

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

TRANSPORTATION OF DETAINED PERSONS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
TUESDAY, 29 MARCH 2011**

SESSION ONE

Members

**Hon Brian Ellis (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Phil Edman
Hon Colin Holt
Hon Lynn MacLaren**

Hearing commenced at 11.01 am

JOHNSON, MR IAN

Commissioner, Department of Corrective Services, sworn and examined:

DOYLE, MR GRAEME

Assistant Commissioner, Corporate Support, Department of Corrective Services, sworn and examined:

TANG, MS JACQUELINE

Deputy Commissioner, Offender Management and Professional Development, Department of Corrective Services, sworn and examined:

The CHAIRMAN: Welcome along to this committee hearing. As you know, there is a process that we need to go through before we start the hearing. On behalf of the committee, I welcome you to the meeting and before we start, could you either take the oath or the affirmation, please?

[Witnesses took the oath or affirmation.]

The CHAIRMAN: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to speak into them. Ensure that you do not cover them with papers or make noises near them. As we have more than one witness, can you speak one at a time for the convenience of Hansard?

I remind you that your transcript will become a matter for the public record. 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. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Thank you for that, and I invite you, if you want, to make an opening statement to the committee.

Mr Johnson: Probably just a brief opening statement. I think we last appeared in July of last year. There has been significant progress since that time in relation to the vehicle fleet, and just some significant changes in relation to the way we are transporting prisoners around the state, in particular air transport and the use of coaches. When I say “changes”, I mean just the increase in the use of that type of service. As the committee will be well aware, the current contract is due to expire shortly, and the new contract will be announced in July this year—I think it is around about 11 July that the new contract comes into play. So, there has been a significant amount of work undertaken in relation to going out to market, going through the procurement exercise and evaluation, and that is currently coming towards a close, which will be a significant step in the history of this contract.

Mr Doyle: Just for the record, 31 July is the new contract.

The CHAIRMAN: If there is nothing else, I will ask the members to ask their questions now. The first one is: in relation to the coroner’s recommendation 1, the Attorney General has advised the

committee that legislation will progress to give the Inspector of Custodial Services the power to issue a show-cause notice. Are you aware of the progress of this legislation?

Mr Johnson: The legislation is not with the Department of Corrective Services, and that is appropriate in that case; it is actually with the Department of the Attorney General. I do understand that it is at the stage of cabinet submission. I believe that is currently with the Minister for Corrective Services from the Attorney General. But, as I say, it is not legislation that we have been involved in, and that is appropriate that we are not involved in it.

The CHAIRMAN: You made comment in your opening statement about the significant change to the fleet in relation to recommendations 9 and 10. Could you give us a bit more detail about that change to the fleet and whether any recurrent funding has been allocated for that upgrade?

Mr Johnson: In relation to the fleet, as we previously gave evidence back in July, there were significant changes made in relation to the specifications for the new fleet to make sure it met all the new standards for the transportation of people, particularly in a humane and safe manner. I am pleased to say that the purchasing and policing of the new fleet was completed on time and on budget, which was in December 2010. The new fleet consists of 43 vehicles. Of the 43, two of the original prototypes are now looking to be decommissioned, because they were back in around about —

Mr Doyle: In 2007.

Mr Johnson: In about 2007, so the remaining 41 vehicles are pretty much relatively new vehicles, obviously higher specifications and being used throughout the state. I have a breakdown of the vehicles in usage if that would be of use to you.

Hon PHIL EDMAN: Yes, I would like it.

Mr Johnson: We have a 20-seat coach, which is located in the metropolitan area. We have seven 14-seat Isuzu inter-prison transfer vehicles with toilets on board; four of those are located in the metropolitan area and one each located in Broome, Roebourne and Geraldton. We have 12 eight-seat Isuzu vehicles with toilets; three of those are located in the metro and one each in Albany, Bunbury, Kalgoorlie, Geraldton, Carnarvon, Roebourne, South Hedland, Broome and Kununurra. There are five eight-seat Isuzu dual-cab vehicles; one of those is located in the metro and one each in Kalgoorlie, Geraldton, Roebourne and Broome; We have 14 12-seat Isuzu vehicles all located in the metropolitan area and two nine-seat VW crafter vehicles located in Albany and Bunbury. To add to that, also back in October–November we took responsibility from police for the transportation of juveniles in regional areas; we already had responsibility for the metropolitan area. The juvenile fleet consists of a Mercedes Sprinter, six-seat, four-cell vehicle; two VW Crafter nine-seat vehicles; and two Hyundai Imax three-seat vehicles. All of the vehicles are basically fitted with fully air conditioned units. The larger vehicles are also fitted with secondary air conditioned units, GPS tracking, temperature monitoring systems, a duress alarm, CCTV, an audio–visual recording, mobile phones and satellite phones. So, it is quite an extensive fleet and certainly a big step up from what happened with Mr Ward and the death there.

[11.10 am]

Hon PHIL EDMAN: That is good news. What have we got in place to back that up with maintenance and servicing?

Mr Johnson: Sure, but I will answer the question on recurrent funding. We have recurrent funding of \$3.3 million per annum for the leasing and operating costs of that, so there is certainly a regular maintenance schedule, which is also monitored by the department in terms of the monitors making sure that the vehicles are regularly serviced, and what servicing is required for them is specified. In addition, there are the procedures for the drivers, or the people conveying the prisoners, to make sure they do maintenance checks and make sure everything is in good operating order.

Hon KATE DOUST: Without being able to see what these new coaches or vans look like, and given that part of the issue previously was the barrier to communication between the person in the back of the van and the drivers and not being able to know what is going on, is there now any barrier between the driver and the other occupants, or are they able to see and hear and articulate if there are any issues?

Mr Johnson: It depends on which vehicle you are talking about. The larger vehicles, which carry quite a number of prisoners, have barriers because they are in, sort of, separate compartments. Each of those is monitored by CCTV, so when you actually sit in the driver's side there is a bank of cameras that you are actually looking at to see each pod, and you can communicate with each pod. Part of the new procedures were, of course, to make sure that you had that regular communication to make sure everything was going okay. It depends on which vehicle; if you are only transporting two people, it is a different configuration to the transportation of 12 or 14 people.

Mr Doyle: With most of that fleet of 43 vehicles you cannot have face-to-face contact with the person in the pod, but in addition to the CCTV, with the long hauls there is the two-hour actual physical check, and they have to actually stop and check with the person face to face that everything is going okay as well. Of course with the coaches and the aircraft, the visual contact is there all the time.

Hon KATE DOUST: With these pods, as you call them, what is the barrier made of? Is it glass or is it a see-through barrier, or is it metal or some other material so that each person is not visible to the next person?

Mr Johnson: It is metal. I think there are, from memory, three to four in each pod.

Mr Doyle: It varies with each one; some of them have two seats in each pod; in some of them there are four seats in each pod; in some of them there are three seats in each pod. I do not think there are any singles, but there may be single ones so that if you had to put someone in a single, you could do that, but most of them are either two, three or four seats in each of the pods.

Hon KATE DOUST: Do you have any photos or drawings of what these pods look like that you could perhaps provide us?

Mr Johnson: Sure.

Hon KATE DOUST: I would just be interested in seeing what they actually look like.

Mr Johnson: We can certainly provide those to you.

Hon PHIL EDMAN: As to the procedure for transporting detained persons in these vehicles—just so that we have got clear here—let us say you are only transporting one prisoner in one of your smaller vehicles, who is actually in that vehicle? Obviously you would have a driver and you would have somebody else to assist, because you could not have the driver looking at the CCTV camera; I just want to be clear.

Mr Johnson: Sure, correct. If a single occupant is being transported, there are always two people doing the transportation. That is just the actual secure vehicle fleet; you can add to that the aircraft and the coach travel as part of that fleet.

Hon LYNN MacLAREN: This takes us to recommendation 2. You have been talking about the increased use of air and coach transport, and I was wondering what percentage of trips are done on the roads now, compared with by air or in coach, and whether that is going to change now that you have updated the entire fleet. Will we see less detained persons transported by air, or are you going to continue with that mode?

Mr Johnson: No, we are certainly going to continue with air transportation for the long-haul trips, which are the trips, say, up in the north of the state. It is far more efficient, far safer, and in terms of the cost effectiveness there is not a great deal of difference because you are moving from a three-

day journey to a four-hour journey so you do not have the overnight stays that come with that. I have some statistics in relation to the number of times we have actually used this. During the eight-month period August 2010 to March 2011, there have been just over 21 000 people movements in Western Australia. Of those, 2 544 were considered long-haul movements. Of those, we have done 36 inter-prison by air, moving 1 079 prisoners; 165 other, which are funerals or lockup clearances, by air, moving 412 prisoners; there have been 70 trips by road using what has been termed a luxury coach, which is not the right term, and we have moved 1 017 prisoners; and then, by road, 36 trips moving 36 prisoners. The reason for that is that some people cannot fly, they do not want to fly, they are frightened of flying or there is some physical reason why they cannot fly, so occasionally we have to use a secure vehicle for a long-haul trip, but it is only when we cannot use air or the other alternative.

Hon LYNN MacLAREN: What was the impact on the budget? Are you going to require funding to be increased for transportation because you are using air and coach more frequently?

Mr Doyle: There was a slight increase in the budget required and that was factored into our 2010-11 budget. That was approved in the last budget process we went through, so that is now fully funded in the department to continue to use air transport and coach transport.

Hon LYNN MacLAREN: Was that recurrent funding?

Mr Doyle: Recurrent funding, yes.

The CHAIRMAN: I have a question on the funding. You have previously advised the committee that you received funding for three additional monitoring officers to bring the number to six; do you now have six?

Mr Johnson: Yes, we do, and they are in place; they're operating, yes.

The CHAIRMAN: Is that sufficient to monitor the contractual obligations?

Mr Johnson: Yes, we think it is. In terms of our finance, we have some statistics.

Mr Doyle: Yes, we have all the monitoring staff in place, and we do believe that is sufficient. We share those monitoring resources. There is a pool of monitors who monitor across this contract—the CS and CS contract—and the Acacia Prison contract. In terms of this contract, there have been a total of 1 653 compliance tests undertaken since August 2010; of those, 1 196 related to activities involving the movement of persons in custody. They also conduct vehicle inspections at regular intervals as part of their overall program, and since August 2010 there have been 344 standard vehicle checks undertaken by the monitoring officers, so it gets checked very regularly.

Mr Johnson: I also took the opportunity of personally taking part in a flight from Karratha, just to see what it was like; it was a good experience.

Hon KATE DOUST: What was it like?

Mr Johnson: It was good. Many prisoners have never had the opportunity to fly on a plane, and so for many—particularly the Indigenous prisoners—seeing their land from up above was quite an experience for them. To be quite honest, it is like flying on a normal commercial flight; it is the same thing. It was a good experience and efficient.

Hon LYNN MacLAREN: Do you know if anyone has prepared a business case to purchase aircraft for this purpose?

Mr Johnson: There was some thought in relation having a joint business case with the police. The discussions I have had with police are very much along the lines that we will support their business case. They were chasing another two Polair-type aircraft, and they were going to include the fact that DCS would be a regular customer of that. We have used the police plane on a number of occasions, and that has been mainly for juvenile transport because that is much more ad hoc than

the regular runs we do with the adults. If we have had difficulty flying into certain locations for juveniles, we have used the police plane.

[11.20 am]

There are no plans at this stage for us to have our own plane, as much as we would love that. That is not on the cards. Certainly, if the police do get some other planes, we are keen to see one of them stationed up in the north. At the moment, the police preference is Kalgoorlie in the Goldfields. But if they get one up north, that would certainly be of benefit to us. Mind you, they do not come cheap.

Hon KATE DOUST: When you were last here in July, we had a discussion about the criticism of the training for G4S and you said that you were going to conduct an audit. I have a few questions in relation to training, but I was wondering whether you could provide us with some feedback on the audit that you said you were going to conduct into the training provided by G4S for its staff.

Mr Johnson: We had the external consultant review the training in December 2010. That review took place between December 2010 and January 2011, and we were provided with the following report in February this year. The review found that G4S had made progress towards meeting the requirements of the national training benchmarks, but there remained some areas to be rectified. The training records provided showed that 263 of G4S's 271 staff had completed a refresher course in relation to duty of care. That is obviously a significant number—263 out of 271. However, with regard to recommendation 13, the independent review's report stated that G4S had implemented and improved the duty of care training, but it still lacked a practical focus as recommended by the coronial report. With regard to recommendation 14, the report stated that G4S had yet to complete the development and implementation of supervisor training as recommended by the Ward coronial report. Subsequent to that independent review, however, G4S has advised that 18 supervisors attended a two-day training program in January, which also included duty of care. In addition, two of its supervisors have completed training with the corrective services academy. Independent reviews have been conducted in 2009, 2010 and 2011. Although each report has highlighted issues to be addressed, they have also indicated that significant improvement has taken place during that time.

Hon KATE DOUST: Is your department satisfied that G4S has attained the appropriate level of training that you require for your staff?

Mr Johnson: I have certainly not been advised to the contrary.

Mr Doyle: As Ian said, there are still some improvements to go. We continue to work with them on a regular basis.

Hon KATE DOUST: What do you see as the gaps in their training?

Mr Doyle: Moving towards the certificate III and certificate IV is not something that you can click your fingers for and do overnight. That is where we have been trying to take the training. Certainly, when the new contract commences, a requirement of the new contract is that whoever it may be trains their officers in accordance with certificate III or certificate IV, depending on the level of their work. That is where we want to take this in terms of the training.

Hon KATE DOUST: Is it possible for a copy of the report that you have received on G4S training to be provided to the committee?

Mr Johnson: Sure.

Hon LYNN MacLAREN: You mentioned the practical nature of the level of skills. One of the concerns we had was whether the training provided was more theoretical. I wanted to ask specifically about training for the use of the baton and pepper spray, and first-aid training, because we had a concern that a trainer was not qualified to give that training. My question is twofold: have you changed the system of practical training in that regard in any way; and how are you monitoring the fact that staff learn the skills that they are theoretically trained in?

Mr Doyle: There are a lot of technical elements to that. The overall monitoring schedule that we undertake on an ongoing basis is to ensure that all the operating procedures—there are quite a number of operating procedures in a contract of this nature—are complied with. Obviously, it is staff that the monitors are observing and seeking to get evidence from in terms of paperwork trails et cetera, so that must be done. Also, in terms of observing prisoner transport when there are long hauls, although the monitors do not go on the trips, the logs have to specify, for example, whether they did stop after two hours to undertake a physical check. They have to keep a 15-minute record of whatever their observations were. Even if the prisoner was asleep, every 15 minutes it is: “The prisoner is still asleep.” All those records are monitored through the monitors. As I said earlier, we continue to try to work with G4S to develop the action plan to improve their training. There have been improvements. The opinion is that the only aspect that the report identifies as still lacking—if you want to use that word—is that the duty of care training is not practical enough; it is too theoretical. It is something that we have been working on continuously with them.

Hon LYNN MacLAREN: How are you going to address that, because that is a very serious shortcoming?

Mr Johnson: The new contract, as Graeme highlighted before, which will come into operation in July, stipulates that they must be qualified to certificate III or certificate IV in terms of correctional practices.

Mr Doyle: And a registered training organisation as well, or to achieve a registered training organisation within 12 months, or have all training delivered by a registered training organisation. They are all the key elements to ensuring —

Hon LYNN MacLAREN: And they were not in place before. Are they new requirements?

Mr Doyle: Yes, in terms of this contract, they are new requirements.

Hon PHIL EDMAN: Are you aware of any staff turnover in G4S not only during the refresher course, but also since the death of Mr Ward; and, if you are aware of this, what is the number?

Mr Johnson: I do not have that level of detail. I am sure that there has been staff turnover, but I do not have the detail of that. Graeme, do you?

Hon PHIL EDMAN: You could get that for us.

Mr Johnson: Sure.

Hon KATE DOUST: I return to the training. It is good that you have acknowledged the gaps and that you are addressing that. Regardless of what happens with the contract in the future, will you have an annual review of the training provided by whichever company has the management of the program?

Mr Johnson: I can give you that assurance that we will have an independent review to make sure that they are meeting the obligations of that.

Hon KATE DOUST: Will the information from that review be provided directly to your minister or be included as part of an annual report?

Mr Johnson: It will be reported to the department, and then we will develop an action plan to make sure that, if there are any deficiencies, they are remedied. If I can come from a practical sense, returning to the flight that I undertook, it was not an incident-free flight; somebody played up. I was able to observe how they dealt with that situation, and they dealt with it very well. The person was secured, removed from the craft and placed in a secure van. It was done very well with a minimum of fuss.

Hon KATE DOUST: Since the training has been reassessed and refresher programs have been introduced, have there been any other incidents in van transport whereby prisoners have been injured or otherwise since Mr Ward’s death?

Mr Johnson: In relation to G4S transportation, the only incidents that come to mind are a couple of minor bingles in traffic accidents, but I do not recall anything with G4S and its transportation that has resulted in an incident.

Mr Doyle: There was one, I think, in about April 2008 when a prisoner became unconscious or looked like he was becoming unconscious. Again, that was handled well and, in the end, there were no lasting effects of that. But there is none that come to mind that was of a serious nature.

Hon KATE DOUST: I have one final thing on the training. Is first aid also part of the compulsory training?

Mr Doyle: Yes, for the officers.

The CHAIRMAN: You mentioned that the date of the new CSCS contract is 31 July. Is it possible for you to give us the status of the contract negotiations?

[11.30 am]

Mr Johnson: The procurement process has been completed. The contract negotiation has not yet commenced, but is due to commence in April. The matter is about to go before cabinet—very shortly. When I say very shortly—probably within the next two to three weeks. In addition to your question: a number of stakeholders have been involved in the development of the contract, including the three-time agencies—ourselves, attorney general and police. It has also involved the Department of Treasury and Finance and the State Solicitor's office, and the Inspector of Custodial Services has been briefed throughout and kept up to date on the progress made. It has also been independently assessed by what we call a gateway review; that is, independent people come in to assess the various stages or gateways of the project. Each one of those reports has been positive in terms of how the contract—the procurement—has been managed. Basically, it is all but done, if you like. I think John has settled it for the next cabinet meeting in, probably, two weeks' time.

Mr Doyle: Allowing for the 10-day rule into cabinet.

Mr Johnson: Yes; the 10-day rule.

Once we get authority from cabinet, we can make the announcement and enter into contract negotiations.

The CHAIRMAN: You mentioned a number of stakeholders and their input. Obviously you will have to have the contract endorsed by cabinet, but is it markedly different from the previous contract?

Mr Johnson: It is; there are a lot of learnings from the previous contract that dates back, I think, to 2001 or thereabouts. A lot has been learnt since that time that we have obviously tried to incorporate into the new contract. Since the death of Mr Ward, lots of changes have been made to the actual policies and procedures, to the way we transport people and to vehicle specifications. But there has also been some key project intents, which are very much up-front in the new contract, to provide safe, secure and decent court security custody and custodial transport services in a responsive and innovative manner to achieve quality outcomes for the state, the judiciary, the justice system and the community. It then very much stipulates the exercise of a high level of duty of care in a ethical and humane manner; the treating of all persons fairly and with respect for the inherent dignity of the human person; having due consideration to differing individual and cultural needs; and delivering progressive service solutions in an effective, flexible manner with regard to alternate delivery methods. It also outlines the specific requirements in relation to training, including cert III and cert IV. There are changes to the key performance indicators; changes to the abatement and contract penalties for not, if you like, getting it right. So there has been quite a number of changes.

Hon LYNN MacLAREN: I am interested to hear about those. Certainly, one of the frustrations amongst the general public when the company clearly, in the public view, failed to deliver safe

transportation was that there seemed to be no way to cancel the company's contract. Should you contract out this service again, what are the penalties?

Mr Johnson: The draft contract also provides for termination in the event of default. Therefore, if we had, God forbid, a death in custody and this company was deemed to be at fault, that would be enough to default the contract. I think the previous contract contained this clause —

Mr Doyle: Two.

Mr Johnson: There were two. In this contract, if such an event were to occur, that would be reason to default the contract. It has also been flagged that there will be significant increases in penalties. All of this is yet subject to contract negotiation, but it has been flagged in the procurement process.

The CHAIRMAN: Okay.

Hon KATE DOUST: We have spoken about what you have done to road and air transport, but in earlier discussions last year the use of IT and in particular video links were discussed. I recall that when we looked at the list, the resources in some parts of the state were excellent and in others they were maybe not as good. I am wondering what has been done to address the facilities provided for communication between more distant places and Perth. Once you have answered that, we might talk about Skype and where that is at in terms of being made available in those remote locations.

Mr Johnson: Sure. I have some statistics for you about video links and its use by the courts, in particular. Of those persons held in prison requiring an appearance before a court, 58.5 per cent are dealt with by AV. Between August 2010 and March 2011, 7 337 appeared by AV, and 5 219 appeared in person. We have made submissions in relation to upgrading the AV equipment throughout the state, and to provide the necessary infrastructure and staffing to support that. Again, by way of the outcomes and whether we have received —

Hon KATE DOUST: What sort of dollar cost is attached to that submission?

Mr Doyle: In terms of the capital requirement, it is, in round terms, \$5 million. That also includes building components because, as members will be aware, some of the rooms that the audiovisual equipment is in are not up to an acceptable standard or are not consistent with the standard that you would have in a court, for example. In round terms, it is \$5 million for all the capital requirements. The recurrent operating requirements are estimated—again in round terms—to be \$1 million per annum. Because you have to have sessions booked and scheduled properly, it will need to be managed properly and it will really need one FTE per prison to manage the AV process.

The CHAIRMAN: Which prisons have the capacity to use Skype at the moment?

Mr Johnson: Skype or AV?

Hon KATE DOUST: We are talking about AV; we have not moved on to Skype yet.

The CHAIRMAN: I was thinking about Skype.

Mr Johnson: Do you want me to answer the question about Skype or the one about AV?

Hon KATE DOUST: Both.

The CHAIRMAN: Perhaps you can finish answering the question about AV first and then answer the one about Skype.

Mr Johnson: All prisons have AV capability. It is not used for only court procedures, but also telemedicine; that is, for health reasons as well. Currently, Hakea Prison and Acacia Prison have Skype facilities. We have just completed a trial at Hakea Prison using Skype for prisoners to interact not only with family, but also with their lawyers; so the lawyers can receive instruction. The program has been well accepted. Certainly the lawyers like it because it, obviously, saves them driving all the way out to the prison to receive instructions. We like it because it means less people being processed through the gate; it is a far more effective way of doing it. To give you a sense of

our thinking in this area: typically, when these things come online there is an initial resistance to them. The officers monitoring Skype have not seen that. For the prisoners, it gives them an opportunity to have a dialogue with family that they would otherwise not have, particularly if they are from overseas or are out of country. There are a number of problems with it. Typically, the problems are at the other end; that is, when a person is a long way from the country, it is making sure that there is a facility at the other end that can connect to us—a computer that someone can use to make the connection. When you look at a facility like Skype, you think you need a room for it. Without being too glib, our thinking is along the lines of a call centre with individual booths with monitors and access only to Skype and to nowhere else. We could rapidly increase the number of links to the prison. It is not part of our corporate network. It is a standalone system and does not interfere with our corporate network. I think that it would be fair to say that the use of Skype will grow considerably in the next 12 months.

The CHAIRMAN: You mentioned prisoners being able to communicate with their lawyers. How secure is that for the prisoners' communications?

Mr Johnson: Skype is not a secure platform; therefore, we are looking at other platforms to try to make it more secure. In terms of the prisoner-lawyer dialogue, that is between the two. All we see—staff members are nearby looking at a monitor to make sure that there is no inappropriate behaviour going on. Therefore, that dialogue is confidential in the normal way of lawyer-client communications, but the Skype platform is not a secure platform. The lawyers are well aware of that, as are the prisoners, when they use that facility. We are currently exploring other technology that will be more secure, but still carry out the same function.

[11.40 am]

Hon LYNN MacLAREN: One of the issues raised early on about the increased use of this technology is that there might be cultural barriers and a reticence to use this technology. I just wondered how that was playing out. Are there any barriers that you are finding that people are unfamiliar with the technology and, therefore, they are not comfortable speaking across the internet or have you found that those fears were unfounded?

Mr Johnson: It is a bit of both in that you get some people who have never seen that type of technology before, so initially it is quite confronting. But I have not had any issues either from Acacia or from Hakea where people have been afraid to use it. The more the word has got around, the more people are actually keen to use it. So we are finding people booking visits well ahead, just looking at some details about May 2011 where bookings are already being made. Like I said, the main challenge will be the other end in terms of remote communities having a facility where community members can go and make the right appointment, the timing, to then have a dialogue with a family member who is lodged in Perth somewhere. That will be a challenge because not everybody has a computer that is able to access Skype.

Hon KATE DOUST: Where do they go currently? Do they go to the local police station, some of those communities?

Mr Johnson: That happens in a town like Warburton; the local police sergeant there made it available so family members could have a dialogue with other family members at Kalgoorlie—Eastern Goldfields Regional Prison. But at the moment there is no set plan for where they go. So that certainly is an issue, to give them access. Most homes in your normal sort of suburbs have it, but not necessarily the remote communities.

Hon LYNN MacLAREN: The other issue that was brought up is that there are so many different languages that people speak. Does the technology present an opportunity to centralise interpretive services so that we can actually better service those different language groups?

Mr Johnson: I think the answer is we are constrained by the way we think. In relation to this technology, when we first started talking about introducing it, there were all the concerns about all

these sort of things are going to happen on the technology and the world is going to cave in, but of course it does not. So the more we use it, the more we explore different avenues and different benefits that we can achieve from that. Again by way of example, some of the prisoners used it to have a visit on Christmas Day. So they were able to watch their kids open presents on Christmas Day. That is a good way to use that technology. It is a smart way to use it and it has benefits for us in the sense that the prisoners then are much more settled because they have had that opportunity to have a dialogue with their family and have some connection, which makes it easier to manage for us. I think there are multiple ways you can use this. You still have to bear in mind that it is a secure environment and there will be times when this will go pear-shaped. I think the challenge for us and others is that when it does go pear-shaped, there is not this kneejerk reaction that wants to throw the baby out with the bathwater just because somebody has done the wrong thing—and that will happen.

Hon KATE DOUST: Are there any other states using Skype? I think perhaps Queensland or maybe northern New South Wales in terms of tyranny of distance.

Mr Johnson: Queensland have a product—it is not called Skype, it is called something else—which we are looking at as a different type of platform. Same sort of principle in terms of that dialogue over the internet, but it is not actually Skype they are using. But not many other jurisdictions are using it, but we are certainly having dialogue at a national level and, again, it is one of the agenda items come the national meeting in May of this year.

The CHAIRMAN: Any further questions?

Hon LYNN MacLAREN: Were there any questions arising from terms of reference 3?

Hon KATE DOUST: Probably just a couple. During this inquiry a number of people have referred to the “Justice Reinvestment” report and the program. We just wanted to get some response from yourself about whether or not the government was looking at justice reinvestment as something they would introduce into the system.

Mr Johnson: I have seen the debate in *Hansard* between the then Minister for Corrective Services, Mr Porter, and Mr Papalia for the opposition, so I have obviously read that debate. I would say they are not looking at it in the sense of how justice reinvestment has been described in terms of the four-stage process. But if I could say that I think in a number of ways justice reinvestment or investment, whichever way you want to look at it, is actually happening. I will give you a couple of examples. One that I think will be a good initiative will be the Warburton work gang, which is nearing completion; it should be complete in June. That will give us the opportunity to house prisoners from Warburton not far from their community. When I say “not far”, it is right on the community’s edge. The intention there is to have community-based offenders along with people who are actually housed in the work camp, so custodial-based offenders, work within that community to actually fix up that community in terms of fixing up the housing and that sort of thing. So really for people to have ownership and have an investment in their own community and work together to actually make sure those houses and everything else is up to a fit state of affairs.

If you look at the regional youth justice, which is really tackling the youth offending right at the very outset as opposed to waiting until they have become sort of hardened in the system and make their way through the adult system. We have that system working in Kalgoorlie and Greenough and the success of those two programs—which is really engaging with youth at an early stage, engaging with their families, having joint working relationships with police and cautioning and diversion-type activities, emergency bail options, keeping people in country, all of those things—has been so successful in terms of reducing the number of people being detained in Perth in terms of detention centres that we recently received funding from the royalties for regions to actually roll that program out in Broome and Kununurra and Port Hedland. The Broome office is open and up and running. The Hedland office and the Kununurra office—Kununurra, I think, is in April.

Mr Doyle: East Kimberley in April and the Pilbara will be in July.

Mr Johnson: That is significant increases in terms of staff—in the vicinity of 50 or 60 staff. In some instances 65 per cent of those staff are Aboriginal people, because we are very much engaging with the Indigenous youth of these areas. In terms of reinvestment or investment, certainly in terms of before they come to prison, I think they are great examples of some of the stuff that is being done. If I could add an area that I would love to see more investment in, it would be mental health.

Hon KATE DOUST: Yes, indeed. We would like to see more investment in that area as well.

Another matter that has been canvassed with the committee from a couple of people—you will be aware of the Wyatt report. Ben Wyatt chaired the inquiry “Licensing and Fine Default: A Clean Slate”, which he tabled in 2007. We have talked about the issue of people not having drivers’ licences as being a real issue in terms of being picked up and incarcerated. What has been done to address the issues that were canvassed in that report and to try and put in place solutions that will reduce the recidivism rate in relation to drivers’ licence issues?

Mr Johnson: Sure. Perhaps I can probably just give you a bit of context in terms of the number of people in prison currently with driving licence offences. I will talk about Indigenous people first. As at 28 February 2011, there were 51 Aboriginal people in prison for driving without a licence as their most serious offence. That equated to 2.83 per cent of the Aboriginal people in prison at that time. So at that time there was 1 800 Aboriginal people in prison and 51 of those were in prison for driving without a licence as their most serious offence. In total in the prison system—this is as at 28 February—there were 98 prisoners in prison with their most serious offence being driving without a licence. That equated to 2.10 per cent of the prison population at that time, which was 4 668.

The Wyatt report, the ownership of that, the driving force behind that, is the Department of Transport. I should have made copies; I apologise for that, but I will leave these here—the terms of reference for the remote areas driver’s licence steering committee. That committee is made up of directors general and commissioners from a variety of departments, including corrective services, police, education and transport. Really, it is looking at the Wyatt report and making sure that all those recommendations are being actioned, but it is also looking at developing a package of initiatives that will result in a number of the existing barriers that currently make it difficult for Aboriginal people in remote areas to either get a licence or to keep a licence—to make sure those barriers are overcome. There is a lot of work actually being done and being proposed in relation to outreach licensing-type services; supervised driving hours and looking at how that impacts upon people in those remote areas; broadening the definition of “driving instructors” to allow people like teachers to be able to deliver that, and certainly corrective services; the cost of the licences; and the renewal cycle, you know, every five years becomes problematic in some of these remote areas. We have a driver education training program that is currently being delivered throughout each of the 14 prisons throughout the state for those prisoners who are within six months of being released or are on parole or work release.

[11.50 am]

We have statistics here for you from 1 July 2009 to 30 June 2010. There were 1 597 applications processed department-wide in relation to drivers’ licences, and, of those, 954 were eligible to make application to renew licences. When they come to within six months of leaving jail, we look at what fines they have and what are the barriers preventing them from actually getting a licence before they leave. We are also giving instruction to people on how to prepare for a test to get their learners’ permits and their motor drivers’ licences. Placements has a lot of work happening in that area. Certainly, having been to the first couple of meetings of the remote areas driver’s licence steering committee—which is a mouthful to get out!—there is a lot of positive thinking. People are not looking at things as being a barrier. They are actually saying, “What is the barrier? Let’s overcome it; let’s make some pragmatic decisions.” I will table the terms of reference, if you like—I only

brought one copy; I apologise for that—then I will give you a sense of what the committee is looking at and what submissions they are making to the government.

Hon LYNN MacLAREN: That is an excellent example of an interagency approach, and we were going to ask you specifically about that. One of the issues identified in the high recidivism and imprisonment of Aboriginal peoples is that we do not have a whole-of-government approach. We are not very effective at delivering a whole-government approach, and it would be good to get your views on how interagency cooperation could be improved.

Mr Johnson: I think that there has been far more interagency cooperation in the last couple of years—certainly that I have seen—and, as you say, that is a good example of that. I will quote another one, which is the community services leadership group, which again is directors general and commissioners from human services-type organisations. Again we got together on one of the key projects that we are jointly funding—not all of us. But five agencies have agreed to jointly contribute, being Housing, Disability Services, Child Protection, DCS and the Mental Health Commission, which is in relation to people leaving state care. That is because many of the people who are leaving state care, of course, cross all of these agencies in terms of their connection to them. We are jointly funding people to pull together the data on these people, and really target this group and see how we can better coordinate our activities as a group. These are all the heads of departments getting together, agreeing on joint funding, which the department supplies, and making sure that we have our eye on the ball and are working together. There are other such committees, including the Aboriginal Affairs Coordinating Committee. Again, under their act, the committee brings together directors general and commissioners, really making sure that we focus together on the issues that are facing us all, because the people that we deal with are the same people that the Department of Housing deals with and that the police have issues with, whatever it may be. There is a lot happening in this space. I talked about regional youth justice, and the police have agreed to co-locate with us in some of these new establishments in Broome, Kununurra and Hedland, for three days a week. The Department for Child Protection has also agreed to co-locate with us for 12 months and to give that a trial. We are trying to make sure that we are actually all on the same sheet and working together; albeit that we have got different sort of responsibilities, but making sure that we do actually work together. Again, in the youth area, there is an interagency youth justice steering committee, which is chaired by Deputy Commissioner Heather Harker, who looks after that area. That again brings all the different departments and organisations together. Like I say, I have found a lot more movement in the last couple of years in terms of seeing a lot more cooperation across departments. We also have joint executive meetings with the department for disability services, the Department for Child Protection and with police to make sure, again, that we are all the same page and talking about the same issues.

Hon LYNN MacLAREN: We are looking for outcomes from those procedures. Have you jointly identified outcomes that you are pursuing, or when will we know how things are travelling? Are you doing regular reports?

Mr Johnson: The community leadership group agreed on the joint funding at the last meeting, so those people are coming on board. The outcomes of that will certainly be monitored. Because we meet on a monthly basis, part of the response will be for the project officers to report back to the group to deliver the outcomes in terms of the data collection and some of the initiatives and strategies that we need to put forward. It is not just going to be a talkfest, because we are all sick of that, to be quite honest. The directors general are the same as members of Parliament—we have had enough of the dialogue; we want to actually get some action. Particularly when we see the same people across different agencies, we want to make sure that we can combine our efforts and our funding to get some good outcomes.

Hon KATE DOUST: It is good that this is all happening. What engagement is actually happening with members from the Indigenous communities to get feedback from them about the types of

programs that are needed, or to get advice from them about how things could be done differently or better?

Mr Johnson: Certainly in relation to Aboriginal affairs, obviously they have strong links to their communities in terms of getting feedback from that particular group. I will ask Jackie to touch on that. We can look at what we are doing from a Corrective Services perspective, and Jackie is going to outline some things there in relation to her programs. I will give you Derby prison as an example of what we are doing. We did a whole lot of consultation some years ago now with the Kimberley in terms of what this prison should look like, what is the philosophy of the place and what services it should deliver. The current construction, which is not that far away from completion, has very much been informed by that community consultation, the majority of which was with Aboriginal people. I am pleased to say in relation to that—I do not want to hold this person out as an example—but for the very first time we have an Aboriginal superintendent who has been appointed in charge of the Derby prison. Michael is up there now, even though the Derby prison is still some time away from completion. We have got Michael on board very early to make sure that he engages with communities. We are trying to attract Indigenous people to work in the prison. We have had people like Patrick Dodson, who was up there not that long ago, to have a tour of the place and he was very, very impressed by what he saw—the philosophy and the operating environment that we are trying to achieve. Jackie, I know there are a number of things being done in terms of the Aboriginal facilitation unit and how we engage there.

Ms Tang: I think it is acknowledged that for many years we have not consulted and delivered programs—I talk specifically about rehabilitation program—for Aboriginal people. We have often heard the rhetoric about culturally appropriate programs. That is easier said than done because, as you alluded to earlier, there are different dialects and groups. It is not a homogenous group for which you can deliver programs or even provide a service to, generally. Consultation is complex, and timing is extensive, but very necessary. In relation to program delivery, in 2009–10 we actually commenced in full the Aboriginal facilitation unit. It was the first time that the department had actually had a group of people—there are 10 in the unit—who are actually Aboriginal people managed by senior Aboriginal people, who are delivering programs to Aboriginal offenders. This initiative came about not only from the reducing re-offending strategy funding, but also it is about, not necessarily having a lesser standard of the program, a lesser style of delivery. You must ensure that you have the same objectives and outcomes in delivering a program to ensure its integrity. If you are delivering a program that actually does not change behaviour, then you are providing activity, but you are not providing a difference for that person in their thinking and therefore their behaviour. The basis of the programs is very much around the integrity of those programs, which are monitored within our clinical governance unit, but the style of delivery is much more around yarning, talking and discussion, and visual experiences, and sharing that across the group. Obviously, having Aboriginal facilitators is quite different to having non-Aboriginal people who are not connected into culture or understanding the way of life. The other important aspect, which does pose an impost on the people in the unit, is that we go to the prisons across the state rather than bringing prisoners to the metropolitan area to do their programs. The Aboriginal facilitators are frequently flying into the regional prisons to deliver those programs and staying there for the duration. Where we can we employ Aboriginal people, which is part of the whole different discussion around how we are now delivering programs across prisons and community. But there was a time when we delivered a lot less programs and none specific to Aboriginal people, but when we did deliver them, we required that people travel from the regional prisons into the secure metro prisons.

[12.00 pm]

That meant that people did not want to come; they chose not to come. When they were there, they felt quite disjointed from their family and connections. That is an impost on the people who are delivering the programs. We are trying to acknowledge and work with people on that and we are

taking the programs to where the people are. I have some statistics relating to program delivery. In 2008–09, the programs' placements increased from 652 to 935, which is a 45 per cent increase in the program opportunities for Aboriginal offenders to engage in programs. The programs officer based in Greenough is Aboriginal. Also, there is an additional program going in place in the Kimberley. I will admit wholeheartedly to the committee that those figures are off a low base, but certainly the program delivery to Aboriginal people has increased. We also utilise the skills of the Aboriginal facilitators to work with our program developers at the beginning. In addition, through our clinical governance unit we are much more rigorous about how we evaluate programs. We have follow-up people going in and talking to focus groups of people who have completed the programs and we are looking at statistics relating to reducing reoffending. Does the program make a difference; is it made specifically for those participants; and are we pitching the program at the correct group of people? There is no point putting people in a program just for the sake of it when it does not either meet or reduce their risk. We get feedback from participants about overemphasising something that it is repetitive and that we should spend more time on something else. We are getting customer feedback about the programs so that we can improve on them. That applies across all programs, but that particular point needs to be made in respect to Aboriginal people, who, in the past, we have not asked the question of. We have rarely asked offenders generally how they feel about the services that we have delivered to them. I will leave it at that unless you have any questions you want to ask.

Hon KATE DOUST: Are you able to provide us with an updated list from where you were at last July and some of the stats for that period? I think you gave us a list of programs you were running then.

Ms Tang: We can provide you with some of the statistics. Some of the exciting work that has been done in the department recently is looking at the recidivism rates of people who were exiting the prison system in 2007–08. We have found there is a reduction of offending and, generally, in relation to the severity of offences, but also of those who are returning to the corrective system. We can provide those to you. We are due to finalise some statistical research this week. For the first time, we have compiled certain recidivism statistics. That is done by a different area of the department; it is not the program or education departments saying, "Look at us." The education statistics show that the more education that is undertaken, the less likely that people will return to corrective services and, when they do return, they will return with a lesser offence. Hopefully we can provide you with that information next week; it is in the final stages. The next stage of work is combining those offenders who undertake programs and education at the same time when in custody and what impact that has on the recidivism rates. Considering that both programs singly and education singly—if you combine the two, I would be very surprised to see a less positive result than the combination of both. Traditionally, we have provided international or national statistics around education being positive but we have never actually looked at our own statistics, and they are very positive.

The CHAIRMAN: If you can provide those figures to us, that would be very helpful.

Hon LYNN MacLAREN: Are you going to be publishing an evaluation of that program? Will that be available in the annual report?

Ms Tang: They are internal research statistics to give us a feel of what programs are pitched right; that is, whether the offenders do four or five education units or more. We are dealing with very high levels of high-risk, education and literacy and numeracy rates are very low. We will look at the impact that has. No, we will not be publishing it as a report. It is internal information that we will use to verify that the types of programs and education we are offering do make a difference. We are willing, obviously, to provide that to you. Some would say that we should publish it, but I think it is important for us to evaluate it and look at what we are doing.

Hon LYNN MacLAREN: In the first instance, yes.

The CHAIRMAN: I would like to thank you for attending today. You have been most helpful to the committee. Unless there is anything else you would wish to make a comment on, I thank you for attending. We have another hearing now.

Mr Johnson:: Could I very quickly just sum up our position? There has been dialogue in the media at times that says nothing has been done to improve transportation. Nothing could be further from the truth. I have actually got personal ownership of this and am making sure that we are doing everything possible that we can do to make sure that this never happens again. This is not going to be a case of this is it; we have appeared before the committee and now we are going to rest on our laurels. We are continually looking at what we can do to improve the service. I will give a couple of very small examples. Whenever we meet as a board for the CSCS contract, which is on a quarterly basis, when the papers come together in a booklet form, on the very front page of that is a photograph of a family I met in Kalgoorlie, which to me captures the moment in terms of Mrs Ward and the anguish of that. It is a constant reminder to people that when we have a dialogue about this contract that this is how serious it gets—you can have a death in custody. We also have a photograph on the floor where Graham and his team are working to put together the procurement. That has been enlarged and we have an inscription from Daisy Ward, who is the cousin of Mr Ward, that again encapsulates what the community felt about this incident. It is constantly in our minds in terms of what happened and making sure that we can do everything we possibly can to make sure that it never happens again. I want to make that really clear.

Hon PHIL EDMAN: Commissioner, I think that you and your department are doing a first-class job. You can take that back from me.

The CHAIRMAN: I think what you said is very appropriate. No-one wishes to see that type of incident ever happen again. Thank you for attending.

Hearing concluded at 12.06 pm
