

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

## **INQUIRY INTO THE TRANSPORT OF PERSONS IN CUSTODY IN WESTERN AUSTRALIA**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 15 JUNE 2015**

### **SESSION FOUR**

#### **Members**

**Hon Liz Behjat (Chairman)**  
**Hon Darren West (Deputy Chairman)**  
**Hon Nigel Hallett**  
**Hon Jacqui Boydell**  
**Hon Amber-Jade Sanderson**

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**Hearing commenced at 11.15 am****Mr JOHN WELCH****Secretary, Western Australian Prison Officers Union, sworn and examined:**

**The CHAIRMAN:** My name is Liz Behjat. I am the chairman of the committee and I represent North Metropolitan Region. I have with me Hon Amber-Jade Sanderson who represents East Metropolitan Region. The deputy chair of the committee is Hon Darren West who represents Agricultural Region. Our advisory officer is Dr Julia Lawrinson. Hon Nigel Hallett will take his chair shortly, he is from South West Region, and Hon Jacqui Boydell from Mining and Pastoral Region, and Tracey, our committee clerk, are here with us this morning.

I welcome you to the meeting. Before we start, we need to go through some formalities. I ask you to take either an oath or affirmation to appear before the committee.

[Witness took the affirmation.]

**The CHAIRMAN:** I take it that your colleague is not giving evidence this morning; she has not signed a witness form and understands that she cannot contribute to the proceedings.

Mr Welch, you will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Mr Welch:** Yes, I have.

**The CHAIRMAN:** The proceedings are being recorded by Hansard and 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 and ensure that you do not cover them with papers or make noise near them. 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 material published or disclosed is not subject to parliamentary privilege.

That is the formalities out of the way. Do you have an opening statement that you would like to make to the committee or would you just like us to ask some questions?

**Mr Welch:** If I might make a very brief statement.

**The CHAIRMAN:** Please do.

**Mr Welch:** The Western Australian Prison Officers Union when looking at this issue is seeking obviously to reflect the views and voices of its members who work in prisons throughout all the prisons, public and private, within the state of Western Australia. Our members tell us quite clearly that they do not believe that private provision of prisoner transport has been either an effective or efficient way of delivering this service. They say to us that a prison transport system which has required major prisons to fundamentally change the way in which they operate and to change their routines to fit in with the private prison is not an efficient or effective system. They say to us that a prisoner transport service which regularly returns prisoners after hours causing considerable work pressure and stress for the small number of staff who are there in the evenings is not a good or an

efficient system. They say to us that a service where incidents like that which occurred in relation to the Supreme Court, the death of the Aboriginal elder Mr Ward or indeed the Greenough escapes is not a good or an efficient system. They say to us that where incidents such as examples of over-costing in the situations that have occurred where the private provider has sought to charge enormous amounts to transfer prisoners outside of the normal ambit of the contract is not a good or an efficient system. They tell us about incidents where a private provider unable to provide a service in Bunbury has had to fly staff from Kalgoorlie to Perth, put them in a cab which then transfers that member of staff to Bunbury. The member of staff then carries out the prisoner transport, they are then put back in a cab and return to Perth and are flown back to Kalgoorlie. We do not think that is a good or an efficient system. When the double-handling of very simple processes, such as the transmission of prisoners from the secure and sterile zones to prisoner transport, has to be done twice, we do not think that is a good or efficient system.

We believe that it is timely that there is an inquiry into the delivery of these services and we hope that the voices of our members are able to show the difficulties and concerns that they have on a daily basis about the way in which these services function.

[11.20 am]

**The CHAIRMAN:** Great. So before we discuss the substance of your quite lengthy submission—there is obviously a lot of media attached to that as well—can you just describe to the committee a typical interaction between contractors and prison officers at a prison? If you could just set a scene for us of how that might take place.

**Mr Welch:** Obviously, there are a number of points of interaction, because clearly prisoners move in and out, mainly through the reception. The prisoners will first of all come through the front gates, through the sally port. I can tell you about concerns that our members have had about the effectiveness and efficiency of that process. They come in through the sally port and the Serco staff will then bring the prisoners through to the reception. They will then be received by our members who work in the reception area and the prisoners will be moved between Serco and the public sector or private sector prison officers who are receiving them. Those are the normal points of interaction. Those will happen primarily in the morning when prisoners are moving out and going to court or being brought in, and then primarily at the end of the evening when prisoners are returned from court. Those are the key points of interaction between our members and the private provider. Often, our members tell us about the problems they have faced as prisoners come in; we have examples. Our members have told us of situations whereby when the prisoners come in their manifests are incorrect, so that the prisoners who are identified on the manifest who have come in from the private provider are not the prisoners who are actually on the prisoner transport. We have had situations—some those have been publically out in the media—where the wrong prisoner has been dropped at the wrong prison and when a prisoner with the wrong security classification is dropped at a prison which they should not be at. We have had problems where the manifest identifies that the truck that comes in—clearly it is not just important that the prisoners are the correct prisoners, it is important that the prisoner transport vehicle is the correct vehicle for security purposes. If the vehicle is not the one which is identified on the manifest, there are a whole range of security concerns that are thrown up for the staff who are receiving the prisoners. We have had at least one example, which has been expressed to me personally by a reception officer, where the vehicle that was coming in was not the vehicle on the manifest. These are all day-to-day concerns which people have raised with us.

**The CHAIRMAN:** When that occurs, that it is the wrong vehicle that is on the manifest, how is that explained to the prison? Is it, “We just did not have that car or decided to use something else”?

**Mr Welch:** The advice that I was given by the officer who explained that specific circumstance to me was that that was exactly what was said to them: “Look, we are really sorry, it just happens to be the wrong vehicle; we got it wrong.”

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**The CHAIRMAN:** Has that been more than a one-off occurrence or is it regular?

**Mr Welch:** When you say regular, it is certainly not something that happens on a daily basis and nobody is suggesting that every day there are crises in prisons whereby the wrong vehicle turns up. What we are identifying are individual instances. I am not aware of there being more than one case where the manifest was incorrect in relation to the vehicle. I am aware of a number of instances where the wrong prisoner has either being delivered to a prison or that the prisoners on the manifest were incorrect. Again, we are very clear in our evidence, these are the anecdotal tales that our members tell us, they are what they say to us about what they experience. But I have had conversations directly with a reception officer who was telling me about how difficult that made their job on the day. How they had a whole range of security concerns because they have to determine whether or not it is actually critical or not critical. Do they go, “That is the wrong vehicle and the wrong prisoner” or do they actually receive the prisoner? Do they receive the vehicle? Those are critical questions which need to be determined on the day.

**The CHAIRMAN:** The committee recently travelled to inspect some prisons as part of other things that we do, not necessarily specifically for the terms of this inquiry, and we were able to observe prisoners at the time. One of the issues we noticed with regard to prison vehicles was that at one particular prison the sally port roof is too low for the vehicle to get inside the sally port, so therefore prisoners are transported off the prison vehicle outside the sally port. Does that present an issue for your members?

**Mr Welch:** It does and it is something that we actually identified in our submission because, clearly, once the prisoners move from the vehicle, one would anticipate that they would then have to be escorted by the prison officers from the prison. So the service is not complete, as it were. They are taken off the vehicle by public sector prison officers or private sector prison officers from the prison to which they are being transported, then they have to move from the prison out to meet the vehicle and then escort the prisoners back in. Something that does need to be said is that when the prisoner transport contract was let, one of the ideas was that it would release prison officers to do court duties, so there are not staff who are provided to carry out a series of tasks. So if you are now requiring staff to go and do those external transfers into the prison or, as I am sure you are aware, hospital escorts, those are not things for which there are public sector or private sector staff who are situated in the individual prisons to do. They come from the staff who are allocated to carry out other duties. If what you are saying is that staff will then need to leave the front gate, go out to the truck and then escort them back in, is it certainly manageable—nobody is suggesting that it is not—but it is far from ideal.

**The CHAIRMAN:** I think they come very close to the sally port. It is not that they are on the other side of the gate, they do actually get within the prison confines, they are just not actually inside the sally port.

**Mr Welch:** It is certainly far from ideal that we have a situation where we have a prison facility where the prison van is unable to actually get through the sally port to deliver the prisoners.

**The CHAIRMAN:** Perhaps that is why they changed the prison vehicle sometimes because they realise is it the one that does not fit in and they need to bring a lower —

**Mr Welch:** That would be a good thing, but they should also tell the staff before they arrive and put it on the manifest.

**Hon NIGEL HALLETT:** Can we go back to when you get a prisoner roll up at the end of the day late in the afternoon, and it is the wrong prison. What is the process there? Because obviously you have your staff changeovers, the prisoner has missed his dinner et cetera, at where he should be. So how is it handled?

**Mr Welch:** Clearly the staff will do what they can to ensure that they are in a dialogue with the private provider to see whether the prisoner can be moved back to the right facility; and, if not, it

will fall back on the staff who are in that facility to perform an escort if necessary, or if it is absolutely impossible, then they will be housed in the facility, as long as they are of the right security classification, because clearly what you cannot have is a maximum security prisoner who is dropped at the wrong facility, staying at a lower classification. You could have a minimum security prisoner stay overnight at a maximum security facility. If you look at the numbers in any prison today, you will find that even Casuarina or a maximum security facility will hold a significant number of medium security prisoners. So even if they should not necessarily have been moved there, and maybe they were intended to be moved to Acacia instead of Karnet, as long as they are of the right security classification they could remain there overnight, but clearly such efforts that can be made, will be made to try to move the prisoner. Sometimes that may require the public sector staff to carry out that task, because they are the people who are left in situ, as it were.

**The CHAIRMAN:** Tell me we have never had a woman dropped off at a men's facility.

**Mr Welch:** I can tell you that that is true.

**The CHAIRMAN:** That has not happened?

**Mr Welch:** No, no, I am not aware of that ever happening. That would be a major —

**The CHAIRMAN:** That would be a bridge too far.

**Mr Welch:** We are not suggesting that the service is so poor that on every single day there is a crisis. Clearly there are large numbers of escorts which take place without there being a major problem, and I can certainly say that if a female prisoner or a male prisoner were dropped off at a prison of the wrong gender, that would be a major problem.

**The CHAIRMAN:** You have touched a little on some of these issues about the double handling when it comes to those sorts of circumstances, but can you elaborate on the duplication of processes which your members have commented on, and in what other circumstances they arise?

**Mr Welch:** Sure. When a prisoner is leaving the facility and is going to be picked up by the private provider, clearly what transpires is they will be moved through a sterile zone, and they will be most likely strip searched and checked, before they are then passed to Serco, who will then do their own searches on the prisoner. This is one of the double handling issues. It might seem that that is not a big issue, but obviously you are dealing with human beings who have once had to go through an intrusive and fairly extensive search process. They often become quite distressed at the fact that they are now going through another one, and they cannot really see the purpose, and it is not really logical in terms of utilisation of staff time. You get a prisoner who is being transferred to another facility or is going to court. Obviously, you need to ensure that they are moved in a way that is secure.

**The CHAIRMAN:** Can you just explain to me how that works. So the prisoner is brought to the sterile area where they are going to be transported. Their strip search is done, and then they wait for a little while—or are Serco there while that first strip search is being undertaken?

**Mr Welch:** I think it would vary. Serco may be waiting for the prisoners. Obviously timings are not always precise, so I cannot tell you exactly whether the Serco van will be waiting for them, or whether in fact the Serco van turns up 10 minutes later and they are waiting.

[11.30 am]

**The CHAIRMAN:** What is the time gap between the first strip search and the second strip search?

**Mr Welch:** It could be a matter of two or three minutes.

**The CHAIRMAN:** At exactly the same location where it is taking place?

**Mr Welch:** Yes.

**The CHAIRMAN:** Is that a regular occurrence?

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**Mr Welch:** Because Serco are the contractor, they have to ensure that the prisoner they are getting is being taken on by them in a way that is appropriate; i.e. they have to ensure that they are not taking an additional risk, which is perfectly reasonable. They are the private contractor taking on the prisoner so they want to ensure that the prisoner is not in a position whereby they are carrying a secreted weapon or anything, and that is perfectly logical from their point of view. But because you have two different processes taking place, for different reasons, you have the prisoner being brought through, searched, checked, ready to transfer, and then they have to be checked by the party that is picking them up. Clearly if that were the same party there would be no need to do that. If there were a seamless service, if I can put it that way, whereby they simply moved from one—if I take a hypothetical public prison, for example. Actually, no—high security escorts and minimum security escorts are not done by the private sector provider because the department did not feel that that was appropriate, in terms of the high security escorts, and not efficient in terms of the minimum security escorts. Clearly it is much more seamless because you are transmitting a prisoner who you already know, you already have control and carriage of, and you are then able to search them and then move them. In this situation, because you have two parties who are carrying out the tasks—I am not criticising Serco for wanting to do it; it is perfectly logical that they would wish to, because they want to make sure that they are managing the risk appropriately.

**The CHAIRMAN:** Does the contract not allow for that strip search to be done in front of the prison officer and the Serco officer?

**Mr Welch:** I am not sure what the exact detail of the contract is, all I am reflecting are what our members tell us is actually transpiring.

**The CHAIRMAN:** We will explore that further with the department perhaps.

**Hon DARREN WEST:** Would I be right in presuming that if a prisoner was being transferred from one prison to the other in the circumstances that you have just outlined, that could possibly happen at both ends of the journey?

**Mr Welch:** Potentially that is possible, yes.

**Hon DARREN WEST:** So you would be potentially strip searched four times in a transfer?

**Mr Welch:** Potentially.

I am advised that the strip search would be done at the prison, but Serco are using wands and pat down searches; there is no second strip search.

**The CHAIRMAN:** There is no second strip search?

**Mr Welch:** No, there is a second search, which is a pat down and a wand.

**The CHAIRMAN:** It is not a strip search? Sorry, originally you said there were two strip searches which is obviously quite —

**Mr Welch:** No, no, I apologise—two searches. I think our submission goes to that point, and it is the extra work that takes place as a consequence of doing things twice. It is the impact on the individual prisoner, who is saying, “Well hold on a second, I have just gone through a strip search, why do I now need to be pat searched and wanded? What is it that I am going to have secreted in the period?” And you may be right; it may be that the contractor allows for that to be done in a more effective way, but that is not occurring, necessarily. Our members are telling us, and the words we use in our submission are the words that we got directly from prison officers. They are not words that we have ascribed to them. So, that is what they have told us was taking place.

**The CHAIRMAN:** Really at handover, that is the only real interaction between the two groups anyway. So that is where all the duplication of processes is, in that handover procedure?

**Mr Welch:** In the reception area; in the process of reception and in the process of pack ups and moves.

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**Hon DARREN WEST:** So it is at both ends—the same at both ends?

**Mr Welch:** Yes.

**The CHAIRMAN:** Your submission suggests that the contractor's problem with adhering to the prison schedule creates unsafe work practices. Can you be more specific in relation to what might result in what you consider an unsafe work practice that results because of a time delay?

**Mr Welch:** Absolutely. If, for example, the court returns come back after the dayshift has concluded, the number of staff that are left in the prison is relatively small. For example, on a dayshift in a regional prison you could have say 30 or 35 staff and you would have a number of staff who are dedicated to dealing with the reception and also the introduction of the new prisoners into the prison. On the night shift, you might have seven staff. So what you are now dealing with is maybe seven or eight prisoners coming back and instead of those staff being able to carry out the duties that they would normally be required to carry out on the night shift, they are now dealing with the receipt of those prisoners. As you can imagine, that can be quite a time-consuming and onerous task. You have got to remember as well, sometimes the people who are coming to prison are new to the prison system. It is very important that they are provided with some level of orientation because we know how the first night and the first couple of nights can be a major trauma for people coming into prisons. We want to avoid the trauma of self-harms and suicides, which impact, obviously enormously on the prisoner and their subsequent family, but also on the staff who then are having to deal with that. When you have got a large number of prisoners returning after hours, that has an enormous impact and is a huge upheaval for the processes and procedures in a prison. When you look at somewhere like Hakea Prison where you are getting large numbers of people in because it is the major remand and receipt facility in the metropolitan area, if they are coming back after hours you might be getting significant numbers. You could get 12, 15, 20 perhaps. Those people then need to be processed and brought back into the facility because although they may have been in there and they may have been prisoners who have gone out during the day to court and come back, you still need to ensure the safety and security of the prison as they come through the process. You cannot shortcut and go, "Well, we are not going to check them in as we normally would do because they were here yesterday." Clearly, it is not like a hotel; it is a secure environment. You need to make sure that all procedures and processes are run. So when we say unsafe working environments, if you have a prison whereby, as I say, you have got seven or eight staff on a night shift who have got a whole range of tasks in terms of monitoring on all of the staff, doing checks through the night, and a whole range of other jobs in terms of perimeter security et cetera, if you take three or four those away, or even two or three of those away —

**Hon AMBER-JADE SANDERSON:** Is this for a whole prison?

**Mr Welch:** For a whole prison, yes. For a regional prison, that would be a reasonable level of staffing for a whole night shift. Even in a maximum security facility, you would not be expecting there to be more than maybe 10 or 12 staff on a whole night shift. If you have been out to Hakea, it is a very large facility.

**Hon AMBER-JADE SANDERSON:** Yes, we have been there.

**Mr Welch:** There is lots of space that has to be covered in terms of doing checks and security and checking on all of the prisoners, and that is not covering the prisoners who are on watches, so you have to make sure there are staff in those areas to be able to maintain the observation. Bringing in a lot of staff after-hours creates a huge amount of pressure and we do think that creates a very poor working environment, and that runs the risk of it being unsafe.

**The CHAIRMAN:** Do you have any examples of circumstances in prisons where this has happened: where you have had a large number of prisoners coming in to be processed; people are taken away from their tasks and something has happened, an incident has happened in the prison that would have been avoided had those people not be diverted from their work?

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**Mr Welch:** It is very hard to provide you with an exact example for two reasons. Firstly, it is a regular thing that occurs when the prisoners come back after-hours, so people start to almost try to compensate for the fact that they are going to be short of staff and run around and try to find ways to deal with it. If you asked me, is there an incident which would happen? I do not know whether a prisoner, when brought out of their cell—because we have had incidents on night shifts when prisoners come out of their cells because they claim that they are ill, or whatever it might be and they then assault a member of staff—I do not know whether that would happen in a different way if staff were not being deployed in other ways. The prisoners cannot be unlocked until you get the necessary number of staff to do that unlock. You must have an FLM 4, from recollection, to be able to open a cell at night. So they are not going to open a cell otherwise, but their ability to respond to something might be impacted on. It may be that if staff are doing the reception they are in another part of the prison where they might not otherwise be and their ability to respond would be retarded. It might be that they are not doing checks at the times that were originally allotted because they are doing the reception of prisoners; because people cannot be in two places at once. So I cannot give you an exact example because it would be very hard, I think, to identify one that would easily fit what you are suggesting, but I do think that it is easy to see the impact on a very practical level. If you bring 12 or 15 prisoners in after-hours, you either have to hold staff back and provide them with overtime, so you pay more money—the private provider does not pay that; the public sector would in Hakea—so that staff can pick up that cost. That is not accounted for in terms of the private sector's cost. Or what you do is allocate tasks on that night as effectively as you can, which means staff are not necessarily going to be in all the places they would otherwise have been, and therefore there are impacts on the delivery of work.

**The CHAIRMAN:** There are impacts, but not necessarily unsafe impacts. It is just working differently, is it not?

**Mr Welch:** Well, not necessarily because if there are 25 tasks to be done in an evening, those 25 tasks still need to be done. So if you then say we are going to have to take two or three staff to go and do a series of tasks which will take three or four hours during that evening, they still have to try to complete those 25 jobs. It is not just simply working differently, there is much greater work pressure. That work pressure, and the fact that they are now located in other places, could have a whole series of impacts. The smaller the prison, in a way, the greater the impact because if you are in Roebourne and you get lots of people coming back late into the evening, then clearly—because there will only be six or seven staff—two or three of the staff will be tied up doing that task; they just have to be because those prisoners have to come into the prison. They have to be properly allocated. They are not doing other things at that time. Now, when you asked about an example, I cannot tell you that during that time they would have been able to act in a different way which would have stopped a suicide, or somebody trying to slash up, or that a minor incident would have taken place differently. All I can say is that I know that they were not doing what they would otherwise have been doing, and what they were intended to be doing.

[11.40 am]

**The CHAIRMAN:** Does the Prison Officers Union have any views on who is best-placed to provide transport for persons in custody?

**Mr Welch:** Absolutely. We think that the current system is very inefficient and we raised our eyebrows somewhat when the department's submission suggested that one of the things that has been looked at was a public sector comparator. We have been involved in the past in the development of a public sector comparator for the private prison Acacia. We had great concerns about the way in which that public sector comparator was developed, but at least that was developed when considering an alternative service that already exists. There is no public sector prisoner transport system. So to provide a comparator, what you have to do—we assume, because we have never seen the public sector comparator—is say “Well, this is how the public sector would



provide the same service”. We would not provide the service in the same way. In my view, there are a whole lot of more effective and efficient ways that you could deliver the service because the utilisation of staff would be very different. Instead of simply employing staff who do one particular task and move prisoners backwards and forwards—the history of when the public sector provided it, and certainly how we would envisage it would be provided into the future—you would have staff who follow the prisoners so that resource follows the risk. You would have a natural, through-process whereby the staff actually follow where the prisoners actually are, as opposed to there being a resource posted to the transport of the prisoners. We think there are many imaginative and positive models that could be brought to bear. When you are doing a public sector comparator, the only way you could actually do that in the absence of there being an existing system to compare it to, because at least with a private sector prison you can say, “Let us compare it to a public sector prison which exists”, then you can say, “Well how do those two look?” When you do not have a public sector prisoner transport, you have to construct one but in the construction of that, there is certainly to be no dialogue that we are aware of about trying to develop an alternative or an imaginative model. We think when you look at high security escorts having to already be done by the public sector because of the question of risk, the department decided that the private sector provider was neither efficient nor effective in delivering minimum security transports, so Karnet, Wooroloo and Boronia are already done by the public sector. We think that a model could be developed which would allow for a much more effective and efficient way of delivering a holistic service, which would allow us to pick up some of the problems that we have like around hospital sits, where our members are regularly having to fill the gap, or the sorts of problems that we identified where the wrong prisoners are delivered. It is not a minor thing, in our view, that three of the biggest incidents that have occurred in the last 15 years in the prison system as a whole have been under the watch of the prisoner transport provider. Those are three major and critical incidents. The Supreme Court escape was, if you look at the findings of the Hooker inquiry, fair and square the responsibility of the private sector provider. The public sector had to take back the running of it to bring it up to a reasonable standard.

In the tragic death of Aboriginal elder Mr Ward, the private sector were at least in part culpable for the tragic circumstances, and we know that in the Greenough escape that service was in large part the responsibility of the failures of the private provider. It has been said to me repeatedly by a series of ministers, first Minister Porter and then subsequently Minister Redman, that the new private provider contract would ensure that everything was tickety-boo and worked perfectly, and, yet, subsequent to that we have had the escape from Joondalup. We have had the escape from Greenough and we have had a series of incidents. From our point of view, the way in which the contracts are functioning is not an efficient way to deliver it. I am not sitting here suggesting, and I do not want to be misconstrued, that every day there are crises, which means that large numbers of prisoners are not transported in a perfectly reasonable way. What we are saying is that overall—when you look at the risk factors, when you look at the cost factors and when you look at the questions of effectiveness and efficiency, we do not believe that the private sector does a job that is any better than the public sector, and with the public sector there is no attempt to move risk. That is an important question. The management of risk and the authority for that risk is an important point. Ultimately, it lies with the state of Western Australia and with the minister. You cannot move that risk to a private provider. Ultimately, it is still the responsibility of the state because it is the state that is incarcerating those people and it is the state that needs to have those people transported, and we think that that is a core point in this. Therefore, with all of the problems and the criticisms of the private provider, we believe the way in which we can develop much more efficient models is that the public sector is much better placed and better suited to the delivery of this contract.

**Hon AMBER-JADE SANDERSON:** I just have a couple of questions relating to some scenarios in your submission. The first one is the scenario where Serco or the provider had been using taxis to transport prisoners. Was that a real scenario and under what circumstance?

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**Mr Welch:** I have to say—we did discuss this this morning—we are not aware of it having happened so much in the last couple of years but certainly it was not uncommon for certain prisoners to be transferred by taxi. There was a joke amongst some of our section officers that Swan Taxis must love Serco because they were their number one trading partner. Minimum security prisoners were being transported because they did not have a truck available so they would use the taxis. To be fair, that is not something that I am conscious of happening nearly as much in the last couple of years perhaps because of the amount of media spotlight that was shone upon that. That was a regional prison, I believe, but we also have instances which were in the media in the metropolitan area. So it was not uncommon, but I am not saying that it was something that was happening every day but it is certainly not something that happens as much now or that I am aware of happening.

**Hon AMBER-JADE SANDERSON:** There is one more recently from this year where Serco staff often refused to escort non-compliant —

**Mr Welch:** Yes.

**Hon AMBER-JADE SANDERSON:** By non-compliant do they mean uncooperative? There is not a list of compliant and non-compliant that they meet.

**Mr Welch:** No.

**Hon AMBER-JADE SANDERSON:** So it is uncooperative prisoners who do not want to be transported? So they can refuse to transport those prisoners, and what happens to those prisoners?

**Mr Welch:** Ultimately, the prisoner will still have to be transported but they could be transported in restraints. As I understand it, the Serco officer will seek authority from their management as to whether they are allowed to use restraints to move the prisoners. Where the management says no, in the circumstance they are not willing to allow that, then they are then required to take them. They are considered to be a security risk and, ultimately, if they still needed to be moved, it would fall upon the prison within which they were being held to transport them whether that was Acacia or a public sector prison. If I can say on the issue of transport, there was one point that I wanted to make because I think it is a significant one. It is not just that things have gone wrong from the point of view of people escaping, we also had the very near tragedy of the prisoners—I think there were two—who were reported on. I think there was a prison officer who anonymously phoned 6PR and they gave some information about an incident where a prisoner was transported after open heart surgery and instead of being transported in an appropriate vehicle, they were transported in the back of a normal Serco van and by the time they got to the prison, their chest had started to open so they were then held in the infirmary for a week to 10 days because they started to develop secondary infections. When that story was aired, another family contacted 6PR saying, “Look, we’ve had to write to the minister because we had a similar incident.” It is not just about the security, it is about appropriateness. The reason I mention that was because you mentioned about the taxi and the question about appropriateness. We do not think that, except in exceptional circumstances—and there are always exceptional circumstances that have to be dealt with on a day-to-day basis. Prisons are organic things with human beings in them and sometimes things are beyond everybody’s control and we accept and understand that, but it really should not be something that is acceptable, that it is a normal practice to transport people in inappropriate vehicles whether they are prisoner transport vehicles—a la what occurred to Aboriginal elder Mr Ward—the incident of the two individuals who were transported after serious health care in the back of the wrong vehicles, or using taxis.

[11.50 am]

**The CHAIRMAN:** The issues that you have raised with us today—I do not know whether you want to comment on this or not—do you see that as being contractual issues that could be remedied

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with different parameters on the contract, or is it the contractor themselves in particular that your members have the issue with?

**Mr Welch:** It is certainly not—I do want to be safe now, so it is not with the staff who work for Serco. We think that lots of staff do an absolutely admirable job and they work very hard. Our concern I suppose is with the way in which the system is constructed. We have been told on a number of occasions by different ministers that when the contract was originally drafted there were big problems with the contract. It was a cost-plus contract. It was not well developed and it was not thought through. The new version of the contract will be fantastic and will fix all the problems. After each time we have been told that we have then had further problems with the delivery of the service. We think there is something fundamental about the way in which that service has been outsourced. We do not think that just by changing the contractor you will resolve things because we had problems when we had AIMS, who were then taken over by G4S—we had serious problems with them. Then we had Serco and we have had serious problems with them. I suppose we could keep changing contractors until eventually we find one who we think does almost everything adequately but there are only a limited number of private sector providers who do this sort of work. Really there are only three or four major contractors in the world who do this sort of thing. We have been through two of the biggest and we have found serious problems with both. I suppose it is not a question about the individual contractor because I do not know that Serco is any better or worse than G4S, and it is not necessarily simply about rewriting the contract because if it was, then when the contracts were rewritten—I think in one of our media cuttings Minister Redman goes to the point that the contract has been rewritten and it is going to be much better now and everything is going to work, and we still had problems. Our experience is that it is a cycle to be honest. Things go wrong. They get lots of media spotlight. The contractor puts huge efforts into making sure that the service works very well. For a little period the service improves and then slowly but slowly gets back to where it was before then and we have another blip, the media have a look at it and it goes through the cycle. That is our experience of the last 15 years.

**Hon NIGEL HALLETT:** Just a quick question in view of what you said: have you put forward all your costs in a workable model as an alternative and the contracts coming up? Has the union commented on “this is the service we can provide”?

**Mr Welch:** We would not be able to do that without the department’s involvement. We certainly would not have the resources or the information that would be necessary to develop a bid of that sort. I am perfectly happy to sit down with the department if they want to do that with us and I know in other jurisdictions, in the United Kingdom, for example, the union and the employer have sat down and done that sort of thing. We would certainly be happy to sit down with the employer and do that. It simply would be beyond our resources, not because we are a small organisation of six staff, but we do not employ the staff and we do not have any of the logistical information that would be necessary to try to deliver that sort of bid. We would actually need to do that with the department. If the department, as I say, wants to we would be only too happy to. As I say, when a public sector comparative was done with Minister D’Orazio, there was some discussion and we were involved in the early stages of developing the public sector comparator. We had some difficulty with it and perhaps we parted ways, but at least there was some discussion. We were not in any way consulted or we did not have any discussion with the department or anybody else about the development of the public sector comparator—because, as I say, we might have good ideas. Staff sometimes have really good ideas about how you can do things more efficiently and cheaply, and I do not say that just because we are the unions but because they are prison officers and they do it every day.

**The CHAIRMAN:** You have members in the public sector obviously but you also have members who are employed by Serco?

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**Mr Welch:** Absolutely. We represent—I have not checked it this week—around about 96 per cent of all prison officers who work in both the public and private sector. We do not represent the people who work in prisoner transport; they are represented by the Transport Workers Union. But we do represent the Serco staff who work at Wandoo and Acacia, and we are very proud to do so. They are an excellent group of staff.

**The CHAIRMAN:** Mr Welch, that brings us to the end of our questions for you today. Thank you for, firstly, your very detailed submission and for coming in today and clarifying some of those issues for us. You will get a copy of your transcript in due course. Thank you very much indeed.

**Hearing concluded at 11.55 am**