

## GOVERNMENT RESPONSE

### STANDING COMMITTEE ON PUBLIC ADMINISTRATION – REPORT 38: CONSULTATION WITH STATUTORY OFFICE HOLDERS

**Recommendation 1: The Office of the Information Commissioner upgrade its information technology systems in order to facilitate online conciliation conferences and improve the interrogation of freedom of information data.**

#### **Supported.**

The Office of the Information Commissioner (OIC) has commenced the process to replace its outdated Case Management System (CMS) and purchase an electronic document management system that will run in tandem with the new CMS. These upgrades will greatly improve case management functionality and reporting capabilities.

The OIC has also commenced a process to upgrade to Microsoft 365 in order to modernise its information technology infrastructure, which will have the effect of improving the OIC's options regarding external communications and bring the OIC in line with the majority of other organisations. This will provide the opportunity to securely conduct remote meetings with external parties including conciliation conferences.

**Recommendation 2: The Attorney General undertake a review of the *Freedom of Information Act 1992* and table a report in the Parliament of Western Australia within 3 years of the tabling this report.**

#### **Supported.**

The Attorney General will endeavour to table a report within the recommended timeframe.

**Recommendation 3: The Attorney General consider increasing the budget of the Office of the Information Commissioner.**

#### **Supported.**

The Government will consider the budget of the OIC as part of the ongoing budgetary processes.

**Recommendation 4: The Minister for Corrective Services conduct a review of the *Young Offenders Act 1994* and the *Young Offenders Regulations 1995* to investigate:**

- whether to repeal the provisions governing ‘confinement’
- whether to enact a framework for managing special regimes such as the Banksia Hill Intensive Support Unit, including adequate protections for young people
- measures to ensure that all young people are entitled to a minimum amount of out of cell time each day having regard to the United Nations *Minimum Rules for the Treatment of Prisoner* which requires detainees be provided 2 hours out of cell each day
- exposure to potential legal risks following the decision of *VYZ by next of friend XYZ v Chief Executive Officer of the Department of Justice* [2022] WASC 274.

**Supported.**

The State Government committed on 4 October 2022 to undertake a review of the *Young Offenders Act 1994* (WA) to determine whether it is continuing to achieve its objectives regarding contemporary youth justice issues and trends.

The review is intended to provide a comprehensive evaluation of youth offender laws to ensure they are providing the best outcomes for young people and the broader community.

The Department of Justice is currently drafting the Issues Paper which will allow for stakeholder consultation and inform the next steps of the review.

The review of the YOA will examine the over-representation of young Aboriginal people in detention, the effect of cognitive impairment and disability on diversion, and detention-related issues.

The Issues Paper will contain guided questions to seek feedback from stakeholders on diversion methods, rehabilitation, and reintegration of young offenders into the community. Written submissions in response to the Issues Paper will inform the review.

The Issues Paper is currently in development and will be circulated to stakeholders in due course.

**Recommendation 5: The Department of Justice recruit additional welfare-focused staff at Banksia Hill Youth Detention Centre to help deliver a trauma-informed model of care, de-escalate volatile situations, alleviate the emotional burden on staff, reduce staff resignations, enable staff to feel safe in the workplace and reduce distress in detainees.**

**Supported.**

A newly developed and contemporary Operating Philosophy and Service Model for Banksia Hill – informed by best practice from national and international research - is now being systematically and strategically implemented with a focus on change management processes.

Respected former Mental Health Commissioner Tim Marney is now employed by the Department of Justice, based at Banksia Hill, to lead the new model's implementation.

The new model of care is based on learnings from the best practice in youth justice in Australia and around the world. It commits Banksia Hill to build and nurture young people's skills and individual strengths to maximise their potential.

The new model is established on eight service principles, which articulate how Banksia Hill will deliver on the purpose of the centre. The eight principles are:

1. Elevate and respect young people's voices.
2. Foster structure and consistency for young people.
3. Ensure cultural safety and strength for Aboriginal young people.
4. Connect young people with family, kin, and community.
5. Foster a throughcare-focused approach to care for young people.
6. Embed developmentally appropriate and needs-informed approaches.
7. Apply positive restorative approaches to discipline.
8. Promote culture of appreciation, care, and support for staff.

In addition, the State Government is investing over \$90 million to support a range of staffing, infrastructure and mental health improvements at Banksia Hill.

This includes:

- A staged expansion in staffing to support the new service model;
- Expanded mental health services, comprising of a multi-disciplinary team of psychiatrists, psychologists and other health professionals to assist young people and extend existing enrichment and support programs;
- A purpose-built Crisis Care Unit (CCU) to provide a safe and therapeutic environment for detainees;
- Infrastructure upgrades, including site improvements to enhance safety and security, and upgrades to accommodation and education units;
- Staffing of a new Aboriginal Services Unit (ASU) to provide specific support to address the overrepresentation of Aboriginal detainees at Banksia Hill;
- Improvements to the facility's Intensive Support Unit, including new recreation areas; and
- Media streaming for educational, therapeutic and cultural materials, and other education technology upgrades to improve literacy and job prospects for detainees upon their release.

The Aboriginal Services Unit will comprise mental health, clinical nurse and Aboriginal youth support officer specialist positions which will provide dedicated expert services as well as contribute to the provision of cultural guidance, advice, and recommendations to the network of services. The ASU will contribute to the individual, operational and cultural care of all young people in custody and implementation of the newly developed service model.

The CCU will provide an integrated model of management for young people who are identified as being at risk of self-harm and suicide and young people with mental health issues. The operational procedures will incorporate a team approach and reflect recommendations associated with best practice aimed at reducing incidences of self-harm and suicide.

The CCU will be staffed by mental health and health services staff in addition to youth custodial officers. Additional supports will provide in unit care including Youth Justice Psychological Services and Aboriginal Youth Support Officers.

The Mental Health Commission has been funded to implement a new service which will assist detainees at Banksia Hill. Consultation has commenced with representatives from the Child and Adolescent Forensic Services to establish a more effective mental health support to young people in detention and appearing before the Court. This funding is for a state-wide model and staff will be co-located at a community-based Youth Justice Centre and Banksia Hill.

The multiple projects and works are progressing at Banksia Hill and whilst some developments will be realised throughout the year, the improvements are anticipated to be seen over the coming years.

In 2022 a total of 81 newly recruited Youth Custodial Officers commenced at Banksia Hill, while a further 39 probationary officers are currently undertaking the 13-week entry level training program, required prior to working in a youth custodial setting.

An additional two schools will commence later this year, in July and September, which will see up to an expected 50 graduates become qualified as Youth Custodial Officers.

Some examples of the units delivered to trainees include Trauma-Informed Practice, Youth Mental Health First Aid, Working with Young People with Disabilities and Young People with Fetal Alcohol Spectrum Disorder, Working with Diversity, Understanding Aboriginal Culture, and Suicide Prevention Training.

The Corrective Services Academy is a Registered Training Organisation, and therefore the standard of training aligns with contemporary best practice.

Attraction and retention payments are currently available to staff including a \$2,500 attraction payment for new officers on commencement of the training program in February and a \$2,500 retention payment for all officers employed on 30 June 2023.

**Recommendation 6: The Department of Justice address concerns regarding infrastructure at Melaleuca Women's Prison raised by the Inspector of Custodial Services in the 2021 inspection report.**

**Recommendation 7: The Department of Justice undertake a comprehensive review of infrastructure at Bandyup Women's Prison and provide a response to each infrastructure deficiency identified by the Inspector of Custodial Services in the 2021 inspection report.**

**Noted.**

The State Government acknowledges the potential for additional infrastructure investment in the State's custodial facilities. These priorities must be balanced along with the need for government investment in infrastructure and services in other priority areas, including health, education, and other important community services. The State Government, through the

Department of Justice, will continue to assess the potential for additional capital works in the context of system-wide issues and priorities.

**Recommendation 8: The Minister for Public Sector Management consider undertaking a review of the role of State Recovery Controller, including reviewing any issues in relation to concurrently performing the role of Public Sector Commissioner, and whether this arrangement is appropriate going forward.**

**Noted.**

Ongoing consideration will be given to a range of factors in appointing a person to the role of State Recovery Controller including the nature of the emergency, the recovery process and other roles the person holds.