you.

**Hon ALANNA CLOHESY:** I note your comments about the prison population—the highest ever—and I also noted within the annual report, the capital works program. I would be interested to know how many actual beds there are across the services. This is kind of by institution, if you like. I would be interested to know how many beds there are across Western Australia and by what category or classification—so medium security, high security and minimum security.

**Mr McMahan:** Sure. I will pass that on to Ms Harker. We have got a detailed breakdown here that is quite detailed.

**Ms Harker:** We have a total operational capacity right across the estate—that is, men and women and all categories—of 5 269. As of this morning, we had a population of 4 980. Obviously, that 5 269 does break down prison by prison, which I am happy to go through if you want me to do that prison by prison.

**Hon ALANNA CLOHESY:** If it is easy to have that tabled —

**The CHAIR:** Is that a document you are able to table?

**Ms Harker:** Yes, I certainly could do. That is not a problem. I am more than happy to do that.

**Hon ALANNA CLOHESY:** But I would be happy for you to give me an overview of how many of those are maximum security, medium security and minimum security.

**Ms Harker:** They would need to be totted up by maximum, medium and minimum, because each of the prisons has some capacity to carry all three different categories. For example, if you look at Casuarina, which is actually our maximum high-security prison, the count at the moment is 170 maximum-security prisoners. We have 420 that are categorised as medium and 55 as minimum. The minimums at Casuarina, which you might think sound unusual, are probably there for attendance at programs like the sex offender program that runs at Casuarina, or they might be there for medical appointments, because that is our infirmary as well. That is how each of the prisons would break down in terms of maximum, medium and minimum. As I say, the numbers are there and then, of course, we get a total count. For Casuarina, the total count is 645 today.

**Hon ALANNA CLOHESY:** And that is the number of prisoners and then beds.

**Ms Harker:** Yes, 645, and their operational capacity is 680. They have got a bit of wriggle room, as it were, in terms of bed numbers. But that is what the chart actually identifies—what the numbers are for each institution and how that breaks down.

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**Hon ALANNA CLOHESY:** Great. Can we have that?

**The CHAIR:** You can provide that as a tabled document. When you talk about those bed numbers—I know this is always an issue—that is not what the prison was built for; that is what you now have, so that will include double-bunking and the like.

**Ms Harker:** That is right. We used to talk about the original build capacity, but, to be honest, that is so historic now and completely and utterly out of date that we have really dropped that from our thinking. What we talk about now is the here and now—what are the beds we have actually got in there and what are the number of beds that are actually occupied. As you know, we have had a significant building program across the whole of the estate, and places like Casuarina and Hakea in particular have had some significant additions to them, along with Albany; that was the other big addition a few years ago. Whereas three or four years ago, we were really struggling in terms of bed capacity, those increases at those prisons have made a significant difference and have actually given us a bit of headroom now in a way that, as I say, three or four years ago we did not have.

**The CHAIR:** If you can provide that document to the staff, we can get copies of it. Are you comfortable with that document being made public?

**Ms Harker:** I do not see why not. I think that is fine. I am sure copies are on our website.

**The CHAIR:** We will get copies of it and we will formally resolve later, once members have seen it.

**Mr McMahon:** It does take you through the categories of each prison.

**Hon LYNN MacLAREN:** I notice in your annual report that you have had two suicides. I wonder if you could tell us where those occurred, and can you tell us a little bit of information about them?

**Ms Harker:** With the two suicides that we had in the previous financial year and, sadly, we have had them fairly recently—I am going from memory—one was at Acacia Prison and the other one was at Casuarina. The one at Casuarina involved a young Aboriginal man who, sadly, took his own life. The one at Acacia was a mature white man who took his own life. Do you need any more information?

[3.50 pm]

**Hon LYNN MacLAREN:** Are they investigated by the coroner as a matter of course?

**Ms Harker:** Absolutely.

**Hon LYNN MacLAREN:** And has the coroner completed —

**Ms Harker:** There is a whole set of, if you like, procedures that obviously come into play when a sad event like this happens, not least of which is obviously the actions that take place when the event itself occurs around the staff that are involved and the attempts that they go to to revive the person, and in both instances there were significant attempts to do that. Sadly, it did not result in saving his life. Then what follows from that is that obviously the police are notified. They usually come and the cells are usually cordoned off. A crime scene is not the right terminology, but I think you probably understand what I mean in terms of the area is segregated, taped off, and obviously people are kept away from it. So that is the police side of it. Again, I think in both instances, obviously, paramedics were called, so we had hospital and health personnel there as well. Then, of course, the coroner is involved in that, and the coroners are the ones who usually seal it off completely and then, obviously, their investigations take place from there. Those investigations can take some time. In fact, I do not think with either of those we have yet had the coroner's hearing. I would need to double-check that.

**Mr McMahon:** I note they are coming up because I have seen them come across my desk, and I also note that the coroner, in his reports, looks at those reports as well of the individual cases when he puts his report together on an annual basis.

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**Hon LYNN MacLAREN:** Are you currently monitoring, or do you have any strategies to sort of record and minimise and reduce, the deaths of Aboriginal prisoners?

**Ms Harker:** We have a very significant at-risk system within the department, but within custodial establishments, in particular, and that is called our ARMS system—the At Risk Management System. Anybody identified potentially as being at risk of doing any harm to themselves would fall within those procedures and be closely monitored by staff and they would probably be counselled by psychologists and the like. In both these instances—this is going from memory—I do not think either of them were subject to the ARMS system. So it appears as if it was completely out of the blue and unexpected in both instances. But, yes, we do have some very significant and detailed procedures for managing people that we are able to identify as being at risk.

**Hon LYNN MacLAREN:** I will not ask you any details about those particular circumstances because that will be in the coroner's report, but I do have questions about another vulnerable population in prison, and that is the transgender community. Could you tell me how many transgender men and women would be in custody?

**Ms Harker:** I think we would probably have to take that notice; I do not have that information available.

**Mr McMahon:** And I have not seen it, so we will take that on notice.

*[Supplementary Information No B1.]*

**Hon LYNN MacLAREN:** Can I ask whether transgender men are placed with inmates—“inmates” is probably not the right word—prisoners of their biologically assigned gender?

**Ms Harker:** I could not say that that is automatic, because in many instances we may not know that they are transgender, but certainly, if it came to our attention that they were and requests of that nature were made and we were able to facilitate that, we would certainly be doing that. I have to say that the other dimension that we need to take account of, though, is, if you like, the risks—I do not mean risks because of two transgender people being in the same cell, but I mean risks in terms of the different personalities, vulnerabilities and the like.

**Hon LYNN MacLAREN:** Yes.

**Ms Harker:** Again, that would be carefully assessed, but certainly, if a request of that nature was made, I would certainly expect it to be looked at, and if that could be facilitated and it was appropriate to do so, bearing in mind the risks that were assessed, we would facilitate that.

**Hon LYNN MacLAREN:** Are there any guidelines that you use to assist you when you have either a transgender man or a transgender woman to determine where you are going to place them?

**Ms Harker:** Well, when a prisoner comes into the system, they are assessed right at the beginning, so an individual management plan is put together. Again, it depends on whether this kind of information is actually brought forward by the prisoner themselves. Again, I would need to double-check whether we have any specific guidelines around that. I am not aware of them—it does not immediately spring to mind—so I am not so sure that we have specific guidelines around that. But, again, if we could take that question on notice and get it checked.

**Hon LYNN MacLAREN:** Yes; and if there are any, could I please see them?

**Ms Harker:** Yes.

**Mr McMahon:** Yes, I think we will take that on notice and come back to that.

**Hon LYNN MacLAREN:** Thank you.

*[Supplementary Information No B2.]*

**Hon LYNN MacLAREN:** Some transgender individuals need medical services. Could you also let me know what their entitlements are, if they are on drugs or have other medical needs?

**Ms Harker:** Do you want that in the response —

**Hon LYNN MacLAREN:** Unless you know the answer, you can take it on notice.

**Ms Harker:** My expectation would be that, again, if we know that they are going through medical treatment and are on medication, that would clearly be followed up by our departmental health services in conjunction, obviously, with local providers, whether that is hospitals, GPs or whatever. Certainly, the intention would be to make sure that they are able to continue with that treatment if it is something, obviously, that they are currently going through at the point at which they come into custody.

**Hon LYNN MacLAREN:** Okay. That would be good.

**The CHAIR:** Is that further information?

**Hon LYNN MacLAREN:** Yes, if there are other more specific guidelines.

*[Supplementary Information No B3.]*

**Hon LYNN MacLAREN:** If current prisoners are struggling with their gender identity, what services are available to them?

**Ms Harker:** There are a whole raft of counselling services available to prisoners right across the board, whether that is psychological or prison counselling services. That would be made available, obviously, to them—so, psychological, psychiatric, prison counselling. Again, it depends on the level of information that they provide us with as to what we are able to do for them. To some extent it is largely dependent on them coming forward and letting us know, and then we can try to tailor our interventions to meet their needs.

**Hon LYNN MacLAREN:** Do you have any evidence of transgender men and women experiencing increased physical or emotional abuse in your correctional facilities?

**Ms Harker:** Not that I am aware of, no.

**Hon LYNN MacLAREN:** Okay. Those were difficult questions. Thank you very much. I had to start off with the difficult ones.

**Hon ALANNA CLOHESY:** Can I come to Banksia Hill? I take it that that has obviously been a major issue for you. What was the cost of the repairs to Banksia Hill after the riot, as well as the new build or the rebuild?

**Mr McMahon:** I think I will pass that to Ms Dominish.

**Hon ALANNA CLOHESY:** It was an additional building, was it not?

**Ms Dominish:** Yes. There were additional buildings in the original build, and then there was the remediation which we did.

**Ms Harker:** The notes I have here—again, I think we would probably need to double-check them—the operational impact of the incident itself was just short of half a million to start with, and that was to do with managing the incident itself, which included things like overtime, emergency management and things like that. The remediation to the buildings and the equipment was \$0.4 million for repairs, equipment, replacement and clean-up costs. There were costs associated also with actually relocating the young people to Hakea, because, if you recall, we had to move them to Hakea juvenile facility, and that was just short of \$2 million.

[4.00 pm]

Then there were associated costs with amending the accommodation as well to cater for the needs of young people, which was again about \$400 000.

**Hon ALANNA CLOHESY:** So that is additional?

**Ms Harker:** Yes.

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**Ms Dominish:** It was the remediation. The actual facility upgrade was \$32 million.

**Hon ALANNA CLOHESY:** The facility upgrade?

**Ms Harker:** The total facility upgrade.

**Hon ALANNA CLOHESY:** And that is the capital upgrade including equipment?

**Ms Dominish:** Yes.

**Hon ALANNA CLOHESY:** Okay, so that is the total amount?

**Ms Harker:** Yes.

**Hon ALANNA CLOHESY:** What about the young people; are they all back at school now?

**Ms Harker:** Yes.

**Ms Dominish:** They are all back there but they are late back in the program.

**Mr Giles:** Yes, they are back and the site is re-established. Yes, they are back at school undertaking their schoolwork and programs.

**Hon ALANNA CLOHESY:** They are all back full time?

**Ms Harker:** They are all back in Banksia Hill.

**Hon ALANNA CLOHESY:** For seven hours a day or whatever you go to school for?

**Mr Giles:** Yes. As I understand it, that is correct.

**Hon ALANNA CLOHESY:** So they are all back in every ordinary program, or ordinary as much as it can be, that they were prior to the riot?

**Mr Giles:** Yes, they are.

**Ms Harker:** The educational programs are back and fully functioning, are they not?

**Mr Giles:** They are, yes.

**Mr McMahon:** And I visited there a number of times because it is a high priority for us, given where we were, and I have also been out there with Judge Reynolds as well.

**Hon ALANNA CLOHESY:** Are they still being subject to strip searches on departure and arrival back in?

**Mr Giles:** No, not as a standard practice. Where there is strong reason to conduct a strip search, so it is intelligence led, then one is undertaken but as a matter of practice in terms of moving in and out and post visits, no.

**Hon ALANNA CLOHESY:** Okay, so return from court appearances and that sort of stuff, as a matter of course they are not being stripsearched anymore?

**Mr Giles:** As I understand it.

**Hon ALANNA CLOHESY:** When did that practice stop?

**Mr Giles:** I think it must have been about four months ago approximately, four to five months ago.

**Ms Harker:** It was certainly while they were on the split sites; that was the point at which we ceased it, was it not?

**Mr Giles:** Yes.

**Hon ALANNA CLOHESY:** Specifically in relation to on the way to and from court are they as a matter of routine stripsearched?

**Mr Giles:** I would have to check that. I do not know the specific answer to that.

**Hon ALANNA CLOHESY:** Okay, could you take that on notice?

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**Mr Giles:** Yes.

[*Supplementary Information No B4.*]

**Mr Giles:** I know that there has been a lot of movement to reduce unnecessary strip searches, and the focus has been on intelligence led. So where there is a real and pressing need for it, then strip searches will be undertaken. But in terms of routine stuff, I think alternatives like pack searches and that have taken their place. But we will double-check that in terms of the courts.

**Hon ALANNA CLOHESY:** Yes.

**Mr McMahon:** I think that is it routine or not is what we need to be 100 per cent sure of.

**Hon ALANNA CLOHESY:** Okay, specifically to and from court.

**Mr McMahon:** Yes.

**Mr Giles:** Okay.

**Hon LIZ BEHJAT:** I have more questions about Banksia Hill, if I can. What percentage of the students at Banksia Hill are Aboriginal?

**Mr Giles:** I think it is in the mid-70s, about 75, 78, but I would have to discover the correct number.

**Hon LIZ BEHJAT:** What health checks are undertaken when somebody first enters Banksia Hill?

**Mr Giles:** I know that they undergo assessment in terms of their physical health and also in terms of, I guess, their mental health as well. Those assessments are made to see what their needs are.

**Hon LIZ BEHJAT:** How comprehensive are those health checks?

**Mr Giles:** I am not sure. I would have to check that. They are fairly comprehensive.

**Ms Harker:** They are. I mean, all young people on admission are seen and go through the health centre. So the actual health centre is co-located with the reception area, so when they come into the facility they go to a reception area, and the health centre is right next to it. So they would all go through a health assessment undertaken by our health staff. And, as Ian says, certainly we now have a full-time mental health nurse at Banksia Hill and she is very fully occupied. So there are some thorough assessments that take place at the point of admission.

**Hon LIZ BEHJAT:** The general health checks that are undertaken, are they undertaken by a qualified medical practitioner or a nurse practitioner?

**Mr Giles:** Correct, a nurse practitioner.

**Hon LIZ BEHJAT:** A nurse practitioner?

**Mr Giles:** Yes.

**Hon LIZ BEHJAT:** Do the health checks include eyesight and hearing checks/

**Mr Giles:** I am not sure; I cannot answer that.

**Ms Harker:** I think, I am not 100 per cent. Hearing, she says, rings a bell—excuse the pun! We have done some work with young people around the hearing issues, but whether again it is done as routine as part of that initial health check, I am not certain.

**Hon LIZ BEHJAT:** Because with a 75 per cent Aboriginal population I would imagine that there are some massive hearing problems with that cohort.

**Mr Giles:** Yes.

**Ms Harker:** That is right.

**Hon LIZ BEHJAT:** So I would be really interested to know how extensive the hearing checks are that you do undertake.

**Mr Giles:** Yes.

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**Hon LIZ BEHJAT:** And if a youth offender is found to have significant hearing problems, what do you then do with regard to that; because I think addressing hearing problems could go a very long way towards rehabilitation and trying to avoid recidivism as well because it presents with learning difficulties and all sorts of things. So, if you can provide me with as much information as you can, I would be appreciative of that.

**Mr Giles:** Yes.

**The CHAIR:** Is that going to be information to take on notice?

**Hon LIZ BEHJAT:** Yes.

*[Supplementary Information No B5.]*

**Hon ALANNA CLOHESY:** Can I just ask a health question on Banksia Hill? What proportion of the population would be diagnosed as having a mental illness? I am particularly interested in ADHD and the use of dexamphetamines for young people in the prison population.

**Ms Harker:** I think we would probably need to take that on notice to get the specific details in terms of numbers and percentages. But I think, again anecdotally, we would say that we believe this is a growing issue. There is absolutely no doubt about that in terms of ADHD, foetal alcohol syndrome impact, and obviously the associated mental health problems that go with that.

**Hon ALANNA CLOHESY:** So when they go in, they undergo fairly thorough health checks. Does that include mental health checks and capacity for diagnosis of previously undiagnosed mental illness like ADHD?

**Ms Harker:** Again I think we would need to double-check the detail of that.

**Mr Giles:** Yes, we will check that with the mental health nurse staff that is on there as part of the permanent staffing of the medical centre in Banksia. If there were concerns on reception and initial assessment, then I would expect that a referral would be made directly to that position. And then if there are recognised broader issues, then they would be addressed, yes.

**Hon LIZ BEHJAT:** So the mental health assessment is not part of the routine health check on admission? I thought that was what you said when you answered my question.

**Ms Harker:** Yes. I mean, they would be part of the questions that would be asked. Again, whether they would get at the level of the size of the problem and then what that would then lead onto, I think is the detail we would need to ascertain. The other development that we have also got is that we do have mental health practitioners in the youth court as well, in the Children's Court. So, again, if there is anything picked up at the court stage and someone comes into detention, the expectation is that that information would obviously then flow through into the detention centre and be picked up from there. But in terms of the specifics, I think, of the actual process, we would just need to clarify that for you.

**Hon ALANNA CLOHESY:** I would be particularly interested in the actual numbers of juveniles that are receiving or taking ADHD medication.

**Ms Harker:** Yes.

**Hon ALANNA CLOHESY:** Irrespective of whether that has been prescribed whilst they are in detention or prior to being in detention.

**Mr Giles:** Yes.

**Ms Harker:** I am sure we can do that.

**The CHAIR:** And those where you are prescribing it rather than they have got it themselves.

**Hon ALANNA CLOHESY:** How many are currently being treated?

**Ms Harker:** Being treated, yes.

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[*Supplementary Information No B6.*]

**The CHAIR:** I have just given that B6, but I think earlier we sort of jumped over it. I think you are going to give us the number and percentage of detainees at Banksia Hill that have identified with mental health issues.

**Mr Giles:** Correct, yes.

**The CHAIR:** Plus detail on the number that are being prescribed ADHD treatment, receiving ADHD treatment. Does that cover everything that the member was after.

**Hon ALANNA CLOHESY:** Yes.

[4.10 pm]

**The CHAIR:** To finish that off—that is B6, those two areas.

**Hon LIZ BEHJAT:** The Frankland Centre—my understanding is that is funded out of the health department through mental health, but the day-to-day operation, I suppose, or the juggling, I think is the best way to describe the Frankland Centre, that falls under your department?

**Ms Harker:** No, the Frankland Centre is not part of our remit; it is still health. We have offenders that will go in and out of the Frankland Centre, but we are not responsible for operating the Frankland Centre.

**Hon LIZ BEHJAT:** My understanding of the Frankland Centre is that there are only 30 beds at the Frankland Centre and it has been like that for a very long time and needs to be addressed, and that a magistrate may determine on a Friday afternoon even, roundabout now, he may determine that someone is to go to the Frankland Centre and if there are 30 people at the Frankland Centre at the moment, someone has to go back into the prison system.

**Ms Harker:** Correct.

**Hon LIZ BEHJAT:** You then would have to cope with that.

**Ms Harker:** Yes.

**Hon LIZ BEHJAT:** That person may not be sufficiently well enough to be back in the prison system. How do you manage that?

**Ms Harker:** Often with great difficulty dependent on how serious the person's condition actually is. Again, our health staff I think just do an absolutely fantastic job in dealing with some of the very distressing mental health issues that we have to deal with. But certainly they would be seen very quickly by our own medical staff and, if necessary, obviously, given medication. They would also then be in constant liaison with the Frankland Centre to get that person back there as soon as they possibly can. It is a sad fact that we end up holding people like that when they really should not be in a prison environment at all.

**Hon LIZ BEHJAT:** Am I right in saying they are not isolated incidents and it happens quite often?

**Ms Harker:** Yes, it happens quite often. As we have just been talking about with Banksia Hill in the adult estate because the numbers are bigger, the scale of the problem is quite sizable, and growing.

**Hon LIZ BEHJAT:** The mental health facilities available at Bandyup, for instance—my understanding is that they are probably fairly inadequate. Again, how are you coping with the women's estate in particular at Bandyup with the mental health issues?

**The CHAIR:** And overcrowded by about two or three prisoners, from the looks of your figures you gave us earlier, above capacity.

**Ms Harker:** That is right, and that fluctuates. Look, we cannot pretend that it is not a difficult problem for us to deal with, but I just go back to what I said about our health staff and the sterling

work they do in managing such a difficult and, as I say, stressed population. We have separate units where people who are exhibiting serious mental health issues—this includes in Bandyup with the women—they would be, if you like, separated from the mainstream population, for obvious reasons, and significant care and attention is given to them. Both the commissioner and I were out there only a few weeks ago and we saw firsthand some of the very difficult things they are dealing with day in, day out in terms of the disorders and the level of mental illness that many of the women do have there.

**Hon LIZ BEHJAT:** If Bandyup was to be rebuilt, in an ideal world, would you co-locate a mental health facility at that property?

**Ms Harker:** That is certainly something that we were looking at.

**Mr McMahon:** I can take this one. Just recently, in the last two weeks, I have attended a health committee on the future of mental health and, obviously, we are a very large part of that. Inside the prisons, in my observations, it is a growing problem. All the figures will show us that. So, there are strategies that I have seen we are putting now out. We have not got the full strategy yet, but we are looking at what we do next in relation to mental illness. There have been some short-term things about: do we need to convert some facilities because of these issues? That is to do with the Frankland Centre as we go forward. So, we might have to convert some blocks of a prison to accommodate this because the Frankland Centre is full and we do not have many options. So, that is being looked at as well as we are doing the 10-year longer term planning about how we do this. Co-location of facilities and precincts seems sensible. That is the longer end, but it is the short term that we need to cope with as we move to that. I know that is generic, but in the last two weeks I have attended a meeting specifically on this subject.

**Hon LIZ BEHJAT:** My final question—this is not on mental health but just on health—is just an out-of-interest question, I suppose. I recently visited both Acacia and Wooroloo prisons through another committee that I participate in. One of the interesting things at Wooroloo is there is no health centre. We know it is a smaller estate there and yet less than a kilometre away is Acacia Prison with an absolutely fantastic health centre. If a prisoner at Wooroloo is taken ill, there is a necessity to call out on an ambulance to take that prisoner to the nearest public health facility, which is quite some distance away. One of the questions I asked when I was there is: why would you not enter into some arrangement with Acacia that perhaps on a user-pays basis a seriously ill prisoner from Wooroloo could be taken to Acacia to be treated? Nobody could answer that question. I am just wondering if I put it to you, would that not be a sensible thing to do and, probably, a cost-effective thing to do.

**Ms Harker:** It certainly would if the person was not seriously ill. Because even seriously ill prisoners at Acacia do not stay —

**Hon LIZ BEHJAT:** I mean more than a bandaid solution sort of thing.

**Ms Harker:** That is right, yes. So even though Acacia has got excellent health facilities, as you say, Acacia is a medium-security prison so the nature of the population that is there demands that they have this type of facility, whereas, of course, at Wooroloo it is minimum security and you would not expect to need that level of health provision. Certainly, going forward in terms of sharing resources, most definitely, they are the kinds of things we consider but, as I say, even with Acacia, anybody with a significant health problem would still go into the public health system and be transferred to hospital et cetera.

**Hon LYNN MacLAREN:** I just had some questions about following up from the committee inquiry into the death of Mr Ward where there were some recommendations of Corrective Services that—you know, fair enough the government noted them, but I was just wondering: Has progress been made in regard to justice reinvestment programs? Is there an update? What is happening with the idea of implementing justice reinvestment?

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**Ms Harker:** Do you want me to —

**Mr McMahon:** You can answer that. To be fair, I have come in—justice reinvestment, we know it is out there. I started with my opening statements about: what do we need to do to reduce reoffending and where does rehabilitation start? Some would say sentencing on is where rehabilitation starts. So, from a macro perspective, I think we need to look at all options and possibilities, because it is good use of funds at a range of levels. I have not seen that detail yet, but I am conscious that in the very short to medium term, how do we make the most of that reducing reoffending with the range of programs we have got? Justice reinvestment—that is another big step to the right. Obviously, that is what I have seen. Heather?

[4.20 pm]

**Ms Harker:** Yes, there certainly has been research undertaken within the department around justice reinvestment and the various programs—really right across the world. Obviously, it is a debate that as a department we would want to be a part of and a significant contributor to, I hope. To some extent, as a department we are in other people's hands in terms of taking that forward. Clearly, it is a philosophical position and, if you like, a political position, potentially, but I think I can say that we would certainly be very supportive.

**Mr McMahon:** Regarding the comments Heather and I have made, these are major policy decisions which we are not in the position to make—that is for the government to decide. Anything we can do to reduce reoffending is what the focus is.

**Ms Harker:** I have said in other forums that I do think we have quite a good example already of justice reinvestment, and that is in relation to the work that we did around regional youth justice services. You will probably recall that a number of years ago there was an intention to build remand centres in the midwest and in eastern goldfields. As a result of, obviously, the work that the department did and the discussions with the minister at the time and, importantly, with the significant community groups in both those areas, the decision was made to not invest that money into a remand centre, but rather to reinvest it in community-based services. I think we can fairly confidently say that those regional youth justice services have had a very positive impact in those local areas, so much so that, as you know, they were also expanded to the Kimberley and the Pilbara a couple years ago when we got royalties for regions moneys to the tune of something like \$45 million to expand them right across. We can already see from the statistics that we have got within the department that that has had an impact in reducing the number of young people being remanded into Banksia Hill, which is now the one and only detention centre for those regions. Also, there has been a reduction in the statutory caseload of youth justice officers out in those communities because what we have actually got is young people on prevention and diversion programs instead. Keeping them out of the formal justice system was the very aim of those services, and they are doing that.

**Hon LYNN MacLAREN:** Thank you. That actually leads me to my next question. One of the things that the committee discovered was that there was no comprehensive list of the intervention programs that were available or in place. I wondered whether you were now at a point at which you have a list of successful intervention programs.

**Ms Harker:** Would you like us to provide that on notice?

**Hon LYNN MacLAREN:** I would love that on notice.

**Ms Harker:** Okay.

[*Supplementary Information B7.*]

**Hon LYNN MacLAREN:** One of those programs in my area is Halo. I was wondering whether you were still funding HALO?

**Ms Harker:** We are still funding HALO. My understanding—I am remembering when we were in estimates—is that HALO is funded until May next year. We are in active discussions—certainly our contracted services' people are in active discussions—with HALO to assist them to access further funding, particularly with the Department of Education because the nature of the HALO program is a very educative program. We are trying to assist them to actually bulk up their funding, but they are certainly funded until May, and then obviously there will be further assessments done as to whether that funding continues.

**Hon LYNN MacLAREN:** Very good. The report focused a lot on alternatives to long-distance road transportation of prisoners or even just people in custody. How are you going with the recommendations? One was that all the vehicles would be updated. Are you maintaining all the vehicles so that they all have adequate air conditioning?

**Ms Harker:** Absolutely.

**Hon LYNN MacLAREN:** To what degree are you funded to be able to transport prisoners by air? Are you still doing that?

**Ms Harker:** Significantly, yes.

**Hon LYNN MacLAREN:** There is no lack of funding?

**Ms Harker:** Part of the CS and CS contract includes, obviously, quite significant air travel, I have to say.

**Hon LYNN MacLAREN:** At one point they were also transported on buses. Is that still occurring?

**Ms Harker:** It tends not to happen to the same degree; that was in the very early stages, I think, before, if you like, the contractor sort of matured, as it were. No, we are not using major buses as we were in the early days.

**Hon LYNN MacLAREN:** My final question is regarding training and then I am moving on.

**The CHAIR:** If you are moving on, I have some questions in the area you just covered.

**Hon LYNN MacLAREN:** Go ahead, go for it.

**The CHAIR:** I refer to travel and your financial statements on page 136, although I think that may vary depending on which version of the report you are looking at; electronically it comes up as page 137 as well. That shows your travel and accommodation; I assume that is only your direct travel and accommodation. When you pay for travel through a contractor, will that just show up on as part of the services and contract figure on page 136?

**Mr McMahon:** Yes.

**The CHAIR:** Can you tell us how much of your services and contract is for travel—in particular, travel using aircraft?

**Ms Dominish:** I will take that on notice.

**The CHAIR:** Do you not have a breakdown of it, at all?

**Ms Dominish:** Not with us.

[*Supplementary Information B8.*]

**The CHAIR:** Are you able to give us any idea of the cost of the travel component that you fund?

**Mr Kessar:** For prisons, no, not at the moment.

**The CHAIR:** Are you separately invoiced for the cost? If they need to use a light aircraft to remove prisoners in remote areas, do you get separately invoiced for that, or is it all part of the overall contract invoice and it is up to the company to meet that transport within the budget that they are given? Do they then pass on the cost to you as a direct cost?

**Ms Dominish:** There is a whole range of volume bands within the contract, and so for certain distances and kilometres that forms part of that base. If there are additional services, then there are costs over the additional services from which we invoice, but otherwise we pay the monthly rate.

**The CHAIR:** What monitoring is done inside of your agency about the amount of travel that is used by way of small aircraft? Is it possible that someone could be picked up on a Friday at a remote community, flown to a prison for only a few days and then flown back to the remote community?

**Ms Dominish:** Yes.

**Ms Harker:** That is quite possible, yes. However, having said that, within our custodial services there is a whole sort of what we call the “movement branch” that endeavours to try to coordinate that sort of prisoner movement as much as it possibly can, and links very closely, obviously, with contracted services and with the CS and CS contract provided as well to try and, if you like, capitalise on the movement that is actually going on so that we keep those kinds of instances to the minimum for obvious reasons because of the significant cost involved.

**The CHAIR:** Yes, I can imagine that. Why would someone be moved for such a short period of time by aircraft?

**Ms Harker:** It would depend on what was happening with them and whether they had been picked up by the police in a remote community. For example, if they were out in Balgo and they were due to appear in Broome Court, they would need to be transported to Broome for that court appearance. Dependent on what the sentence is, it depends then on how and when they get back to Balgo.

**The CHAIR:** How many prisoners are in prison for fine default; that is, the reason they are in prison is simply fine default?

**Ms Harker:** I think we would have to take that on notice, just to get you the specific details on that.

[*Supplementary Information B9.*]

**The CHAIR:** Do you have a rough idea of what percentage of prisoners that would be? I will not hold you to it.

**Ms Harker:** No.

**The CHAIR:** Because I have heard that it is one in seven. Would that sound about right?

**Mr Kessar:** I think just to make it accurate —

**Ms Dominish:** It is fine default “other”, approximately, if you are not going to take me to it —

**The CHAIR:** I am happy to take it on notice.

**Ms Dominish:** The fine defaults we had recently was about 1 000.

**The CHAIR:** I am just trying to get a general idea.

**Ms Dominish:** I was just saying that the category of “other” fine default group, was around about 1 000; but, as I said, I will get the exact figure for you.

[4.30 pm]

**The CHAIR:** Yes. We have taken that as B9. Therefore, 1 000 out of 5 000, in which case, one in seven is probably being generous. Is it possible that some of those people who are being moved for fairly short trips are doing it for the purpose of paying off fines?

**Ms Harker:** Yes, that is quite possible; absolutely.

**The CHAIR:** So someone could be flown out on a Friday from a remote community, to Broome, spend two days in Broome prison—arriving on Friday, spend Saturday and Sunday—and then be flown back on Monday to their community to serve a fine default?

**Ms Harker:** That is quite possible.

**The CHAIR:** What would be the cost of that to the state?

**Ms Harker:** Phenomenal.

**The CHAIR:** Is there not a better way?

**Hon LIZ BEHJAT:** My understanding is that you do not fly them back, though.

**Ms Harker:** No.

**Hon LIZ BEHJAT:** You will fly them there, but you give them a bus ticket back.

**Ms Harker:** That is correct, yes. The cost is significant.

**The CHAIR:** So you would never fly them back?

**Ms Harker:** No; I am pretty sure we do not. No, we do not. If they are released from prison, there is a bus ticket and they are assisted to get back. In that instance we would not put on a plane for them.

**The CHAIR:** If there was a plane going, would they be able to ride it?

**Ms Harker:** They may well do if there is a plane going; yes.

**The CHAIR:** It is possible that they are moved?

**Ms Harker:** Yes; but it is not a matter of course.

**The CHAIR:** You are saying that you would not put on a plane for that prisoner—they would be given a bus fare—but they may be flown into the prison for only two days to serve out time for fines?

**Ms Harker:** Yes.

**The CHAIR:** Have you got any idea what the total cost of that would be to the state in terms of flying prisoners to serve time for default; particularly, how long they are serving? I can understand it if they have got to serve six months to wipe out massive amounts of fines; could they not do some sort of correction in situ? Would it not be cheaper to gather them all up and send an officer out there for three weeks to clear everyone's fine by making them work in community service obligations out in the locations?

**Ms Harker:** Absolutely right, although we are bound by the legislation, which is an issue for us, as far as fine defaulters are concerned. One of the anomalies is that you could expect an offender to do community work to work off his fines, but by going to prison to pay off his fines he actually does that a lot quicker than doing it by community work. We need to marry up the two so that there is an advantage to them wanting to stay in the community, because they would rather go to prison to pay off the fine because they do it more quickly.

**Hon ALANNA CLOHESY:** So it is a choice?

**The CHAIR:** I would like to finish, and then I am happy for other members to jump in.

**Hon RICK MAZZA:** It's exactly what you are talking about.

**The CHAIR:** I am still going.

**Hon RICK MAZZA:** I know you are, but it is about this.

**The CHAIR:** But if I can just finish; I just want to do that and then I am happy about others to join in with me on this. Are you saying that the prisoner can choose whether they stay in the community and do a community service or whether they are flown to Broome?

**Ms Harker:** No.

**The CHAIR:** Using Broome as an example.

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**Ms Harker:** No, it is not about choice. What happens is that they would be put on a community work order to start with, or a working development order—WDO—but if they then refuse to do that, which is invariably what happens because of the length of time it takes—

**The CHAIR:** So they are effectively choosing it, are they not?

**Ms Harker:** Yes, they are.

**The CHAIR:** They are going to say, “Hang on, I’m going to do six weeks of this. I know if I refuse, you’ll fly me to Broome for the weekend and I will have wiped it all out in two days by watching television”?

**Ms Harker:** Absolutely.

**The CHAIR:** You have said that it is a problem for the agency; can you expand on that?

**Ms Harker:** It is a problem.

**The CHAIR:** The legislation is a problem?

**Ms Harker:** We need to get the legislation so that the time spent in prison to work off a fine equates with what it would be if they were doing a working development order in the community.

**The CHAIR:** Was that legislation not changed not that long ago? It is relatively new—within the last few years. It is not like it is long-standing legislation, is it?

**Ms Harker:** It obviously has not addressed that anomaly.

**The CHAIR:** Pardon?

**Ms Harker:** It obviously has not addressed that anomaly.

**The CHAIR:** It has obviously been identified by the agency as an issue, so have you brought that to the attention of the minister? Is the minister aware of this problem—the anomaly?

**Ms Harker:** It has been raised; I could not confidently say it was the current minister.

**The CHAIR:** It could have been raised with previous ministers?

**Ms Harker:** It most definitely has been raised in the past.

**The CHAIR:** Do we know what is happening to try to address that issue?

**Ms Harker:** I could not tell you at this point in time.

**The CHAIR:** Could you take my earlier question on notice? Could you give us an idea—I suspect the new commissioner might be interested in getting this research project done for himself, let alone the committee—of what is the current cost to the state of flying prisoners, particularly for short stays, to serve out fines, and the cost of flying them from remote communities to prison and returning them to their communities, whether by plane or bus or whatever other means you return them to their communities? I am happy to—

**Hon RICK MAZZA:** I just wanted to find out that when they get those fines, how much a day do they get off their fines if they go to prison?

**Ms Harker:** I could not tell you offhand. We would have to check.

**Hon RICK MAZZA:** I might ask that that be taken as a question on notice. You have no idea if it would be \$500 or \$1 000 a day?

**Ms Harker:** No, I could not say.

**Hon RICK MAZZA:** No idea?

**Ms Harker:** No, I could not give you that figure.

**Hon ALANNA CLOHESY:** Along similar lines, if they have multiple fines, can they work those fines off in that trip—

**The CHAIR:** Does the fine become a concurrent sentence? Is that treated like a sentence so that it becomes concurrent?

**Hon ALANNA CLOHESY:** Does it compound?

**Ms Harker:** My understanding is that they come together; so they are concurrent, yes—the totality, basically.

**The CHAIR:** If they do it as a work-based order in the community, is it concurrent, or do they have to serve out the first set of fines and then do six weeks for the next set of fines and then six weeks for the final set of fines?

**Ms Harker:** I would need to double-check that.

**The CHAIR:** Certainly in prison they can bring their fines together and serve them concurrently?

**Ms Harker:** Yes.

**The CHAIR:** We will make Hon Rick Mazza's question B10. Can we make all of those other parts of the question part of B10?

*[Supplementary Information B10.]*

**Ms Harker:** Yes.

**The CHAIR:** Sorry, I interrupted you.

**Hon RICK MAZZA:** I was just talking. That is all right.

**Hon ALANNA CLOHESY:** What is the number of prisoners who have been transported this way in the last 12 months to serve fines?

**Mr McMahon:** To get the detail, we would need to take that on notice.

**The CHAIR:** We will make that B11.

**Ms Harker:** Yes.

*[Supplementary Information B11.]*

**The CHAIR:** From the comments earlier it sounds as though it might be significant.

**Hon LIZ BEHJAT:** On that point, my understanding is that one of the issues you may have under legislation is that once a warrant of commitment is executed, that is what triggers the need for the transport, and that there are possibilities, especially if you have them at a police lock-up, for instance, that if the warrant of commitment was not executed, you would be able to hold them in the lock-up for those two or three days where they could cut out the fine in Broome Regional Prison; is that right?

**Ms Harker:** I think so. Yes, I think that is right.

**Hon LIZ BEHJAT:** That is one of the legislative problems we need to look at, is it not, in relation to warrants of commitment?

**Ms Harker:** Yes.

**Hon LIZ BEHJAT:** The other thing which is probably more anecdotal—you may not have knowledge of it—we use that Balgo example, that you fly someone from Balgo; I believe the charter cost is something like \$7 500 to fly someone from Balgo. You fly them there and they serve their time out by doing the two or three days in Broome Regional, they are then released, given a bus ticket on the basis that the understanding is that they are going to find their way back to Balgo. In reality, what happens more often than not is that the ticket gets sold; the released prisoner buys grog, goes off on a bender, reoffends and ends up back in the system. Have you heard that is what happens?

**Ms Harker:** Again, anecdotally; yes, I have heard that.

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**Hon LIZ BEHJAT:** So that whole system really needs—if they had been able to stay at Balgo—

**Ms Harker:** Yes, in the first place; that is right.

**Hon LIZ BEHJAT:** We would be breaking that then, would we not?

**The CHAIR:** Do you not do any follow-up? As you say, it is anecdotal, but if you have heard that is an anecdotal issue, would you not as an agency do follow-up work to try to find out, instead of giving them cash, give them a ticket that is not saleable or a voucher to get on the bus, rather than a ticket?

**Ms Harker:** Yes; certainly a lot goes on with community corrections officers in local areas as well. Very often, when someone is released from prison in those kind of circumstances they will often turn up at the community corrections office and they will assist them—whether it be by bus ticket or whatever—and on occasions have even transported offenders back to their communities, particularly if staff have been going out to do a circuit or whatever, as long as there a number of people there. There are anecdotal instances where we facilitate their transport back as much as we possibly can. But the reality is, once they come out of prison, sometimes it is outside of our hands.

**The CHAIR:** I understand that, but I would have thought that if you have become aware anecdotally that there were problems with people selling tickets and not using them for that purpose, that might have been something that you looked into to see whether you needed to change the way you transport people back to avoid that occurring, if only to minimise the number of customers you get in your front door after the next court session.

**Ms Harker:** If the only way of going back is by bus, we give them the bus ticket, then you are limited in the number of options you have available to you to facilitate that.

**The CHAIR:** You could sit down and negotiate with bus companies about the idea of having some of a situation—

**Ms Harker:** Well, yes, and some of that has—

**The CHAIR:** —where they ride and then recoup from you so that you know you have paid for a bus fare for a prisoner to travel home; not given money to a prisoner to buy grog?

[4.40 pm]

**Hon LYNN MacLAREN:** It is a very good suggestion.

**The CHAIR:** Just going back to the issue about aggregating it up; can you take on notice, what is the most a prisoner has cleared in a single day? If they are aggregating it up; could they be clearing, sort of, like \$16 000 worth of fines on a single day in prison because it is a range of different fines that have been aggregated up into a concurrent sentence? Is that something that you could look at for us?

**Ms Harker:** Yes.

[*Supplementary Information No B12.*]

**The CHAIR:** What is the cost per day that a prisoner clears in a single day for a single fine? What is a day in prison treated as clearing of your fine?

**Hon RICK MAZZA:** That is what I asked earlier, and they do not know. We have it on notice.

**Ms Harker:** We have the cost per prisoner per day for custody, if you like.

**The CHAIR:** What is that; the cost per prisoner for you as an agency per day as well?

**Ms Harker:** It is actually in the report.

**Hon LIZ BEHJAT:** Three hundred and sixty dollars or something a day.

**The CHAIR:** That is an average, so places like Broome that would be significantly more.

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**Ms Harker:** Cost per prisoner per day: average cost per day for adults in custody is \$317.

**The CHAIR:** Would you have internally what the cost somewhere like Broome or the Derby correctional facility is?

**Mr McMahon:** We could get that for you.

[*Supplementary Information No B13.*]

**The CHAIR:** Again, say they are clearing \$250 a day, we do not get the fine and the cost is far more. At one end you have the cost that is far more than the fine that is being cleared and at the other you could be potentially wiping out thousands of dollars of fines in one day.

Unless committee members have any more questions on that, I have one other question I want to touch on. Can someone pass these around? I am passing around two questions, which, when I read them, are all-but-identical questions; one was asked in November 2011 and the other in November 2013. The detail that is provided in the answer in one case is quite extensive and useful. On the other more recent question, we are told that we cannot get that information and it is all just consolidated into some very simple figures. I was wondering why, if it could be provided in 2011, it cannot be provided in 2013? That is my first question.

For the benefit of Hansard the question that I am referring to is question on notice 4723, asked by Hon Ed Dermer to the Minister for Finance representing the Minister for Corrective Services, Hansard 1 November 2011. The second question that I have provided is question without notice 834, asked by Hon Amber-Jane Sanderson to the Attorney General representing the Minister for Corrective Services on 21 November 2013.

**Ms Harker:** Just to clarify, are you questioning the response in terms of the level of detail difference between the two?

**The CHAIR:** That is right; one provides a whole range of detail and the other one does not and it suggests in part (1) that you cannot provide any information because it might inadvertently identify an officer. Yet the detail the member was asking for was provided back in 2011 and I am not aware of any officer being inadvertently identified as a result of that information.

**Mr McMahon:** I understand your question and I will take that on notice. For me, they are questions about looking after our officers from a procedural perspective, which is important—I understand that. To not put out inadvertent information, I think, is important. But I can take that on notice and come back to you. I will not—I think, actually, we have to be careful from a department perspective, not to inadvertently put information out there that can actually detract or affect even families of prison officers. I am just making that point.

**The CHAIR:** I understand that. My looking at that information, the only people that would be able to work out anything from that information would be people who would already be aware that the officer had been charged, and they would already be aware of the details. I look at that and there is no way that I would be able to identify anybody. It strikes me that the only people who would be able to identify anyone, would be people internal to the department who would already know who the officer was and what they had been charged with and would be required to keep it confidential.

**Mr McMahon:** I am happy to take that on notice.

**The CHAIR:** If it is possible to get that detail provided as part of the supplementary information.

[*Supplementary Information No B14.*]

**The CHAIR:** Another thing I want to know is, are you able to tell us, today, for the 2012 and 2013 financial years—for each of those years—how many custodial officers were charged under the Prisons Act?

**Mr McMahon:** Just for the financial year?

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**The CHAIR:** Yes for each of those financial years; from July 2011 to June 2012 and then from July 2012 through to June 2013—how many custodial officers were charged under the Prisons Act?

**Ms Harker:** We are not able to give that information from what we have with us at the moment but we could again take that on notice.

**Mr McMahon:** I cannot give you the exact number off the top of my head, but I can take it on notice and get back to you on that. I have seen a number of those figures but I would only be giving you—I want to make sure it is right.

**The CHAIR:** The next thing I wanted to get to is, obviously, with those, and I do not know whether you are able to give this to us, but I assume, and from something I read the other day, that over a two-year period, three were dismissed and 10 resigned during the course of the investigation. If we could get it broken down for each year, how many actually resigned and how many were dismissed?

The next element I am interested in; is how many of them, with the nature of the offence, of the remaining officers, how many of them stayed on but—you know, how do I put this? I would imagine that a number of those officers charged were charged with minor offences that would not have resulted, no matter what disciplinary system was in place, with you still wanting them to stay on as officers. Yes, they had done something wrong but they copped the penalty and you want to keep them on. Are you able to give us the figures on how many of those officers—we have the number who were charged or who left—those remaining officers would you have wanted to keep on and you would not have expected or wanted to be dismissed?

**Mr McMahon:** We will take that on notice. I understand your question.

**The CHAIR:** We will make that all part of B15. If we could get a year-by-year breakdown not aggregated over the two years.

[*Supplementary Information No B15.*]

**The CHAIR:** I think that it is put that somehow this is a breakdown in the system that there were three dismissed and 10 charged but, I mean, where is the system broken if we are getting people out of the system?

[4.50 pm]

**Ms Harker:** One of the issues with the system is that the disciplinary proceedings can really be quite lengthy and take a long time to come to any kind of conclusion. Hence—as you are aware—the recent introduction of loss of confidence provisions is a significant addition to the tool box, as it were, from a staff management and performance point of view. Certainly the discipline proceedings can take quite a lengthy period of time. This is not ideal from either an employer point of view or from the employees' point of view, because the sooner things can get dealt with the better.

**The CHAIR:** In the two financial years ending 2012 and 2013, did you seek to dismiss anybody but were unable to dismiss anybody?

**Ms Harker:** I could not tell you that categorically. Again, I think we would have to go back through our records to see which cases were dealt with.

**The CHAIR:** Before I give that a supplementary number, I will ask my next question because I suspect it will fall into the same category. How many of those 59 charges, which I assume is the total over the two years, would have been heard by a superintendent or the commissioner under section 102 of the act which deals with minor matters or under section 105 for serious matters, and just led to a reprimand, charge or fine? I think the low-level fine or penalty has a \$50 maximum. If you could give us that information because I am assuming that you do not have it today.

[*Supplementary Information No B16.*]

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During that period, were there any cases where officers were charged, but the allegation against the officer was bound to be untrue and the officer was then exonerated? I would imagine that in your industry there is always the chance that the people you deal with may not tell the truth and may make up the occasional story.

**Ms Harker:** That is quite possible.

**The CHAIR:** Were there any cases during that period where it was found that the allegation against the officer actually turned out to be not true?

**Ms Harker:** I would be surprised if there were not; but again, we would have to check the details.

**The CHAIR:** We will continue to make that part of supplementary information B16 if that is all right. Again, if you could give us the breakdown of the figures, whether or not the allegations against officers were dismissed at the first hearing or on appeal for each different category—I think there is a prison officers' appeal—because they rested on the evidence that was then later found to be unsustainable

**Mr McMahon:** We will. But there is a fair amount of detail there.

**Ms Harker:** Yes there is.

**The CHAIR:** I do understand that; but I think it is a pretty important area, as you can understand, if you are happy with that we will make that all part of supplementary information B16.

**Hon LYNN MacLAREN:** I have some questions about CSCS contractor training. Part of the inquiry's findings was that there was a need to improve officers' training and monitoring whether their skills were kept up to date and whether they continued to demonstrate competencies. One of the recommendations that the government upheld was that something be included in the annual report. Was it included in the annual report?

**Ms Harker:** In this annual report?

**Hon LYNN MacLAREN:** Yes.

**Ms Harker:** Is this as a result of the inquiry into the death of Mr Ward where the inquiry recommended that refresher training and the like should take place for the staff involved in transporting prisoners?

**Hon LYNN MacLAREN:** Recommendations 7 and 8 regarding training for the CSCS contractors. The first one was an independent review.

**Ms Dominish:** Yes, on the training.

**Hon LYNN MacLAREN:** And the second one was the reporting of the compliance and whether that review was actually adhered to. Where are we up to with that?

**Ms Dominish:** The recommendations have been implemented in that we have training for them including certificates III and IV. We have had recent reports on that training for all of those officers. We do an actual annual report for the contract and it is within that annual report which gets tabled as an annual report as well.

**Hon LYNN MacLAREN:** It is reported against the contract.

**Ms Dominish:** It has been reported in the contract's annual report which is also a public document.

**Ms Harker:** The CSCS contract publishes an annual report in its own right and it is in there that their information would be recorded.

**Hon LYNN MacLAREN:** And they report that everybody has met either a cert III or cert IV.

**Ms Dominish:** Yes.

**Ms Harker:** Yes; certificates III and IV are in the training program. And from recent discussions at the CSCS contract board, I certainly know that that has been made a very live topic of conversation.

Again, given that new staff are coming on board, we want to make sure that they are fully trained and regularly refresher trained.

**Hon LYNN MacLAREN:** That is great. It is a very complex population to train in that profession. There are a lot of people with English as a second language and other cultures. You have managed to overcome those difficulties through cert III and cert IV training—well done.

**Hon ALANNA CLOHESY:** I want to get a sense of the number of prisoners incarcerated on a Friday and released on a Monday. What is the total population we are looking at? We could probably get a sense of that as a snapshot, but also over 12 months.

**The CHAIR:** If you have it over 12 months maybe, or even if you can only review it over a one-month period.

**Mr McMahon:** Again, if we could take that on notice.

**Hon ALANNA CLOHESY:** Yes.

**Mr McMahon:** Is that specific to a region, or overall?

**Hon ALANNA CLOHESY:** How do you do your data? You would do your data on a regional level, would you not?

**Ms Harker:** Yes, it comes in regionally from the prisons in terms of movement.

**Hon ALANNA CLOHESY:** A regional breakdown would be good, but it also makes sense to do it by offender population by facility.

**Ms Harker:** Yes.

**Hon ALANNA CLOHESY:** That would make sense would it not?

**The CHAIR:** If it is something that you do not readily have and need to do research, maybe you could pick a couple of those regional prisons where you think there may be a high number of prisoners coming in on a Friday and moving out on a Monday. In particular, could you identify where they have come to serve out the time in lieu of fines?

**Ms Harker:** So over a weekend period from Friday to Monday.

**Hon ALANNA CLOHESY:** In Friday and out Monday.

[*Supplementary Information No B17.*]

**Hon ALANNA CLOHESY:** The other thing that I am interested in knowing about is offender population by length of sentence. I am particularly interested in women and their length of sentence over a period of time. So, I would like a 12-month comparison between this year and last year.

**Mr McMahon:** We will take that on notice if that is all right.

**The CHAIR:** Yes.

[*Supplementary Information No B18.*]

**Hon ALANNA CLOHESY:** By institution.

**Ms Harker:** Just the women?

**Hon ALANNA CLOHESY:** Yes. By institution and length of sentence.

**Hon RICK MAZZA:** I have a couple of quick questions. I refer to the “Fight against Drugs” on page 28 of your report. Upon reading, I see that there have been 41 drug seizures in the first half of this year. Are you able to tell me the breakdown of those seizures per prison?

[5.00 pm]

**Ms Harker:** We could certainly give you that information again on notice; I could not give you that immediately now.

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**Hon RICK MAZZA:** And how many of those seizures actually involved any prison officers, if any.

**Ms Harker:** Do you mean being found on prison officers?

**Hon RICK MAZZA:** Yes.

**Hon LYNN MacLAREN:** It is a different category, is it not?

**Ms Harker:** Yes. So, drug seizures, of the 41 there, by prison.

**Hon RICK MAZZA:** By prison, yes.

**Ms Harker:** And then any that involved staff.

**Hon RICK MAZZA:** Yes.

[*Supplementary Information No B19.*]

**Hon LIZ BEHJAT:** I would like to talk about the West Kimberley Regional Prison. I visited that prison as well. I have to say what a great facility, what a fantastic facility, that is. I was so impressed when we went in there, and we were able to speak to a number of the inmates there. I do not think you ever want to say that anyone is happy to be incarcerated, but certainly just the general vibe as you went around the place was very encouraging, when you compare and contrast that to what it might have been at Bandyup when we went there. To do things like that in sympathy with country—I think there was only one white inmate there at the time—I think is really fantastic. But I did notice that there was still a number of things yet to be commissioned there. The workshop was up and running certainly, and the fellas were all there. They were on smoko when we were there, so we were able to sit down and have smoko with them and had a chat, which was terrific. But the other things in relation to education programs, especially meaningful programs for the women, were yet to commence. Also, is it section 92 or section 95 where they go out for —

**Ms Harker:** Section 95.

**Hon LIZ BEHJAT:** There was yet to be a section 95 program put in place. I was there, I think, probably three months ago now. If you could update me on what is happening there, because I am very keen to know that that facility is going to be working to its capacity as soon as possible?

**Ms Harker:** Just by way of an initial response, but I think we will probably need to come back and provide you with the specific detail on those questions. Certainly, it is still very much work in progress. The prison has been open, literally, just 12 months about a week or two weeks ago. Certainly, I note section 95 was very high on the list of priorities and it was a big commitment that we gave to the local community as well.

**Hon LIZ BEHJAT:** I think the community are really keen for that to happen, as well.

**Ms Harker:** I know they are—yes, absolutely. Some of it has been about the fill plan in terms of prisoners moving up there and the associated staff moving up at the same time, and beginning to, basically, get it up and running as a fully functioning prison with all the kinds of services that you talked about. So, we will certainly check that. Certainly, on the women's programs, that again is an area, obviously, of high importance for us. I know we have had staff up there very recently—because one of my colleagues has been up there—looking at the women's program and making sure that we are providing the best programs that we can up there and also linking with the local community in assisting us to do that. Whilst there is a raft of, if you like, the offending behaviour and treatment-type programs, what we also want to make sure that we do is provide social skills, parenting, living skills, all those kinds of, I suppose, softer-level programs as well. But again, very much work in progress, and I know very actively being worked on as we speak, but we can give you the up-to-date detail.

**Hon LIZ BEHJAT:** I can perhaps give you a story to take away about that. I spoke to one of the chaps up there —

**The CHAIR:** As long as it is not too long.

**Hon LIZ BEHJAT:** It is not a very long story. I think that corrective services is sometimes a department that gets lots of brickbats and not a whole heap of bouquets, so here is a bouquet.

**The CHAIR:** You never hear about their success stories.

**Hon LIZ BEHJAT:** You do not. But one of the chaps I spoke to at West Kimberley was so proud of the fact that since he had been in there—he promised me he was not going to be going back there, even though he did quite like being there—he had learnt to cook. He said, “I can’t wait to go home to show my missus how I can cook. I reckon that’s been one of our problems.” He said, “I haven’t done enough around the place and I’m really pleased that I’m going to be doing that.” I just thought that was a really heartening story to hear, so if there are more of those things happening in West Kimberley —

**Ms Harker:** And that has been such an important part of the whole philosophy there at West Kimberley—self-help.

**Hon ALANNA CLOHESY:** I have a couple of questions about Boronia. I notice that it is at capacity or over capacity. Is there a waiting list, because I understand that is really quite a successful program?

**Ms Harker:** Yes, there is now. As ever with a lot of new establishments, they sometimes take a little while to get to capacity and the like. But, yes, I think we could fairly confidently say that there certainly is a waiting list for Boronia.

**Hon ALANNA CLOHESY:** Can I get a sense of how many are on the waiting list currently?

**Ms Harker:** Again, I would need to check that for you.

**Hon ALANNA CLOHESY:** You can take that on notice.

*[Supplementary Information No B20.]*

**Hon ALANNA CLOHESY:** And the population in Boronia, just a breakdown of who they are, you know, the proportion of Aboriginal women, the proportion of overseas women—foreign nationals.

**Ms Harker:** Yes, so by sort of ethnicity —

**Hon ALANNA CLOHESY:** Yes, those that are —

**The CHAIR:** I assume you have a standard set of classifications, like CALD or whatever we call it now.

**Hon ALANNA CLOHESY:** I was also thinking of those women that are —

**The CHAIR:** Also, those who are Australian nationals and those that are serving foreign nationals.

**Hon ALANNA CLOHESY:** That is right, yes.

**Ms Harker:** Yes.

**The CHAIR:** So, your traditional listings, but also how many are Australians and how many are foreign nationals and I assume therefore likely to be deported.

**Ms Harker:** We do have one or two like that, yes.

**The CHAIR:** I just had a couple of quick last ones, although I think they will all go on notice. Just to clarify, with these 17, we talked about on Friday and coming out on Monday, it would be the Monday immediately following the Friday.

**Ms Harker:** Yes.

**The CHAIR:** The weekend—just so that is clear. I would not mind, if you could, going back to the financial year ending in 2010, and I assume you have at the end of each year a census, how many prison officers you had employed for each financial year since 2010—so, 2010, 2011, 2012 and

2013—because I assume it has been growing over that time. I am talking about both your own officers and in the private sector, because I assume they are still covered by your disciplinary system, within the privately run prisons.

**Ms Harker:** No, they are not.

**The CHAIR:** So how are they dealt with, then?

**Ms Harker:** They are dealt with under Serco's own procedures.

**The CHAIR:** All right. Can I get the number of prison officers you have? Do we have statistics, then, on the issues with respect to Serco? Those figures we asked earlier about the number of issues, the equivalent for Serco prison officers in terms of the numbers that have been charged, dismissed with offences et cetera. So if you could take that, this will be B21 for the first questions and then we will make it B22 for Serco. So, the number of prison officers is B21.

[*Supplementary Information No B21.*]

**The CHAIR:** The Serco disciplinary issues is B22.

[*Supplementary Information No B22.*]

**The CHAIR:** The final question is: you said you thought you probably had, but you could not remember if it was this minister or previous ministers, raised the issues with the fine defaulting. Can you, to give us on notice, check when you have raised that issue with ministers in the past, the dates and who the minister was? If you provided a briefing note, if you could provide us with a copy of the briefing notes that were attached to that issue.

[*Supplementary Information No B23.*]

**Hon LYNN MacLAREN:** I noticed in one of your reports that you had some programs for growing food—gardening. I was just wondering how that program is going. Do you have programs in each of your correctional facilities for growing their own food? That issue about having fresh food when you are —

[5.10 pm]

**Ms Harker:** Wherever it is possible for the prison to be able to have its own sort of horticultural area, garden, whatever, believe you me, it is there. Even at the back of one of the wings at Hakea, which is probably the last place you would expect to see much growing, they are growing vegetables and they are keeping greyhounds and resocialising them and all sorts of things like that. Likewise, Casuarina has an enormous sort of vegetable area, so it is a big part of our industries program. As I say, wherever it is possible to grow our own food, then that is exactly what we do. The degree to which we are actually able to grow food for the prison system, so that we are not having to buy it in, is really quite significant and growing all the time.

**Mr McMahon:** And Banksia is starting their program. It is food-oriented, but it is actually part of a program for rehabilitation. So, just at the back of their facility there, they are starting to do that.

**The CHAIR:** Do you still have your own butchers?

**Ms Harker:** Karnet.

**The CHAIR:** If there are no other questions, I will conclude the hearing. The committee will forward any additional questions it has to you via the minister in writing in the next couple of days, together with the transcript of evidence, which includes the questions you have taken on notice. Responses to these questions will be requested within 10 working days of receipt of the questions. Should you be unable to meet this due date, please advise the committee in writing as soon as possible before the due date. The advice is to include specific reasons as to why the due date cannot be met. If I can remind you, too, if there is any information we have asked for that you believe should be kept confidential, if you can provide it to us and indicate to us that you would like it to be

kept private and the reasons why. If members have any unasked questions, I ask them to submit these to the committee clerk at the close of the hearing.

Again, on behalf of the committee, I thank you for your attendance today. I hope it was an enjoyable experience for you, commissioner. Ministers often used to say to me they used to learn a lot about their agencies at these hearings, and I hope you did today!

**Mr McMahon:** I certainly did and I understand the detail required, so thank you.

**The CHAIR:** Good luck with the job!

**Mr McMahon:** Thank you.

**Hearing concluded at 5.12 pm**

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