

Chairman; Ms Margaret Quirk; Mr Jim McGinty; Ms Sue Walker; Mrs Cheryl Edwardes; Mr Tony Dean; Mr Max Trenorden; Mr John Quigley; Dr Janet Woollard; Dr Elizabeth Constable

Division 27: Justice, \$550 833 000 -

Mrs D.J. Guise, Chairman.

Mr J.A. McGinty, Minister for Justice and Legal Affairs.

Mr A. Piper, Director General.

Mr T.W. Simpson, Executive Director, Prisons.

Mr G. Thompson, Executive Director, Court Services.

Mr R.W. Warnes, Acting Executive Director, Community and Juvenile Justice.

Ms S.M. Withers, Acting Executive Director, Corporate Services.

Mr P.E. Robinson, Manager, Budgets and Planning.

Mr P.J. King, Director, Financial Management.

Dr G. Stanley, Manager, Corporate Planning.

Ms J.T. Tang, General Manager, Community Justice Services.

Mr P.R. Manning, Acting Registrar of Births, Deaths and Marriages.

Ms L.A. Storey, Manager, Executive Support.

Ms M. Scott, Public Advocate.

Ms B. Keighley-Gerardy, Information Commissioner, Office of the Information Commissioner.

Mr M.J. Cribb, Manager, Finance, Legal Aid Commission.

Ms A.R. McLaren, Public Trustee, Public Trust Office.

Mr D.J. Cloghan, Chief of Staff, Office of the Attorney General.

The CHAIRMAN: This Estimates Committee will be reported by Hansard staff. The daily proof *Hansard* will be published at 9.00 am tomorrow. Members should not raise questions about matters of general concern that do not have an item of expenditure in the consolidated fund. The Estimates Committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed. We are dealing with estimates of expenditure and that should be the prime focus of this committee. Although there is scope for members to examine many matters, questions need to be clearly related to matters of expenditure. For example, members are free to pursue performance indicators that are included in the *Budget Statements* while there remains a clear link between the questions and the estimates. It will assist in the committee's examination if questions and answers are kept brief, without unnecessarily omitting material information. It is the intention of the Chairperson to ensure that as many questions as possible are asked and answered, and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee, rather than ask that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he/she agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee clerk by 6 June 2003, so that members may read it before the report and third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available.

Details in relation to supplementary information have been provided to both members and advisers and, accordingly, I ask the minister to cooperate with those requirements. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information that the minister agrees to provide will be sought by 6 June 2003.

Before I begin, I remind members that I will allow exploration on a subject, but you will need to ask that question through the Chair. You do not have the ability to direct questions to the advisers. Every question is through the chair to the minister, who will accordingly respond or ask an adviser to do so.

Ms M.M. QUIRK: I refer the minister to the dot point on page 440 relating to women in prison. It is well documented that conditions for women prisoners in Western Australia are currently inadequate. I would be pleased if the minister could expand on what the Government plans to do for women prisoners.

Mr J.A. McGINTY: The neglect of women prisoners has come about substantially because they have been a relatively small part of the prison population. Historically, about four to seven per cent of the prison population

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were women, but that proportion has risen in recent years. Women have traditionally been accommodated in small male prisons without regard for their unique circumstances. The Government has begun construction of the new Nyandi women's prison at the former Longmore site. The contract has been let and construction has commenced. It is expected to be completed and to be fully operational in April of next year. I hope this prison will be regarded as the best in the world for women prisoners, with one very simple objective - to reduce both the rate at which women are imprisoned and recidivism among women offenders, which is unacceptably high in Western Australia. To members who have visited Bandyup women's prison, or read the report of the Inspector of Custodial Services about that prison, it will come as no surprise that that prison is failing to deliver on the investment the State makes in it, in reducing criminality among women. Hopefully the new Nyandi will be like a breath of fresh air in the prison system, and the best in the world, developing a new philosophy for the management of women prisoners based on the best international practice. That will be reflected in the construction and design, which will be as close to a normal suburban life as is possible - it will not look like a prison inside at all, or anything like what people currently conceptualise as a prison - and in the management regime. All these things should have a significant effect of overcoming many years of neglect of women prisoners in this State, and create a safer community while turning around the lives of women who find themselves incarcerated.

Ms S.E. WALKER: Further to that question and the relevant part of the *Budget Statements* as outlined by the member for Girrawheen, the minister has had two and a half years in this position and the neglect he talks about is partly his doing. Why are services to women in prison, as outlined in the Bandyup prison report, not provided for in the area of mental health funding? Where in the *Budget Statements* can we find provision for mental health service and counselling for women at Bandyup?

[9.10 am]

Mr J.A. McGINTY: One of the most amazing things that I found when I came to this position was the incidence of mental health problems among prisoners. There were no dedicated facilities in the prison system for people with mental health problems. There was no prison, or wing of a prison, that was intended to directly address mental health issues. In fact, when a prisoner arrives at a prison no assessment is carried out for mental health conditions. Some assessment is done of a woman's likelihood to suicide, which is perhaps an indicator of mental health, but there is no proper mental health assessment. We know that the majority of the women prisoners have a mental health condition and that a significant minority have previously been treated as in-patients in a mental health facility. I have previously given these figures to the Parliament in a speech on the matter. Figures show that, prior to imprisonment, 51 per cent of women had a diagnosis of a mental health condition. The most common issues found in women prisoners were unipolar depression, 36 per cent, and anxiety, 21 per cent. Of women prisoners, 15 per cent had previously been admitted to a mental health institution or unit. In addition to that mental health issue, 61 per cent of women had physical health issues prior to their issues, with the most frequently reported being back problems, asthma and hepatitis C infections. Women in prison enjoy health, including mental health, of a lower rate than members of the general community.

When I came to office I found that absolutely nothing had been done to address the mental health condition of these women. The Government has tried to undo the wrong and the harm of years of neglect and to make provision in the new Nyandi Prison for a recognition of all the circumstances that women prisoners find themselves in and to have them catered for. There will be a special needs unit within the Nyandi Prison to cater for women who particularly have mental health issues. Services will be provided to address the women with these problems to which the member for Nedlands has just referred. This will be the first time that this issue has been properly addressed in the prison system in Australia.

Ms S.E. WALKER: I refer to the Bandyup Women's Prison report that was recently tabled by the Inspector of Custodial Services. He says in that report that the Department of Health and the Department of Justice asked for funding for mental health programs that was not forthcoming. How much funding did they ask for and where in the *Budget Statements* is that funding for the provision of those services, as requested by those two departments?

Mr J.A. McGINTY: The answer lies in what I have already relayed to the committee; that is, insofar as women are concerned, provision will be made in the context of the new Nyandi Prison for specialist facilities to cater for the significant number of women prisoners who have mental health issues. I hope that a lot of the goodness - not a term often associated with prisons - at the new Nyandi Prison will flow back through the system into Bandyup Women's Prison. We are starting to address those mental health issues at the new Nyandi Prison, which hopefully will be open and operational in the first half of next year.

Ms S.E. WALKER: Is the minister saying that there is nothing in this budget to address the mental health of women prisoners in a prison that has been placed on alert by the Inspector of Custodial Services and is on the

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edge of imminent failure? Will the minister point to where those figures are in the budget to provide for the mental health services for women at Bandyup Women's Prison?

Mr J.A. McGINTY: No, that is not what I am saying. I have said it twice and I will say it again for the third time: provisions are being put in place at the new Nyandi Prison to start to address this chronic problem that has never previously been properly addressed in the prison system in Western Australia. It is happening in association with the funding for the new Nyandi Prison, and a number of things will be done significantly different from what has been done in the past with that allocation.

Mrs C.L. EDWARDES: I refer to page 440 of the *Budget Statements* and the second dot point dealing with the justice reform program. The last paragraph under that deals with the planning for the central business district courts, which has been ongoing for sometime. What discussions have occurred with the Chief Justice and when is it likely that a proper facility for the Supreme Court judges will be available to bring them all together? Where are they all located at the moment?

Mr J.A. McGINTY: At the moment, the arrangements in the Supreme Court are unsatisfactory - as the member is aware. Supreme Court judges are located at the AXA Australia building at 111 St Georges Terrace, where a significant amount of civil work is undertaken, and in the Supreme Court. The criminal facilities at the Supreme Court are inadequate and the Inspector of Custodial Services has commented on the security questions associated with the Supreme Court. Provision is made for \$3.5 million over the forward estimates for significant upgrading work at the Supreme Court.

Mrs C.L. EDWARDES: In Stirling Gardens?

Mr J.A. McGINTY: Yes. The discussions that took place between me and the Chief Justice focused on the building of additional court capacity at the eastern end of the current Supreme Court, which is not without its difficulties. That area intrudes on land that belongs to the Supreme Court but is used by Government House. There are heritage issues for that area, and a gardener's cottage that would need to be demolished.

Mrs C.L. EDWARDES: Did that proposal involve the demolition of the new wing as well?

Mr J.A. McGINTY: No. It involved the 1987 wing, which looks out of place, as the Supreme Court is a relatively modern building. The proposal was to re clad the building and to significantly refurbish it. There was a proposal to invest tens of millions of dollars in doing three things to the Supreme Court: to place a new building on the eastern end, which will be connected to the current building; to significantly refurbish and re clad the 1987 part of the building; and to carry out the necessary remedial works to be done to the 1903 building - the current Supreme Court building. The Chief Justice took me on a tour of the building - I am sure the member has done the same tour. When one gets down into the bowels of the building and sees the channels that have been built along the floor to allow water to flow through the basement of the building, the rising damp problems that are associated with that, and the general standard of accommodation in the Supreme Court, one realises that it is something that should be attended to.

We were unable to find the money in the capital works budget to do what the Chief Justice wanted to be done at the Supreme Court. However, we found all of the money that was necessary to build the new CBD courthouse on the corner of Hay and Irwin Streets.

Mrs C.L. EDWARDES: Will the extension to the eastern end of the Supreme Court building bring together all the Supreme Court judges to one site?

[9.20 am]

Mr J.A. McGINTY: Yes. That would be one of the advantages. However, I will qualify that comment. Although the most serious criminal offences are prosecuted in the Supreme Court, increasingly - as the member knows from many of the reforms she made when in office as a minister - we have seen those matters being dealt with in the District Court, which is really the criminal court of Western Australia. We intend that all criminal work will be done in the new Hay and Irwin Streets building. It will have improved holding cells, greater security, and greater separation for people involved in trials, particularly major criminal trials. We will no longer see criminal work being done in the old Supreme Court building. It will be transferred from 2007-08 to the new central courthouse. With that qualification, had we spent this money on the extension to the eastern side of the Supreme Court we would see all Supreme Court judges located at the old Supreme Court building and the capacity for further growth in the Supreme Court in the future. The \$3.5 million that will be spent on the Supreme Court is for waterproofing the north elevation, holding facilities, installation of a lift for disabled access, essential building services, airconditioning of indoor areas and minor reconfiguration of areas. That is work on the old building in the Stirling Gardens area.

We have generally tried to focus additional resources on the judicial system at the lower end of the scale. There are three fairly dramatic illustrations of that. The first is that capital works will be put into the new District

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Court building, which will also involve Supreme Court criminal matters in the new building on the corner of Hay and Irwin Streets. We will gut and refurbish the current Central Law Court building to be used as the Magistrates Court. There will be a separation between the magistrates and the District Court. We are also putting a large amount of capital works into refurbishment of premises for the new State Administrative Tribunal.

Mrs C.L. EDWARDES: Will it be located in the same complex?

Mr J.A. McGINTY: No; a bit further down at 12 St Georges Terrace. Capital works will be focused on the lower and middle ends of the court hierarchy. The establishment of the State Administrative Tribunal is a very significant structural edition to the justice system. It is designed, by and large, to give ordinary people access to justice. Resources are being put there in addition to judicial resources. The additional appointments will also be at that end of the scale. Once we have fixed the bottom end of the judicial hierarchy we will hopefully be able to deal with the Supreme Court.

Mrs C.L. EDWARDES: Has the Chief Justice signed off on all this?

Mr J.A. McGINTY: He indicated that he would have preferred that the money be spent on his court.

Mr A.J. DEAN: I refer to page 439 of the *Budget Statements*. In general terms the overall budget has increased nine per cent to approximately \$550 million, which represents a significant increase during a tight budgetary period. May I have general information on how the additional funds will be spent?

Mr J.A. McGINTY: Most of the money is not an addition as such to existing justice programs. I will give the example of the Corruption and Crime Commission. It will be transferred from current arrangements in which the Anti-Corruption Commission is under the Premier's portfolio and budget. The new CCC will be in the Attorney General's portfolio. Consequently, an allocation is shown in the appropriation and forward estimates of approximately \$11 million that is in addition to the ACC's budget. It is roughly a doubling of the budget in the fight against corruption. That figure is appearing for the first time. A quarter of the increase the member is referring to is on account of that.

The other matters include the establishment of the State Administrative Tribunal, which is proposed to be operational from 1 January next year. An amount of \$5.6 million has been transferred from other agencies to achieve that.

Mrs C.L. EDWARDES: The planning tribunal?

Mr J.A. McGINTY: That is one of them. The permanent headquarters of the State Administrative Tribunal will be established at 12 St Georges Terrace. The Town Planning Appeal Tribunal will set up operation at that address from next month. It will essentially be the first part of the State Administrative Tribunal. It will be added to as time goes on. The Guardianship and Administration Board will be moved to that address in September. Those are the two largest components. As we get nearer to 1 January next year, all the other appeal bodies, boards and tribunals will be transferred to that location. Large up-front expenditure is involved in ensuring that all IT is compatible, property fit-outs have been done, and the library - which is common to all those bodies - is ready. An additional amount is allocated to establish what is essentially a new service. A figure of \$5.2 million has been reallocated internally for the re-entry program for prisoners leaving prison and re-entering society. Because of an accounting shortfall in the past, an additional \$4.9 million is allocated for prisons. It is not because extra work will be done in prisons. We hope that the prison population will decline, particularly with the passage of the new sentencing legislation, which is expected to pass through Parliament next month. It is an adjustment of an oversight in earlier provisioning for prisons. For the first time a drug management plan for prisons will be introduced. An additional \$2.1 million is for that purpose. In round figures, the combination of the CCC and new items such as the State Administrative Tribunal and the drug management plan adds up to about \$20 million. The other \$20 million takes into account inflation and the like in the justice system. It is effectively a two per cent real increase in the budget, not including the new initiatives. It is a no change budget as far as justice is concerned when the extraordinary items are taken into account.

Mr M.W. TRENORDEN: I refer to page 440 of the *Budget Statements*, which contains a dot point referring to the Gordon inquiry. There is also reference to developing regional plans for the Kimberley and other regions. My travels around the State, particularly the south west, have shown me that there are significant problems in Aboriginal communities. It is particularly true with juvenile offenders, especially boys at risk. The dot point also refers to extensive consultation. I am not aware of any, especially in the south west. What is the program and who is expected to benefit from the results of the Gordon inquiry? Places like Northam, Morawa, Geraldton and Merredin are in desperate need of assistance.

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Mr J.A. McGINTY: Two things are happening. Gordon inquiry funding is \$868 000. An amount of \$450 000 of the allocation is for the expansion of plans and initiatives to address the high levels of substance abuse in remote Aboriginal communities; that is, in the Murchison, goldfields, Pilbara and Kimberley. An additional four full-time equivalent positions will be created at a cost of \$180 000. An amount of \$270 000 will be spent on developing other programs for use in the area. An amount of \$118 000 is allocated to expand local supervision of offenders; for instance, those released on parole in remote Aboriginal opportunities. The remaining \$300 000 will be spent on child witness and victim support services to Aboriginal communities. The money will be spent on more remote Aboriginal communities rather than those in the south west.

The second issue I should report is that some months ago I received an approach from the Western Australian Local Government Association, representing all the shires of the central desert. From memory, there are four or five shires north and east of Kalgoorlie. They came to see me and wanted to know how they could deal with problem youths who were going out there and offending. What we have done is organise for Peter Frizzell, who will be known to some members - he was with the Department of Education and Training and is now with the Department of the Premier and Cabinet - to undertake consultation with all the local communities and come up with a plan for how we can better coordinate government services and local governments in these areas to do something about the persistent antisocial behaviour of these young people. We do not purport to have the answer to the problem, but we will be looking at what Peter Frizzell comes up with, jointly with the local governments in those areas, and we will be hoping to transfer that to other regions as well.

[9.30 am]

Mr M.W. TRENORDEN: What is required is some coordinated activity between the agencies. There is no point in the Department of Justice going out there without the support of the other agencies. I can tell the minister that in all the areas that I go to, that support does not exist. The minister will waste money if he sets up programs, even if they are good programs, if they are not supported by the people who are actually on the ground in the communities that have particular needs and if those people are not also resourced. Geraldton has significant problems. My community also has significant problems. I am told by the people at Northam Senior High School that one-third of the kids at that school are at risk. That is a substantial number. Hopefully the minister and I, and others, can work together to try to fix this problem, otherwise the over-representation of Aboriginal children in the justice system will keep going in perpetuity.

Mr J.A. McGINTY: I agree completely. The primary task that Mr Frizzell has been given in respect of the central desert area is to find ways to make all areas of government work together so that instead of everyone having 0.2 of a full-time equivalent working in the area, occasionally they may get one person who does the lot. The director general of the department, Alan Piper, has done quite a lot of work with those remote communities, and he may be able to add to the answer.

Mr PIPER: The approach to the Gordon inquiry funding has involved a group of directors general working together to make sure that exactly the sorts of things that the member is talking about will happen. Through that process, all agencies have been engaged in regional consultation throughout the State. Justice has been actively involved in that consultation and in discussion about the sorts of issues that the member is talking about. I have been involved in an interagency meeting at Kalgoorlie, along with the directors general from the Department of Education and Training and other departments. I have also visited Roebourne, Kalgoorlie, Meekatharra, Newman and a number of the other places about which there have been expressions of concern, and I have made personal visits to a number of the remote communities. The member would be aware of the remote policing strategy. That is another good example of how agencies are working together. That strategy has been the subject of a document produced by the Police Service. We were extensively involved in discussion with the Police Service about the most effective ways in which to implement that strategy and about what the issues were for us in remote justice service delivery as well as remote policing. The strategy that the Police Service is developing, for example in the desert lands, has been extensively discussed. I also chair a broad group of chief executive officers, including from the Police Service, the Department for Community Development and others, that is targeted at better service delivery for Aboriginal people so that we can join up what we are all doing. It is early days, and I would not claim success at all levels, but the point that the member is making is recognised. In my view there is now greater collaboration than there has been in the past on exactly those issues.

Mr M.W. TRENORDEN: The policing program is excellent. However, what happens is that the agencies do things in isolation and no contact is made with the general community, so the general community knows nothing about it. That leads to built-in failure as well. We need to have a process in which regardless of whether people agree with what is happening, at least they will know what programs are being undertaken in their communities. The agencies are very ordinary at conveying that type of message.

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Mrs C.L. EDWARDES: The Gordon inquiry identified significant and serious violence and sexual assaults against both women and children. We know that is not isolated to any particular Aboriginal community. Can the minister provide any statistics for the other Aboriginal communities in Western Australia of violence and sexual assaults against women and children? I am talking about Aboriginal communities in isolation from regional towns.

Mr J.A. MCGINTY: I am told that that information cannot be broken down by community. We have only the court information of where charges are laid for sexual assault and other forms of assault.

Mrs C.L. EDWARDES: Is it broken down into postcodes or in some other way?

Mr J.A. MCGINTY: No, unfortunately.

Mr M.W. TRENORDEN: That is the reason that kids are on the streets, though. It does not matter how small the community; that is the reason that kids are on the streets.

Mr J.A. MCGINTY: I cannot take that any further.

Mr J.R. QUIGLEY: The table at the top of page 441 refers to Drug Court - funding to continue operation. No funding is provided in this year's budget, but the funding will be about \$1.5 million in 2004-05 and 2005-06 and \$1.6 million by 2006-07. What is the current legislative basis of the Drug Court and what are the plans for the future if no funds are provided for the Drug Court this year?

Mr J.A. MCGINTY: I thank the member for that question. The table on 441 to which the member refers is essentially new initiatives. The Drug Court was set up as a pilot by the previous Government, and it made funding available through to the end of 2004. What we have done here is make provision for the Drug Court to continue beyond the current budgetary allocation. We have done that notwithstanding the fact that the assessment of the success of the Drug Court has not yet been completed.

Mrs C.L. EDWARDES: The feedback on it from everyone who deals with it has been pretty good.

Mr J.A. MCGINTY: Exactly, and that is the reason that we have made this provision. I have received a briefing note on the evaluation interim report. I was quite surprised at its content, however. Two things have emerged from that evaluation. First, the number of people who have been referred to the Drug Court has fallen quite significantly from its early days. That causes me concern, because I had hoped that it would have built up and become a significant ongoing feature. Secondly, the evaluation has found that overall there is no significant difference between the recidivism rates of the Drug Court offenders and comparison groups. That has defied what I understood to be the case. What has been shown so far is that since the inception of the Drug Court and until 27 November 2002, 729 offenders have been referred to the Drug Court, with the number of referrals declining over time.

Ms S.E. WALKER: Has any research been done into why that is happening?

[9.40 am]

Mr J.A. MCGINTY: That is what I hope will show up when I receive the full evaluation. These are just some indications at this stage, which I must say are of concern to me. It is not what I had been led to believe and not what I had been expected to be told. I will run through some figures. The analysis found that 44.4 per cent of referrals were not accepted onto the programs at the Drug Court. It found also that 55.6 per cent of people who were placed onto the program completed the program. That represented nearly 30 per cent of all referrals. On a brighter note, there was evidence to suggest reduced drug use by those subject to the Drug Court regime. The best way to describe it is that it is a mixed bag. They are the preliminary findings. We will obviously be making the evaluation public, because if there are issues in relation to the way in which the Drug Court is working I want to see the success, and that is why we have made provision for it to continue on a permanent basis and not just as a pilot. It was appropriate to be established as a pilot, but some of those things are worrying and are not as good as the public relations would lead us to believe.

Mr J.R. QUIGLEY: Will the full evaluation be tabled later this year?

Mr J.A. MCGINTY: I think it will be tabled in the next couple of months; it is not far away.

Mr J.R. QUIGLEY: Given your intention to continue with the Drug Court, will that require legislative support?

Mr J.A. MCGINTY: It is intended that we make provision for the Drug Court on an ongoing basis. Julie Wager, the Drug Court magistrate, has been a strong advocate for that and wants provision made for a specialist court to deal with it, rather than operating as she does under the Bail Act, which is not a satisfactory statutory basis under which the court should operate. The evaluation, to be published in the next few months, has certainly pointed to the need for legislation to establish the Drug Court as a specialist court within our system with its own range of

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powers. To a degree we have moved to accommodate the issues that Magistrate Wager has raised. One of her major concerns was that sentencing could be deferred for a period of only six months, and she found that was compromising her ability to properly deal in the longer term with drug offenders. In the Sentence Amendment Bill, which is currently before the upper House of Parliament, we have increased that to 12 months, although I am aware that other people have advocated that it be extended even further to two years.

Ms M.M. QUIRK: I refer the minister to the drug plan at dot point six on page 440. There is continuing and strong community concern about the existence of drugs in prisons and the effect that has on rehabilitation. Will the Attorney expand on what this drug plan is, how it will be implemented and its success in the past 12 months in arresting the prevalence of drugs in prisons?

Mr J.A. MCGINTY: Too many illicit drugs are available in our prisons, and the testing shows that up dramatically. A fortnight ago I released the products from some very good work that was done by the Department of Justice in developing the first ever comprehensive drug plan for use in our prisons. I commend that to members. I will make a copy available now to the member for Girrawheen. It operates at two levels: firstly, on the preventative side more drug dogs will be deployed where testing indicates there is a particularly acute problem in the prison. A dedicated drug dog will be stationed at that prison. We know Bandyup Women's Prison is a problem, so the first step will be taken in the next two months to locate a drug dog permanently at Bandyup to deal with the problem there. I went through it myself yesterday at Hakea Prison. A new gatehouse regime was instituted. Separate staff were working the gatehouse and preventing staff from bringing goods into the prison; using dogs and other means they were checking visitors to the prison. I was given a pat-down search myself - they did not find anything I am happy to say - but while I was there I watched a woman visitor to the prison who tested positive to the presence of drugs. She was offered the alternatives of going away or having a non-contact visit with her partner. I am confident we will be able to significantly reduce the incidence of drug abuse in prisons. The second thing we are doing, which is a first in the prison system, is to make available the same sorts of programs and treatments to prisoners that they would get if they were in the outside community. The general prison population is not currently able to access the same medical treatments for heroin, for instance. They are not able to go on the methadone program, the naltrexone program or other forms of treatment. We will offer the same sorts of programs and treatments. The amount of \$2.1 million is allocated to this drug plan in this budget. Hopefully that will stop drugs getting into prisons and offer some hope to those people who go into a prison, a controlled environment, to get their lives that are out of control under control while they are in prison and to be able to deal with their drug addiction in the hope that they will not re-offend. The whole purpose of this is to make a safer community.

Ms S.E. WALKER: I refer to the \$22 million net appropriation increase on page 439 of the budget papers and the new era for Western Australia in relation to de facto couples accessing the Family Court to resolve property disputes. I understand the Commonwealth has provided its funding. Will the minister indicate from the budget papers how much money he will give the Family Court, which is already under funding pressure?

Mr J.A. MCGINTY: In August 2001 I approached federal Attorney General Daryl Williams about the problem of the backlog of work in the Family Court and the lack of judicial resources. We agreed to set up a joint study of the Family Court and its resourcing. I had hoped to make that document available today to the committee, but I am still waiting for a call from Daryl Williams to authorise its release. However, he was successful in having approximately \$1 million made available in the recent federal budget to add to the judicial resourcing of the Family Court of Western Australia. Approximately one-quarter of that is taken up with judicial salary increases awarded by the federal Remuneration Tribunal. In round figures, we are left with just over \$700 000 a year to provide additional judicial resources to the Family Court. That should translate into two magistrates, which is the way it has been proposed by the federal Attorney General. To make sure that we really take the pressure off the judges, the review proposed that we give Family Court magistrates in Western Australia the same jurisdiction as the federal magistrate service has in family law matters in two primary regards: that is, the ability of magistrates to make final orders for custody and access - I am not sure what it is referred to as these days - but basically matters involving children; and, secondly, matters involving property. The current jurisdictional limit on a magistrate in the Family Court is \$20 000, which is so insignificant as to be meaningless. The comparable jurisdiction for a federal magistrate is \$700 000. I have given an indication to the federal Attorney General that I will support putting Family Court magistrates in Western Australia on a comparable jurisdiction and footing to Family Court magistrates elsewhere in Australia, and in that way take pressure off the judges, employ more magistrates to do that sort of work, and hopefully reduce the waiting lists in the system. I am very pleased about the allocation. It took 18 months to get there, but I was pleased to get it. I compliment the federal Attorney General, in an otherwise fairly tight federal budget, for having made that money available. We had made an allocation of \$400 000 in the state budget through the Department of Justice, and that is referred to on page 445. It is included in the total cost of the output set out in the table at the bottom of that page. This was additional funding to meet the needs in that area. I am hopeful that as a result of that agreement with the Commonwealth to

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provide what will effectively translate into two additional magistrates, coupled with the jurisdictional changes, we will be able to take a lot of the pressure off the Family Court.

[9.50 am]

Ms S.E. WALKER: The minister has provided only \$400 000. One hundred and ten thousand Western Australians are living in de facto relationships and about 12 per cent of all people are in relationships. The minister has given me a breakdown of the commonwealth funding and how he will use that. Has the minister done an analysis of the workload of the Family Court as a result of this extra burden; and, if so, may I have a copy of that? Secondly, how does the minister see the \$400 000 being distributed or used to alleviate the burden?

Mr J.A. McGINTY: Back in the days when Ian Medcalf was the Attorney General, an agreement was entered into between the Commonwealth and the State under which the Commonwealth would fully fund the operations of the Family Court of Western Australia - certainly its judicial resourcing. That has continued to be the case since the 1970s because, as the member knows, the Family Court of Western Australia is the only state-based Family Court in Australia. Appointments are made by the State following consultation with the Commonwealth. Daryl Williams has indicated that he expects that to be applicable to these magisterial appointments as well. The Commonwealth has adopted the view that the de facto property maintenance jurisdiction of the Family Court of Western Australia should be state funded.

Ms S.E. WALKER: In all States?

Mr J.A. McGINTY: No.

Ms S.E. WALKER: Just in our State because of its unique position?

Mr J.A. McGINTY: Yes.

Mrs C.L. EDWARDES: And in New South Wales.

Mr J.A. McGINTY: No. Last year at a meeting of the Standing Committee of Attorneys General, it was agreed that States would refer power over de facto property to the Commonwealth, and the Commonwealth would enact laws substantially similar to those that Western Australia has enacted to give jurisdiction to the Family Court to deal with de facto property, in the same way that the Family Court has power to deal with de facto children; and that is paid for by the Commonwealth. However, the commonwealth Attorney General has seemingly singled out Western Australia and said that the Commonwealth will not fund the de facto property disputes in Western Australia.

Ms S.E. WALKER: Has the ability of de facto couples to access the Family Court gone through in other States?

Mr J.A. McGINTY: No.

Ms S.E. WALKER: The other States have not yet got that legislation. The federal Attorney General is saying that all States must provide the funding. The minister said that he has singled out Western Australia, but that is not really true, is it?

Mr J.A. McGINTY: I think it is.

Ms S.E. WALKER: The other States do not have the legislation.

Mr J.A. McGINTY: Of course, there is what is happening in the interim and what will happen in the long term. The way in which the other States deal with this matter is simply to refer power to the Commonwealth, the Commonwealth amends the Family Law Act, and the Commonwealth then picks up the tab for providing the judicial resources to deal with de facto property disputes. When Western Australia did not refer power over exnuptial children to the Commonwealth but inserted those powers in the state Act, the Commonwealth nonetheless paid for the judicial resourcing for that state power to be provided uniquely in the Family Court of Western Australia, and I expect that the same situation will apply in respect of de facto property. In the fullness of time when the Commonwealth amends the Family Law Act to take advantage of those referrals of power from each of the other States - it is agreed in the other States and Territories that that be done - funding may well be made available on an equitable basis. I suspect that at the moment Daryl Williams is just playing hard ball by saying that power should be referred to the Commonwealth.

Ms S.E. WALKER: Whereas our Attorney General is being kind.

Mr J.A. McGINTY: I may well be.

Ms S.E. WALKER: The point is that the \$400 000 is not a large amount of funding, is it?

Mr J.A. McGINTY: Against that the member must look at the number of applications that have been filed.

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Ms S.E. WALKER: That is why I wondered whether the minister had done an analysis.

Mr J.A. MCGINTY: Perhaps I will give the member those figures. The number of applications that have been made to the Family Court of Western Australia since the commencement of the de facto laws in Western Australia is as follows - and this is for de facto property: in December there were five applications; in January, eight applications; in February, 10; in March, 28; and to 12 April, which are the most recent figures we have, there were a further five applications. A clear increase in the volume is emerging. However, it is still at fairly modest levels. Of course, that is understandable when we take into account that it relates only to relationships that broke down on or after 1 December 2002. The note goes on to state that of the 56 applications filed, 26 sought final and/or interim orders. That has necessitated an appearance before a magistrate in court on 52 occasions. At this stage the resources are adequate to deal with it. If the exponential growth continues, we may well have to look at the situation.

Ms S.E. WALKER: May we have a copy of that analysis?

Mr J.A. MCGINTY: I will provide the member with the information I just read out, if she wants it.

Mrs C.L. EDWARDES: Does the minister want to provide it as supplementary information and incorporate it into -

Mr J.A. MCGINTY: It is not really supplementary information, because it is exactly what I just said.

The CHAIRMAN: Is the minister prepared to table the document?

Mr J.A. MCGINTY: It is part of a broader note on a range of other matters as well. I will provide, by way of supplementary information, the information on the number of applications filed in the Family Court in respect of the de facto property jurisdiction.

Ms S.E. WALKER: I want to qualify the information I am seeking. It is not only the number of applications but also the types of applications, for workload purposes.

Mr J.A. MCGINTY: We do not have that information.

[Supplementary Information No B29.]

Mrs C.L. EDWARDES: I refer the minister to the outcomes, outputs and performance information on page 442. In particular, I am interested in the case processing. For the Supreme Court and the District Court, the targets for criminal cases are 59 per cent and 20 per cent. The targets for the civil cases are much lower, at five per cent and three per cent. There is other information on page 446 about the cases finalised. Significant numbers of cases are being processed. What is the average delay in criminal and civil cases for both the District Court and the Supreme Court, and what is happening with case management? I notice that there is extra funding for case management. That will probably apply in particular when the new central business district court complex has been completed. In the meantime, is the minister considering the appointment of extra judges to both the District and Supreme Courts?

Mr J.A. MCGINTY: I will answer the member's last question first. There is no current contemplation of additional judges to pick up the general jurisdiction of these courts. However, with effect from early in the coming financial year, we will appoint an additional Supreme Court judge to take up the newly created position of President of the State Administrative Tribunal. There will be an additional judge on that account, and that will also involve the appointment of two additional District Court judges who are intended to be the Deputy Presidents of the State Administrative Tribunal. However, no provision is made in the budget for additional judicial resourcing to the District Court or the Supreme Court for exercising their general civil and criminal jurisdictions.

Mrs C.L. EDWARDES: There is no indication in these figures that the situation will improve for either the District Court or the Supreme Court.

Mr J.A. MCGINTY: No. The Council of Australian Governments report on the provision of government services showed that the Western Australian Supreme Court was one of the most, if not the most, efficient in the country in its timely disposal of matters, and that the District Court was struggling significantly. My view is that Chief Judge Hammond does a remarkable job with the resources he has in dealing with the increasing volume of work. At the moment we are trying to take more work back to the magistrate level - some of the volume work. The member will be aware of some of the legislation that has gone through the Parliament. The package essentially provides for the abolition of preliminary hearings or committals, as recommended by the Law Reform Commission. From all reports so far, that has gone without a hitch; no particular problems have been raised. Of course, the situation could always change. It was estimated that would free up the time of one and a half magistrates. The Criminal Code Amendment Bill, which is currently before the Parliament, contains two

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significant changes that should reduce the workload of the District Court. I assume we will debate that legislation in the next month or so. It includes a provision for all either way offences to stay with magistrates unless they are determined to be of such importance that they should be referred to the District Court. I am told that will take a lot of pressure off the District Court. The legislation also includes a change to enable aggravated home burglary offenders for whom the only circumstance of aggravation was that the offender was in company to be dealt with under the either way offence in the Magistrates Court. That should again take pressure off the District Court. We are currently considering structural changes to free up magistrates' time and to bring work down from the District Court to the Magistrates Court, so that magistrates will be kept busy. Hopefully, the net end benefit will be a freeing up of time in the District Court.

[10.00 am]

[Mr J.P.D. Edwards took the Chair.]

Mrs C.L. EDWARDES: Will extra magistrates be appointed?

Mr J.A. McGINTY: No. Last week we appointed two magistrates to replace two retiring magistrates. The legal profession in Albany will be severely depleted, as both new magistrates came from Albany.

Mrs C.L. EDWARDES: The member for Albany is quite influential.

Mr J.A. McGINTY: Yes, and the former member for Albany might well find that his workload will increase a bit.

Mrs C.L. EDWARDES: What about the average time delay that I mentioned for both?

Mr J.A. McGINTY: I spoke yesterday with the Chief Judge of the District Court who told me that the status quo was being maintained; they were battling despite the odds. There has been no increase in the trial delay time for criminal matters in the District Court. The last time I got a figure it was a delay of just over a year.

Mrs C.L. EDWARDES: For criminal cases in the District Court?

Mr J.A. McGINTY: Yes.

Mrs C.L. EDWARDES: And in the civil division?

Mr J.A. McGINTY: I cannot provide a figure for that, but I have some materials that I am happy to make available to the member, perhaps by way of supplementary information. I have four tables on the timeliness of civil and criminal cases in the District and Supreme Courts. They do not provide the figure the member is seeking, but an indication.

Mrs C.L. EDWARDES: Could those tables be provided by way of supplementary information?

The CHAIRMAN: I ask that it be separate supplementary information.

Mr J.A. McGINTY: We will provide by way of supplementary information the tables setting out the timeliness of the Supreme and District Courts on civil and criminal matters. As a separate matter, we will undertake to provide by way of supplementary information the current listing interval for civil and criminal matters in the District and Supreme Courts.

[*Supplementary Information No B30.*]

Mr J.R. QUIGLEY: I refer to pages 439 and 440 of the *Budget Statements*, which deal with the rate of imprisonment in Western Australia and some of the justice reform program measures that the minister intends to use to address the trend of Western Australia having the highest rate of imprisonment of all the States, topped only by the Northern Territory. When the minister has introduced legislation in the Legislative Assembly that has sought to take away imprisonment as a penalty in some instances, he has been subject to howls of criticism that he is being soft on crime. Also, the media has criticised judges for imposing sentences of a non-custodial nature. What does the minister think is the essence of this problem, which leaves Western Australia in the position of being the highest imprisoning State decade after decade? Is it the nature of our laws or of our judges, or do we have a more hardcore criminal population than every other State of Australia?

The CHAIRMAN: Member, could you please confirm the pages you are referring to?

Mr J.R. QUIGLEY: I am referring to the first dot point under the table on page 439 and the first two dot points on page 440.

Mr J.A. McGINTY: I do not believe that Western Australians are more criminal by nature than Australians from any other State, so I can discount that as a possibility. I suspect that the cause is a combination of history and culture. Added to that is the contribution from the media and the nature of the laws in this State. It seems that to imprison people for relatively minor offences is the least cost-effective and most counterproductive way of

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punishing those people. I am told all the time, particularly when I am in remote parts of the State talking about Aboriginal offenders, but also generally in the community, that people who are convicted of minor offences and sent to jail, for instance for driving without a motor vehicle licence, are exposed in prison to the worst elements of the community and invariably come out worse for the experience. There is no indication that anyone comes out of prison better for the experience. In the case of serious offenders, there is no option but to imprison them. That is what prisons are for. We found that our prisons were being used in a very expensive and counterproductive way to accommodate people who, in my view, would have been better punished by undertaking work in the community, such as scrubbing graffiti off walls or cleaning up around old people's homes, as this would have enabled them to reinvest in the community that they offended against. We have put a lot of work into that.

At the same time, we have tackled the question of the laws. It was pleasing to see a fall in the number of people in prison in Western Australia. When the Labor Party came to government at the beginning of 2001 there were almost 3 200 people in prison in Western Australia. As a result of the deliberate strategies that have been employed, we have been successful in reducing by almost 400 the number of people in prison. That translates to a 13 per cent reduction in the number of people in prison. To the best of my knowledge, Western Australia was the only jurisdiction in the world to experience a declining prison population. To be fair, we came off a very high base; Western Australia had the highest rate of imprisonment of all the Australian States. The Government is keen to ensure that imprisonment is used effectively. That was not occurring up until that time. A number of strategies were put in place. The way in which people were found to be in breach of their parole conditions by their community justice officers was reviewed and put on a more rational basis. The Government also introduced sentencing legislation into the Parliament that proscribes sentences of six months or less. I hope that legislation will go through the Parliament in the next few weeks or months. The legislation also provides eligibility for parole for people who are serving sentences of less than 12 months; those people are not currently eligible for parole. We think that will further depress or reduce the number of people held in our prisons.

The most pleasing aspects are that the two major beneficiaries of the reduction in the imprisonment rate have been women and Aboriginals. Many Aboriginal people are in prison for street offences, generally associated with drunkenness. To be able to reduce the number of Aboriginal people going to prison from the chronically high rates that were an international scandal has given me great pleasure. Reducing the number of women in prison also serves a very good social purpose. All the strategies are coming together, and I am hopeful that there will be a further reduction. Over the course of the past four to six months there has been a noticeable increase in the number of prisoners held on remand. I hope that this is not being done consciously. We are seeing a reaction by the judiciary to their inability to put people in for short, sharp, shock sentences, by increasing the number of people held on remand prior to trial and conviction. While there has been no increase in the number of sentenced prisoners, we are seeing an increase in the use of remand. I am not happy about that, and we are doing a lot of work at the moment to make sure that we understand what is happening. Initially, the reduction in imprisonment strategy was welcomed by the judiciary. I hope we are not finding someone coming through the back door to frustrate what we are trying to do.

[10.10 am]

Mr J.R. QUIGLEY: Inflicting punishment by remand, in advance of conviction?

Mr J.A. MCGINTY: Yes. That is what the statistics are showing. I intend to go back and talk this matter through with the heads of jurisdictions, particularly in the magistracy, to try to get a handle on what is happening so that people can be made aware of the emerging pattern. I am not suggesting that this is being done consciously, but that is what showed up in the first quarter of this year. Since then things have stabilised again. I hope the new legislation will bring the figure down again. I want to lose the title of the most imprisoning State in Australia, and I hope this legislation will bring the rate down to the rising rates in New South Wales and Queensland, which will then overtake Western Australia. In the recent election campaign in New South Wales the Government proposed a toughening of bail and other laws, which would see an increase of 800 in the State's prison population. That might be what we need to get New South Wales to pass us, so it can take the crown from Western Australia.

Mr J.R. QUIGLEY: According to the third dot point on page 440, one of the initiatives planned is the introduction of early discharge orders. How will these operate in relation to fixed minimum terms imposed by judges? How will the community be able to tell in advance, or have confidence that the person is serving the term, given that early discharge orders will be expanded?

Mr J.A. MCGINTY: Local superintendents and the director general have always been able to release a prisoner a few days early. That may be done, for example, to meet a bus leaving for a remote community from Kalgoorlie, or someone travelling out that way. The prisoner is released a day or two early to fit in with the circumstances,

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so that he can return straight to his community, rather than being released into the local community with no means to return to his own remote community. We are increasing the early release capacity of the local superintendent from three to 10 days, and in the case of the director general, the current level of 10 days will be increased to 30 days. That can be used as a management tool or an incentive. There are a variety of circumstances to which the rule can apply. Nonetheless, it is at the margins only, and it relates only to prisoners who are about to be released, so that they can be released at a convenient time for everyone concerned.

Ms S.E. WALKER: I am following up on the minister's response to the member for Innaloo about the reduced imprisonment strategy. If the number of women prisoners is declining, why is the Government spending \$40 million on Nyandi, when it has just completed a new prison at Bandyup at a cost of \$70 million? On average, only 200 women are in prison at any one time. Why is the Government spending \$40 million on a new prison when, after two and a half years under the present regime, three other prisons are on alert and in dire need of special programs?

Mr J.A. McGINTY: It has been accepted by people on both sides of politics for a considerable period that we need a new minimum or low security women's prison. The former Attorney General, Hon Peter Foss, spent a significant amount of money on planning a pre-release facility using the buildings on the Pyrtton site. As everyone is aware, that was never likely to work because of the intervention of the federal Government. The federal Minister for the Environment and Heritage intended to declare use of that Aboriginal site for prison purposes as unacceptable. The site was to be sterilised, so the Government left it alone. Everyone accepted the need for a low security prison for women, and we have carried that forward. Bandyup, as the maximum security prison, is not an appropriate place to have pre-release, low security women. That, in a sense, is one of the misfortunes of having such a low population of women prisoners. In the past they have been funnelled off into small men's prisons, and maximum security prisoners have been put in with very minor offenders. It is good to have the separation, as is the case in the men's system, so that women about to be released, or who are relatively minor offenders, can be treated in a regime different from that of maximum security prisoners. The idea of the new women's facility enjoys bipartisan support, although maybe not at the present proposed site. The concept was being actively pursued, and having money spent on it, when the Liberal Party was in power, and is being actively pursued now we are in power.

Ms S.E. WALKER: That was before the Government's reduced imprisonment strategy. If there are only ever 200 women in prison, what has been the reduction in the number in the minister's two and a half years in office?

Mr J.A. McGINTY: At its peak, the reduction was almost 20 per cent. These are round figures. It was reduced from something like 240 or 250 at its peak - when we came to power - to just under 200.

Ms S.E. WALKER: Will it still be going down?

Mr J.A. McGINTY: I hope so. This week a total of 202 women were in prison in Western Australia. There are only small numbers. Last time I was in Broome, there were four women in the prison there. There were two in Kalgoorlie last time I was there, which was some time ago. A number of women were transferred from Bandyup to Greenough prison while the construction work was taking place at Bandyup. Bandyup is a very problematic prison, as has been shown by the report of the Inspector of Custodial Services, in part because remand, minimum security and maximum security prisoners are all together in a site that has never been women-centred in its design and operation.

Ms S.E. WALKER: How many women are in prison in the metropolitan area? It is only about 160, is it not?

Mr J.A. McGINTY: It is more than that. Ninety-five per cent of the women prisoners in the State are in the metropolitan area.

Ms S.E. WALKER: Does that include the women at Greenough?

Mr J.A. McGINTY: The women at Greenough have now either come back to Perth, or are due back shortly, after completion of the construction work at Bandyup.

[10.20 am]

Ms S.E. WALKER: How many women are in prison in the metropolitan area?

Mr J.A. McGINTY: One hundred and eighty seven.

Ms S.E. WALKER: Is it not true that the new redevelopment at Bandyup Women's Prison caters for 141 women prisoners and an additional 14; therefore, most of those prisoners could be accommodated at Bandyup Women's Prison?

Mr J.A. McGINTY: But not all.

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Ms S.E. WALKER: Perhaps 20 then. A new 70-bed facility is being built for women prisoners when it is hoped that their numbers will be reduced, based on the minister's figures. The minister says that the Government's strategy has been successful, yet he is still providing \$14 million for a new prison to accommodate 20 women prisoners when, on his estimation, numbers are decreasing. How does the minister work that one out?

Mr J.A. McGINTY: I will make three points. First, when the coalition was in power two and a half years ago, it did exactly the same thing. This Government is continuing forward with that. I find it surprising that the member is saying that her Government got it wrong in seeking to build a new low-security facility for women. Second, the new Nyandi Prison will help fix the problems at Bandyup Women's Prison. That will be a positive benefit that will flow through. Third, female prisoners have been treated appallingly for too long. It is about time we developed - as this Government is doing - a women-centred prison and a regime that will offer women a prospect of getting their lives back together again rather than driving them to continue their life of crime, which the current Bandyup prison does.

The CHAIRMAN: I remind the members for Bunbury and Girrawheen that I am chairing this session. If I want their advice I will seek it. If the conversation across the Chamber is flowing reasonably well, I will allow that to happen. However, if it is not, I will then interject and make sure that the question is a further question.

Mrs C.L. EDWARDES: I refer the minister to the entry for boards and tribunals on page 443 of the *Budget Statements*. A note next to the line on the Equal Opportunity Tribunal states -

Case numbers finalised by trial have diminished due to reduced trial listings - President on secondment to another jurisdiction.

How long is that secondment for and how many matters are waiting to be heard by trial?

Mr J.A. McGINTY: Narelle Johnson, QC was appointed Commissioner of the Supreme Court for two months at the beginning of the year. While she was an acting Supreme Court judge, she could not continue to sit as the President of the Equal Opportunity Tribunal. That was the difficulty that arose during that two-month period.

One of the deputy presidential members, Brahma Dharmananda, submitted his resignation because he was not able to dedicate the time to sit on as many cases as he would have liked. We have appointed Robert Mazza as the deputy presidential member of the tribunal in order to get through that work somewhat quicker. I do not have the information available at my fingertips but I will undertake to provide by way of supplementary information the current number of outstanding applications for hearing before the Equal Opportunity Tribunal.

[*Supplementary Information No B31.*]

Mr J.A. McGINTY: I will also provide some clarification on an earlier comment I made in response to a question from the member for Nedlands. The female prison population in Western Australia peaked at just under 270 in April 2001.

Ms S.E. WALKER: Was that for the metropolitan area?

Mr J.A. McGINTY: No, statewide. The latest figure for April-May for women prisoners is just under 210.

Ms S.E. WALKER: What were the metropolitan figures?

Mr J.A. McGINTY: It is 95 per cent of that.

The CHAIRMAN: We have already been through this and the minister has answered that question. If the member wishes to raise it again at a later date, she can.

Ms M.M. QUIRK: I refer to page 440 of the *Budget Statements*, where reference is made to the new State Administrative Tribunal. Before I ask the question, I declare an interest in that I firmly believe a comprehensive administrative law system will not be introduced in this State in my lifetime. Therefore, I am somewhat concerned about my health, bearing in mind the current progress on the new State Administrative Tribunal. Can the minister expand on that?

Mr J.A. McGINTY: I think the member's death is imminent! During the next 18 months we hope to comprehensively reform administrative law in Western Australia. No significant reforms are necessary to one of the four pillars of administrative law - the position of Ombudsman, which was created during the time of Premier John Tonkin. With regard to the second element of administrative law - a tribunal to review decisions on their merits - we will be enacting in a comprehensive way with the State Administrative Tribunal. I read the draft Bill last night and I am hopeful that we will be in a position to introduce it into Parliament before the winter recess in June. It is extensive legislation - I hope the member is feeling well. Members will have the winter recess to give it closer scrutiny and we will debate it when we return in August.

Mr M.W. TRENORDEN: June is going to be one helluva month.

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Mr J.A. McGINTY: We will only introduce it in June, not debate it, otherwise the member would be right. I am hopeful that we will have the legislation through by about the third quarter of this year in sufficient time to enable all the arrangements to be put in place for the State Administrative Tribunal to formally open its doors on 1 January next year. Time will be tight in terms of the passage of the legislation, but all of the necessary administrative arrangements have been set in place to give effect to the very excellent report done by then Michael Barker, QC, now Justice Barker of the Supreme Court. I am very heartened by that.

The third leg of the administrative law is the judicial review of administrative decisions. Unlike most other jurisdictions, this State does not have the equivalent of the commonwealth Administrative Decisions (Judicial Review) Act. Some three months ago the Law Reform Commission produced an excellent report that we intend to implement in its fullest. Therefore, we will bring forward to the Parliament, hopefully in the second half of this year but maybe early next year, a decision-reforming judicial review of administrative decisions abolishing the prerogative writs and remedies, and replacing them with an application to the court seeking the equivalent. That will do away with a lot of the arcane provisions in the law that serve no contemporary purpose.

The fourth leg of administrative law is the question of privacy and freedom of information. An article in the newspaper earlier this week indicated that privacy legislation would be brought before the Parliament, and we are significantly advanced with the concepts underpinning that.

Mrs C.L. EDWARDES: Will that be brought forward this year or next year?

Mr J.A. McGINTY: I am hoping that it might be this year, but these things sometimes have a habit of drifting out. When we bring in privacy legislation, significant amendments will also be made to the FOI laws in this State - a number of provisions relating to that have been advocated for some considerable period. It is our intention that rather than duplicate the number of accountable officers in government, we merge the responsibility for privacy and information into one officer - a privacy and information commissioner - because those two areas relate to different sides of the same coin.

Sitting suspended from 10.30 to 10.44 am

Dr J.M. WOOLLARD: I refer to output 14 at page 464, legal aid assistance. I refer to this particularly with regard to the Legal Practice Bill 2002 and professional indemnity insurance. At the moment the Law Society of Western Australia makes arrangements with one or more insurers to provide professional indemnity insurance for legal practitioners. The wording in the Legal Practice Bill does not define what constitutes insurance and it does not make reference to the Insurance Act 1973, neither does it define an insurer as being an authorised insurer, hence it is not clear that the current wording requires the insurance to be provided by an authorised insurer, or that the insurance to be provided is intended to be insurance within the meaning of section 3 of the Insurance Act. Unless these two matters are clarified, the cover provided by the Bill will not amount to insurance business within the meaning of the Insurance Act, which enforces adherence to minimum prudential standards, including minimal capital requirements and liability valuations. I believe that if a definition of insurance is not inserted into the Act, and if the subscriptions to Law Mutual are low, payouts may be low and uncertain, and they may also be collectively unpredictable. Will the minister look at providing a definition of insurance? In the environment that we have now of rising community standards and expectations, and in view of the many civil cases that may go to the Supreme Court and many of the other courts following on from the finance broking scandal, I do not believe that there is funding within this budget to assist in that area. Unless something is done to tighten up the Bill, the Government may have to assist many of these individuals.

The CHAIRMAN (Mr J.P.D. Edwards): Can the minister answer that? There is a question there somewhere. I will leave it to the minister's discretion as to how best to answer that.

Mr J.A. McGINTY: I suspect that the detail of the argument that has been advanced so eloquently by the member for Alfred Cove is a debate that we will be having next month when the Legal Practice Bill comes on for debate in the Chamber. It is difficult to see how the issue of Law Mutual relates to the legal aid budget, which is the matter that is before us at the moment.

Mrs C.L. EDWARDES: If it were to fall over you might need to increase the budget allocation.

Mr J.A. McGINTY: Yes.

Dr J.M. WOOLLARD: I cannot see anywhere else within the budget where I can ask this question. This is a question that I am being asked by many constituents who have heard that there is an anomaly and are wondering what will happen.

Mr J.A. McGINTY: I did not realise Doug Solomon was a constituent of the member's!

Dr J.M. WOOLLARD: No, I do not have him as a constituent, but I have many other people who are affected.

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Mr J.A. McGINTY: I do not think I can take this any further at this stage, Mr Chairman.

[10.50 am]

Ms S.E. WALKER: I refer to an amount of \$22 million allocated under the appropriations at page 439. On 18 January the minister said in a press release that he would be spending \$6.5 million on the maximum security prison at Hakea, which is also on alert. Is that included in the figure of \$22 million, or where does it appear in the budget papers?

Mr J.A. McGINTY: It is in the capital provisions and I will supply the exact reference shortly. It concerns the upgrade to the prison perimeter. On page 107 of my notes it appears under the heading of prison services. The second point refers to infrastructure and systems upgrade and replacement programs, for a total value of \$24.73 million, which includes the upgrading of security at Hakea Prison.

Ms S.E. WALKER: The minister's press release went on to say what that would include. What amount has been allocated in this year's budget for installing state-of-the-art detection systems and additional cameras to parts of the prison perimeter fence, an alarm on an internal link mesh barrier and lighting and supplementary cameras to provide an early warning and delay barrier, and replacing the existing fence sections of the perimeter to match the existing wall around the rest of the prison? He also said he would be upgrading the existing prison wall around the entire prison complex. What moneys have been allocated in this year's budget for that?

Mr J.A. McGINTY: The cost of upgrading the security at Hakea Prison includes all the items the member has referred to. I was at Hakea Prison yesterday and I was provided with a briefing on where that was up to. The first stage in the Hakea security upgrade is not so much the building of the concrete wall - that will come at a later stage - but it is making sure that we have an increased perimeter fence and security systems associated with that. The amount to be spent in 2003-04 is \$1 million of that total; \$2 million will be spent in 2004-05; and \$3.5 million in 2005-06. The entire project of the Hakea Prison perimeter upgrade will be completed by June 2006.

Ms S.E. WALKER: What will the amount of \$1 million allocated in this budget be spent on? Will it be for cameras or state-of-the-art detection systems on the internal link mesh barrier?

Mr J.A. McGINTY: I will undertake to provide the details of the \$1 million expenditure in 2003-04 by way of supplementary information.

[Supplementary Information No B32.]

The CHAIRMAN: It may be an opportune time to advise the committee of a change to the budget papers. Members of the committee need to take due note of this.

Mr J.A. McGINTY: I take this opportunity to advise the committee of an error. Four figures in relation to the advocacy and guardianship services have been printed incorrectly in the budget papers. A replacement page 458 is being circulated to members of the committee. On the line item of guardianship services provided, the figures are significantly higher than the actual allocation; secondly, under the line item of "Cost (Efficiency)" the average cost per case of providing advocacy and guardianship services is understated. I draw that to the attention of the committee, and it most probably needs to be drawn to the attention of the Speaker.

The CHAIRMAN: That is correct. It will be drawn to the Speaker's attention at a later date.

Mrs C.L. EDWARDES: I refer to page 456 and the section dealing with juvenile offenders. Under output performance measures, the target for the daily average number of juveniles in detention for 2003-04 is 120; that is an increase from 2002-03. Under quality, there is a rate of return to detention of 46 per cent for 2003-04, which is down, or about the same as that expected for 2002-03. The daily average number of juveniles on community orders has increased from 577 in 2002-03 to 601 in 2003-04. The orders successfully completed have increased from 62 to 65 per cent, which indicates that the minister is expecting an increased number of juvenile offenders. Can the Attorney identify how he arrived at those conclusions? What number of juveniles are in detention and are subject to community orders for 2002-03? In relation to the orders successfully completed and the rate of return to detention, can the Attorney identify the difference between 65 and 46 per cent? I know these statistics could mean that several juveniles could re-offend and go back to detention in any one year, which could account for a discrepancy. How many juveniles go through the juvenile justice teams and do not figure in these output performance measures?

Mr J.A. McGINTY: Some parts of that question I can answer, some I cannot. It is probably best if I provide the entire answer by way of supplementary information; that way we can make sure it is comprehensively covered.

The CHAIRMAN: What information will you be providing?

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Mr J.A. McGINTY: Information as requested by the member for Kingsley in relation to juvenile offenders.

[*Supplementary Information No B33.*]

[11.00 am]

Ms M.M. QUIRK: I refer the minister to the last dot point on page 440 of the *Budget Statements*, which relates to victims of crime. What steps are being considered to improve the services to victims of crime?

Mr J.A. McGINTY: The most significant change so far as Parliament is concerned will be the significant rewrite of the Criminal Injuries Compensation Act. Some of the major changes we intend to make in that area, such as increasing the maximum amount paid by 50 per cent, have already been announced. A range of other changes have been designed to improve the amount of compensation that is payable to victims of crime. I hope that legislation will be introduced into and passed by Parliament this year. Provision has been made in the budget - somewhat optimistically - for the improved benefits that will be available to victims of crime from 1 July. That of course depends on the legislation being passed. I have my doubts that it will be passed by 1 July given that it is still to be introduced into Parliament. I hope that the criminal injuries compensation legislation will have speedy passage through the Parliament. When we distributed the proceeds of the confiscated criminal property, I was keen to ensure that victims groups were recognised as major beneficiaries of that money. Hopefully, the allocations that have been made will be the purest form of justice; that is, taking ill-gotten gains away from major criminals in this State and giving them back to the people against whom they offended. I can think of no better example than the Homicide Victims Support Group, which comprises those who have been through the worst traumas imaginable. We are now offering that group financial assistance from the criminal property confiscation account so that it can improve the service it provides to its members. That is one example. Generally speaking we are always on the look out for ways to assist victims of crime.

Ms M.M. QUIRK: What are the criteria for allocating funds? Has any consideration been given to refining the process or to ensuring more widespread publication of the criteria?

Mr J.A. McGINTY: The first allocation from the criminal property account to community groups revealed a number of flaws in the system. We decided that the money would not be available for capital purposes other than office equipment. A number of representations were made by community groups who stated that some financial assistance for capital purposes would have enduring benefits. We are trying to determine whether we can expand the criteria to make that assistance available. On this occasion I accepted every recommendation that was made by the committee of public servants. However, some of the allocations could have been better, so I intend to allow more community involvement on the committee that makes those recommendations. That committee may be chaired by a member of Parliament to give broader community input rather than simply leaving the process of making the recommendations in the hands of public servants.

A number of other changes have also been sought. For instance, on this round we excluded from consideration any offender-based program. Given that we have just over \$1 million, we decided to exclude any program that was designed to address the alcohol and drug problems of offenders. We did not want to make that money available to supplement the Department of Justice budget. Similarly, a number of thoroughly worthwhile existing community groups simply saw this process as another bucket from which they could gain next year's funding for projects that were already in operation. I want this money to be used for new projects rather than be in another bucket in the funding round. They are the types of changes we are thinking of making to the scheme. I hope they will be organised within the next month or two so that when we make the next allocation - when the fund reaches \$1 million, which I expect will be towards the end of the year - the new guidelines will be understood by the broader community.

Ms M.M. QUIRK: One would hope that there will be some refinement. In the case of the allocations for crime prevention, there should be a palpable nexus between the funding sought and a crime prevention objective. Similarly, in relation to victims of crime, there should be a sufficient nexus to justify that allocations of funds.

Mr J.A. McGINTY: Yes. Even though I was somewhat uneasy with some of the recommended allocations on this occasion, they are thoroughly worthwhile things to do. However, sometimes the nexus with the statutory criteria of crime prevention was tenuous. The link could still be drawn, but I prefer the establishment of new projects that deal with the prevention of crime, rather than projects that, although they are nice and wholesome, have only an incidental spin-off for crime prevention. I prefer to see something more direct.

Mr M.W. TRENORDEN: I refer the minister to the fourth dot point on page 460 of the *Budget Statements*. I have received complaints from some community groups that, as unbelievable as it may seem, when the Public Trustee undertakes burials, the graves are not identified. Apparently that is a legislative requirement. Has that process been considered by the minister's office?

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Mr J.A. McGINTY: No, it has not. I will see if the Public Trustee can answer that question without notice. As the member said, this issue is out of left field.

Mr M.W. TRENORDEN: Yes, but it causes pain for some people. For example, some people move considerable distances to live in sizeable nursing homes. When they pass away they are buried at the community cemetery, but no physical markings - obviously there are records - are placed on the gravesite.

Mr J.A. McGINTY: Like the member for Avon, I cannot understand why that is the case. Perhaps the Public Trustee can throw some light on this matter.

Ms McLAREN: I am not sure that I can thoroughly answer the question. Normally the payment for a headstone on a grave is made out of the estate, with the consent of the beneficiaries. If there are no beneficiaries, the Public Trustee arranges a funeral service and flowers, but it does not fund a headstone.

Mr M.W. TRENORDEN: I have received a steady number of complaints about this issue. I have not received a large number of complaints, but many people who like to record history are concerned about this issue. I understand that legislation prevents the Public Trustee from marking the headstone, so maybe the minister can have a look at this issue.

Mr J.A. McGINTY: I will hold further discussions with the Public Trustee to determine whether anything can be done.

Dr E. CONSTABLE: I draw the minister's attention to registration services on page 461 of the *Budget Statements*. It is estimated that revenue will increase by \$615 000. I am sure that the minister is not expecting more births, deaths and marriages, so all I can conclude is that the cost of the services of births, deaths and marriages will increase. What is the current and future cost of each service, because overall there seems to be an 18 per cent rise in revenue?

Mr J.A. McGINTY: The demographic trends indicate more deaths and fewer births and marriages.

Dr E. CONSTABLE: So the cost is going up for the individual?

Mr J.A. McGINTY: Yes. This is an outcome of the functional review committee that recommended cost recovery in the area of operations of the Registrar of Births, Deaths and Marriages. Certified copies of certificates will rise from \$30 to \$35, which will generate an increased revenue of \$365 000. The cost of commemorative certificates will rise from \$40 to \$45. That will generate additional revenue of \$77 500. The fee for the change of name procedure will rise from \$95 to \$120, and will generate \$60 000 income. That adds up to a total of \$578 900 in increased revenue.

[11.10 am]

Dr E. CONSTABLE: I thought it was a \$615 000 rise in revenue - unless I have not done my sums properly - so where does the rest come from?

Mr J.A. McGINTY: They are the figures that I have in front of me. I am sorry, I have just read out the major items from which there is a significant income. There are other fee rises, and again they relate to certified copies and extracts. I have already mentioned the proposed fee of \$35 for certified copies. The reduced fee for certified copies will be \$25. The cost of commemorative certificates, as I have already mentioned, will be \$45. Extracts will cost \$35. They are the major areas of involvement. I will provide the marriage fees. The fee for a notice of intended marriage will rise from \$75 to \$100, and the celebration of marriage fee will rise from \$100 to \$120.

Dr E. CONSTABLE: How much will the total be from each of those two items?

Mr J.A. McGINTY: The revenue in relation to marriages will be \$41 200. I will tell the member what the other fees will be, and each of them is a relatively minor contributor beyond that level. Under the heading priority - I am not sure what that is, but I can take a guess -

Dr E. CONSTABLE: Take a guess for us.

Mr J.A. McGINTY: That is when someone wants an earlier -

Dr E. CONSTABLE: They want it in a hurry.

Mr J.A. McGINTY: Yes. The fee will be \$25. The correction of entry fee will be \$22, and the late registration of birth fee will be \$32. I have already mentioned the registration of change of name fee. The search fee will be \$20; and that is the total.

Mr J.R. QUIGLEY: We have talked about drugs going into prisons previously. This is really a follow-up question on that. Of course, taking drugs into a prison constitutes a disciplinary offence. We have talked about

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preventive measures. However, at the disciplinary end of the spectrum, what steps are being taken to reform or upgrade the disciplinary processes within the prison system?

The CHAIRMAN: Will the member give me a page number and a line item?

Mr J.R. QUIGLEY: I was looking at page 440, which refers to keeping drugs out of prison. I want to know what the corollary is. Once those drugs are taken into a prison, what are the disciplinary processes?

Mr J.A. MCGINTY: One of the failings in the system in recent times has been the increase in the number of disciplinary matters that the Department of Justice has been required to deal with. As members will be aware, in recent times - by that I mean in the past two years - two prison officers have been sentenced to terms of imprisonment for seeking to smuggle drugs into prisons: one at the privatised prison, Acacia Prison, and the other one at Hakea Prison, if my memory serves me correctly. No tolerance whatsoever can be shown, and that is part of the new drug strategy in which we are engaged. In addition to that, there has also been the misfortune of a measure of sexual misconduct by serving custodial officers within either the juvenile system or the main system. One that reached significant prominence a week and a half ago involved Ms Karen Lamond, who was a custodial officer in the juvenile system. Members will recall that she was maintaining a relationship with the murderer of Vicky Groves, who was killed at Churchlands Senior High School some 11 years ago.

When we came to government I was appalled to find that that relationship had been allowed to continue in one way or another. There were some completely unacceptable reports of behaviour between these two people, and I resolved to put an end to it. First, we changed the rules under which the two previously separate systems - a juvenile system and an adult custodial system - operated to make sure that they were interchangeable, so that a juvenile custodial officer would be bound by the same regulations in respect of her behaviour towards both adult prisoners and juvenile prisoners. That had not previously been the case, and that was why Ms Lamond was allowed to continue the relationship with a prisoner in a different section of the custodial environment; that is, she was a juvenile custodial officer covered by one set of rules and he was a prisoner in the adult system. We have changed the rules in that way.

To cut a long story short, early this year when the murderer came up for consideration for a prerelease program, I discovered that Karen Lamond was recommended as the home leave sponsor; in other words, the murderer would leave prison and live with her. I found that utterly unacceptable.

Mr J.R. QUIGLEY: It is hardly objective.

Mr J.A. MCGINTY: It was unbelievable to have discovered that somehow or other that slipped through the net with the Department of Justice, which should have picked it up earlier. I had some strong words to say about that at the time. Nonetheless, that prompted action to ensure that the relationship was brought to an end.

Ms Lamond was issued with an instruction to cease visiting the murderer at, I think at that time, Casuarina Prison - he is now at Acacia Prison - and she has challenged that direction in the Industrial Relations Commission. She is seeking an order from the Industrial Relations Commission that this constitutes an unfair intrusion on her life and that it is an unfair and unconscionable act on my part to issue such a direction. I totally reject that, and I find it brazen and unimaginable that somebody in a custodial position would want to maintain a relationship of a personal nature with a prisoner in a way that compromises the security of the prison system. It is also totally unacceptable for a variety of other reasons.

It has come to my attention since that time that the directive issued to Ms Lamond was to cease visiting the prisoner at the prison. That was as far as the instruction went. However, there was still continuing contact between Ms Lamond and the prisoner in the form of telephone calls and the like. Accordingly, on 19 May - most recently - the Department of Justice wrote to Ms Lamond in the following terms -

**JUVENILE CUSTODIAL RULE 105: ASSOCIATION OF STAFF MEMBERS WITH
DETAINEES AND EX-DETAINEES, PRISONERS AND EX-PRISONERS**

Thank you for your response to the matters raised in my letter of 16 April 2003.

Juvenile Custodial Rule 105 prohibits you from maintaining any relationship with a prisoner, or associating with a prisoner, except in connection with the discharge of your duties or with the prior written approval of your Designated Superintendent. I enclose a copy of Juvenile Custodial Rule 105 with this letter.

It is clear that your association with the prisoner in question is not in connection with the discharge of your duties nor do you have the prior written approval of your Designated Superintendent.

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Accordingly, you are directed to comply with Juvenile Custodial Rule 105 and cease your relationship with, and all forms of association with, the prisoner in question. This includes any form of telephone contact with the prisoner, communication by mail and the passing and/or receiving of messages.

Failure to comply with the above direction may result in disciplinary action being taken against you.

I say to members of this committee that I will not tolerate this sort of nonsense. This sort of behaviour is, in my view, totally inappropriate in the justice system, and it will be brought to an end. If need be, we will take strong disciplinary action at any hint of a breach by Ms Lamond in the future. I know from having met the now separated parents of Vicky Groves, who was murdered at Churchlands Senior High School, that the tolerance of the relationship between the Department of Justice employee and the murderer of their daughter has caused them enormous grief and pain. I am not prepared, in any way, shape or form, to allow that to continue. It has been stopped in its totality.

[11.20 am]

Ms S.E. WALKER: I refer to the output performance measures on page 456 of the *Budget Statements* and to the item on the daily average number of juveniles in detention. In which facilities in the metropolitan area are those juveniles in custody? How many juveniles, other than those on bail, are in custody in each facility?

Mr J.A. McGINTY: The Department of Justice publishes weekly offender statistics. The most recent figures I have are for the week of 15 May. The document provides a breakdown between Aboriginal and non-Aboriginal juveniles and between sentenced and unsentenced juveniles. Two facilities in the metropolitan area accommodate juveniles; Rangeview Remand Centre -

Ms S.E. WALKER: They are in Canning Vale and Murdoch.

Mr J.A. McGINTY: Yes. The other is Banksia Hill Detention Centre. The facilities are in close proximity to one another. Generally speaking, Banksia Hill deals with sentenced offenders. I will provide an example of an exception to that. A woman who had been sentenced by the courts but who was expecting to give birth to a baby three weeks ago was taken from Banksia Hill and accommodated at Rangeview Remand Centre because of the better medical facilities available at that centre 24 hours a day. As such, there may be a little overlap.

Ms S.E. WALKER: I want to know how many juveniles are in each centre.

Mr J.A. McGINTY: I wanted to provide that qualification. Occasionally, there is an overlap and a person may appear on the records of the two facilities. On 15 May, 96 juveniles were held at Banksia Hill and 48 at Rangeview. A further 14 were on supervised bail. I can provide a further breakdown of those figures if the member requires, but I think that answers her question.

Ms S.E. WALKER: That adds up to 144 juveniles.

Mr J.A. McGINTY: No, 158.

Ms S.E. WALKER: I excluded those on bail. The estimate for the daily average number of juveniles in detention in 2002-03 is 115, which I presume includes the figures for the whole of the State.

Mr J.A. McGINTY: I am told the figure fluctuates because of the number of people on remand. The number of unsentenced prisoners at Rangeview is currently 46. There is a fairly rapid turnover at Rangeview but not at Banksia Hill.

Ms S.E. WALKER: About 100 sentenced juveniles are currently in those facilities. Is that about right?

Mr J.A. McGINTY: Of the figure provided, 48 of the juveniles in either Banksia Hill or Rangeview have not yet been sentenced. I presume the rest have been sentenced.

Ms S.E. WALKER: That is about 100.

Mr J.A. McGINTY: That is about right.

Ms S.E. WALKER: Further to that question, can the minister provide me with the number of staff working at the Canning Vale and Murdoch juvenile facilities, taking into account any auxiliary staff?

Mr J.A. McGINTY: I will provide that by way of supplementary information. I cannot tell the member how many staff there are.

Ms S.E. WALKER: The minister cannot tell me how many staff there are?

Mr J.A. McGINTY: I will provide the member with information on staffing numbers in juvenile custodial facilities by way of supplementary information.

[*Supplementary Information No B34.*]

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Ms S.E. WALKER: Further to that question, can the minister tell me whether there are more offenders than staff in those facilities? Has an analysis of that been done for these juvenile facilities?

Mr J.A. McGINTY: I am not in a position to provide the member with the precise number of staff at each facility. That information will be covered by the information sought in the previous question. There is no need for any further information to be provided.

The CHAIRMAN: Will the minister provide the answer to the further question in the information that will be supplied as Supplementary Information No B34?

Mr J.A. McGINTY: I have already provided the information on the number of detainees. The member for Nedlands asked for the number of staff, and we have undertaken to provide that information. That will provide the answer to her further question on the relationship between the two.

Mr A.J. DEAN: I refer the minister to pages 454 and 455 of the *Budget Statements*. The tenth dot point under the major achievements listed on page 455 discusses Acacia Prison operating at full capacity. I also refer to the table for output 7, adult offenders managed, on page 454. The appropriation for that output for 2003-04 is \$294 million. Can the minister provide the percentage of that money that will be allocated to Acacia Prison? Can the minister indicate the cost per head at Acacia Prison? Can I also be provided with a comparison of the cost per head between Acacia Prison and other maximum-security prisons? Is an annual increase built into the Acacia Prison contract?

Mr J.A. McGINTY: I am told that we were so busy worrying about what was wrong with Acacia Prison that we omitted to bring with us today the information the member has asked for. Congratulations to the government member for asking the most difficult question so far today, which I cannot answer.

Mr A.J. DEAN: I will ask a further question.

Mr J.A. McGINTY: Do not make it any more difficult than the one you have already asked!

Mr A.J. DEAN: Sorry about that. Can the minister expand on his comment about things being wrong with Acacia Prison? I will put the other question on notice.

Mr J.A. McGINTY: I am happy to provide the answer to the first question if it is put on notice. Acacia Prison was meant to provide a model prison and was designed to lift the standard of the state prison system by setting a private sector benchmark. The debriefing provided by the Inspector of Custodial Services after his inspection of Acacia Prison clearly indicated that it has failed to do that. There are problems with prisons in this State, particularly Hakea Prison and Bandyup Women's Prison. The third prison at which we have significant problems is the privately run Acacia Prison. Some problems relate to the management of the prison by the private AIMS Corporation Pty Ltd. The Inspector of Custodial Services has made a raft of other criticisms, which go to the failure of AIMS Corporation to provide best practice and economy, which could then have been used to effect changes within the prison system. The comments of the Inspector of Custodial Services have been made readily available to the public through the media. The Government takes them very seriously. As a result David Hyde, a very senior prison officer from Casuarina, has been sent to Acacia to make sure that things are being done properly. It is disappointing that, this early in the contract, AIMS appears to be failing to deliver what it promised, as it has also failed with the prisoner transport and court security contracts.

[11.30 am]

Mr M.W. TRENORDEN: It did not fail in the court security contract.

Mr J.A. McGINTY: I think it did. I have been very disappointed with the achievements in that area.

Mrs C.L. EDWARDES: I refer the minister to output 13 - support services to other government agencies - on page 463, under the output performance measures. A number of costs are shown and I would like to refer specifically to three items. The cost of providing Aboriginal policy services to other agencies is quite high. Can the minister say what that is for? Is it purely native title? Also, what was the other ex gratia payment of \$460 000 in 2002-03 for? I notice the number of full-time equivalents for 2002-03 is 21, and for 2003-04 it is 30. Are they vacancies that exist today? Will they be filled or kept as vacancies to save more money?

Mr J.A. McGINTY: The member for Kingsley is trying to outdo the member for Bunbury in asking questions that I cannot answer! The \$460 000 ex gratia payment was made to John Button. The other matters - the cost of providing Aboriginal policy services to other agencies and the FTE number - can be dealt with by Mr Alan Piper, the Director General of the department.

Mr PIPER: The member will notice the services provided to external agencies only shows a couple of full-time equivalents, but it is related to the Aboriginal alternative dispute resolution service, which, while it is located in the Aboriginal Policy and Services Directorate in the Department of Justice, provides services that are not only

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for Department of Justice-related clients. It has a statewide mandate, and works as much with police as it does with the Department of Justice, in trying to resolve disputes between family groups and others that are intractable by other means. In addition, the Aboriginal visitors service, which is also attached to the Aboriginal Policy and Services Directorate, provides a service to police lock-ups as well as to prisons. If Aboriginal people are in custody in lock-ups, the service will provide culturally appropriate visiting and a point of reference to assist them. Both of those services together are managed through the Aboriginal Policy and Services Directorate, and the current director is Kate George. They provide a number of services to other agencies across government.

Mrs C.L. EDWARDES: Normally, the cost of services to other government agencies would be recouped, would it not? Obviously the figure given here is not recoupable.

Mr PIPER: Both of these services are almost episodic and therefore difficult to cost and recoup. The decision was made some time ago, at the establishment of the services, not to recoup the costs. The further thinking behind that, particularly in relation to the Aboriginal visitors service, was that we would not want to create a pressure for agencies not to use the service. Given the way it is targeted, what it is trying to achieve and the relatively low cost in the context of the total budget, it is probably not appropriate to put a cost on it, because people then start measuring the use based on cost, leading to dysfunctional effects. The real purpose is to ensure that Aboriginal people get the support they need.

[Mrs D.J. Guise took the Chair]

Mrs C.L. EDWARDES: Has the dispute mediation service been involved with the Swan Valley Nyungah Community?

Mr PIPER: I do not believe so directly. A number of agencies have been involved in that, but the sorts of issues the dispute resolution service deals with are more of a remote and regional nature. I am not aware that the service is involved with Swan Valley, but I will double check.

Mr M.W. TRENORDEN: I refer to page 469. I have two questions about superannuation, because I do not understand the position and I would like the minister to clarify it for me. Between the 2002-03 estimated actual and the 2003-04 budget estimate columns, the employee expenses increase by about \$15 million while superannuation contributions increase by only \$800 000. How do those variations from the previous budget occur? On page 471, the cash flow payments are \$8 million less than the allocated superannuation expense.

Mr KING: I will begin with the second question. On page 469, in the statement of financial performance, costs are measured at the time they arise, whereas the cash flow statement only measures cash inflows and outflows at the time they are paid. There is a timing difference, simply in cost recognition. An example of that would be the last payday four working days before the end of a financial year. In an accounting sense, we recognise the full year in the performance statement.

Mr M.W. TRENORDEN: There would appear to be a variation of between 20 and 25 per cent. Surely that cannot be correct.

Mr KING: I could give you a detailed note with the agreement of the minister, but I will attempt this explanation. I use as an example one of the contracts spoken about earlier, that of Acacia prison. The contract period, and therefore the billing, is on the last day of each month. We would recognise that cost in the financial year, in the performance statement, but the outlays would occur the following year.

Mr M.W. TRENORDEN: I understand that, but it will not create a 20 or 25 per cent variation. The estimated actual for 2002-03 is \$30.1 million, and the payout is \$22 million. There is an \$8 million variation, which is quite substantial. I do not expect the minister to take too much time, but I would like to know the answer, so I would be happy with supplementary information.

Mr J.A. MCGINTY: We will provide a detailed explanation by way of a supplementary answer to the question in relation to superannuation.

Mr M.W. TRENORDEN: I would like answers to both questions, if the minister does not mind. I would like to know how the running total varies \$15 million from 2002-03 to 2003-04 while the ratio does not stay the same. That would be explained, I would imagine, by higher paid individuals, but I would like to know that. The variation is quite significant.

[11.40 am]

Mr J.A. MCGINTY: I will provide supplementary information about superannuation, as requested by the Leader of the National Party.

[*Supplementary Information No B35.*]

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Ms M.M. QUIRK: I refer to page 458 of the *Budget Statements* in the context of the Public Advocate. The last two dot points refer to increasing awareness of guardianship and administration services for the indigenous community and more generally. Was there any event or indication why that increase in awareness is necessary?

Mr J.A. McGINTY: I will get the Public Advocate, Michelle Scott, to answer that question.

Ms SCOTT: My predecessor commissioned a report on indigenous people. That report found that there was very little knowledge of that area among indigenous people. Therefore, we decided to target key service providers and stakeholders in the indigenous community.

Ms M.M. QUIRK: The last dot point deals more generally with community education strategies. Who are considered to be the key stakeholders or targets of any such strategy?

Ms SCOTT: Generally, the key stakeholders are aged care workers and other community group service providers who might come into contact with our client group. Those are the people we are targeting in the community education campaign.

Dr E. CONSTABLE: I have a short series of questions about prison guards with regard to output 7 on page 454 and output 8 on page 456. What is the total number of prisons guards employed by the Department of Justice?

Mr J.A. McGINTY: They number 1 167.

Dr E. CONSTABLE: What amount does the minister estimate will be spent next year on professional development for prison guards and how much money was spent this year?

Mr J.A. McGINTY: I cannot give the member that answer. I am happy to provide details on the amount of money spent on professional development for prison officers by way of supplementary information.

Dr E. CONSTABLE: How many prison officers had access to professional development? If there are about 1 100 prison guards, how many had professional development this year and what is the proposed number for next year?

Mr J.A. McGINTY: I will include that in the supplementary information.

[*Supplementary Information No B36.*]

Dr E. CONSTABLE: What was the cost this year for workers compensation claims for prison guards and what is the estimated cost next year?

Mr J.A. McGINTY: I can give the member the information for the agency as a whole but not for prison officers.

Dr E. CONSTABLE: I am interested in prison officers. Is it possible to get that as supplementary information?

Mr J.A. McGINTY: We can provide the information by way of the cost of payouts but not on the basis of premiums for prison officers alone.

Dr E. CONSTABLE: What about the number of days off work for prison officers on workers compensation?

Mr J.A. McGINTY: That can be ascertained.

Dr E. CONSTABLE: Could I have that by way of supplementary information?

Mr J.A. McGINTY: I undertake to provide by way of supplementary information the number of days off work on workers compensation for prison officers.

[*Supplementary Information No B37.*]

Dr E. CONSTABLE: With regard to sick leave this year and the next, and the appropriation for that -

Mr J.A. McGINTY: Yes, we can provide by way of supplementary information the number of sick days taken by prison officers last year. Is that what the member is after?

Dr E. CONSTABLE: Yes, and what the minister expects the cost to the Department of Justice will be -

Mr J.A. McGINTY: Yes, and whatever information we can in that regard.

Dr E. CONSTABLE: Is it possible to give some indication of stress leave days, if that is recorded for prison officers?

Mr J.A. McGINTY: No, it is not.

[*Supplementary Information No B38.*]

Dr J.M. WOOLLARD: I refer to page 463 of the *Budget Statements* and the output performance measures. The expenditure on the Law Reform Commission for 2001-02 was \$196 793. Although the estimated budget for 2002-03 was \$62 762, the actual budget was \$183 579 and, again, the target for 2003-04 is only \$66 701. I am

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aware that last year the Law Reform Commission undertook to write some reports and that its allocation seemed to be high over the past few years. I question its decrease now, particularly in the light of what is happening in the community at the moment.

Mr J.A. McGINTY: A number of years ago, under the previous Government, the Law Reform Commission was significantly restructured to provide for part-time commissioners who would work for the Law Reform Commission in addition to their regular employment. In the previous system they were full-time employees of the commission. The cost of the Law Reform Commission these days is substantially taken up by the employment of consultants. The Law Reform Commission is now undertaking a major project that deals with Aboriginal customary law. I am a little surprised by that provision, given the extent of travel required and the number of consultations involved. However, the commission does not have the overheads that it once had and that is why it is a relatively low figure.

I am sorry, I have misunderstood the issue. This figure is the support offered by the Department of Justice to the Law Reform Commission. It is not the Law Reform Commission's budget in toto.

Dr J.M. WOOLLARD: That is what concerned me. Where in the *Budget Statements* does the Law Reform Commission -

Mr J.A. McGINTY: It is in a separate division that we will come to later.

[11.50 am]

Mr J.R. QUIGLEY: I refer to page 447 of the *Budget Statements* and the table that deals with the cost of the outcomes in cases for the different courts in their respective jurisdictions. My question is aimed at the reports of those outcomes and it is something I raised with the minister in a grievance in the Assembly. My query concerns the publication on the Internet of the sentencing remarks of judges in the hope that it will mute the shrill cry of the "shock jocks" who misrepresent what judges say at sentencing. The publication will perhaps correct what the subeditors of the fourth estate do to the comments of our learned friends. I believe the amount of money involved is \$78 000 a year. Is there any provision in the estimates to put sentencing transcripts on the Internet?

Mr J.A. McGINTY: When the issue was raised by the member in 2001 by way of a grievance I indicated my support for any initiatives that would lead to greater public understanding of the sentencing process. I support the notion of publishing sentencing comments on the Internet. The comments explain the background of a case and why a judge arrived at a sentence in a particular case. The cost is not enormous. I am keen to see it implemented. However, a problem has been drawn to my attention. Judges have absolute privilege and therefore common law protection of any sentencing remarks made in a court. The protection does not extend to immunity to judges' comments published on the Internet. There is an immediate potential problem with defamation law once comments are published independently of the court process. In addition, court officers and other persons working on behalf of the courts would not be protected if they were involved in publishing the remarks on the Internet. That is the nature of the problem. A number of statutory provisions could inadvertently be breached by a judge or court officers by placing sentencing remarks on the Internet. For example, section 36 of the Evidence Act prohibits, except by leave of a court, the publication of a matter likely to lead to the identification of a complainant. If a complainant attends a school, identification must not occur if a person is accused of a sexual offence. The Young Offenders Act also contains confidentiality provisions in relation to juveniles. This is not just a theoretical issue; it is a very practical issue. The Registrar of the Tasmanian Supreme Court was charged by the Director of Public Prosecutions in these sorts of circumstances. Hopefully our DPP, who was lauded in the editorial of *The West Australian* this morning as a man of immense integrity, would not go down the path of prosecuting the Chief Justice or anyone else in the judiciary for publishing sentencing comments on the Internet. In the Tasmanian case, the name of an offender in a sexual case was inadvertently published on the Internet in contravention of the equivalent provision in the Tasmanian Evidence Act. The charge was ultimately dismissed, but it highlights the nature of the problem we have in the absence of any absolute protection for providing that information on the Internet. Some of the other States have moved to overcome this problem. In South Australia, the Statutes Amendment (Courts and Judicial Administration) Act 2001 amended the Courts Administration Act to provide the same privileges and immunities to publications on the Internet as if the publication consisted of the delivery by a judge of a sentencing remark in court, provided the sentencing remarks were released by the sentencing judge in accordance with the procedures approved by the Chief Judge or Chief Justice. That is the issue we must now deal with. It is likely that we will need to bring in amendments soon to legislation governing the courts to provide indemnity or immunity for action taken in placing sentencing comments on the Internet lest the judiciary runs foul of the DPP in this State.

Ms S.E. WALKER: I refer to the additional appropriation of \$22 million shown at page 439 of the *Budget Statements*. I am concerned about the situation at Acacia Prison because the minister's comments seem, as they usually do, to sheet home the problems at the prison to AIMS Corporation. The debrief on Acacia Prison by the

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Inspector of Custodial Services stated that the statutory epicentre of the prison was the Department of Justice. He referred to the monitoring team at the Department of Justice and the head office base management team. He said that more resources should be put into that side of the monitoring function; that is, the monitoring team. He also said that the processes and protocols of the contract management team had been somewhat undeveloped. The minister seems somewhat unable to accept responsibility for this. Is there anything in the \$22 million that addresses the lack of resources in the monitoring function, which is 24 hours a day at Acacia Prison? As I understand it, the monitoring function is designed to report and discuss any problems in the Acacia Prison system. Does the contract management team have any funding to develop processes and protocols so that the minister does not have a third entity on alert under his control?

Mr J.A. McGINTY: I am not happy with the performance by AIMS of its contract at Acacia Prison. It has not delivered what the then Government boasted it would. I am determined to ensure that the taxpayers of this State get value for money pursuant to the contract at the prison. I am not at all happy with the job done by the monitoring team from the Department of Justice at Acacia Prison. The Inspector of Custodial Services has more confidence in the monitoring team than I have been prepared to place in it. That is a significant difference between the two of us. This is a matter I have raised with the Department of Justice. Since the debriefing note from the Inspector of Custodial Services, I have accepted the criticisms he has made. If anything, I have been more strident in my criticism of the monitoring team from the Department of Justice at Acacia Prison. As I mentioned earlier, we have arranged for a senior public system administrator, Dave Hide, the assistant superintendent at Casuarina Prison, to be posted full-time to Acacia Prison until a new management team is established in the prison to the satisfaction of the department. We recently had the misfortune and dislocation associated with the termination of the general manager of Acacia Prison, who was employed by AIMS. That has left a management vacuum to compound the problems at the prison.

I will mention briefly four actions that have been taken. There have been major changes in the protection block at Acacia Prison, including the establishment of an antibullying regime to isolate perpetrators. This action was recommended by the Inspector of Custodial Services, Professor Richard Harding. It has led to a consequential reduction in standover behaviour and bullying at the prison. There has also been a group of Wongi prisoners from the goldfields who were experiencing cultural isolation. They are now given increased access to external Aboriginal community support, family contacts and traditional activities. To not properly deal with the Wongi prisoners at Acacia Prison in the first place was another failure. The inspector also made a number of critical comments about the involvement of prisoners in education and employment at the prison. Steps are being taken to improve prisoner access to employment and other constructive activities as per the contractual requirements, which, in my view, were not being met. The department's offender programs and education branches have been engaged to support the contractual management team in ensuring that contractual requirements are met in these areas, where the team is currently falling sadly short of meeting them now.

[12 noon]

Ms S.E. WALKER: The Inspector of Custodial Services seems to have a lot more confidence in AIMS than has the minister. He says that its corporate philosophy and track record are such that it clearly wishes to run a decent, human and effective prison service. In fairness - and that is why I am asking the minister to take a lot of the responsibility - I ask specifically again: will the minister be putting some resources into the monitoring function, and, if so, where are they in the budget; and will the minister be developing, through the Department of Justice, his head office-based contract management team's process and protocols, and, if so, where is that in the budget?

Mr J.A. McGINTY: One of the problems when government departments privatise things such as the newly established prison at Acacia is that a lot of hidden subsidies go into propping up the contract price. That is very evident in the significant commitment from the Department of Justice to provide the monitoring team in addition to the contract price at Acacia Prison. Professor Harding has indicated his support for the monitoring team at Acacia Prison. In my view, these matters would not have been allowed to degenerate to the state to which they did if the monitoring team had been doing a better job. I have been very critical of the way in which, in my view, the monitoring team has not pulled AIMS into line when it has not been delivering a quality service. Nonetheless, that is a difference between Professor Harding and me. He is more than able to put his point of view publicly, and so am I. Our difference of opinion on that matter does not in any sense impair the relationship that we have, which I believe is very constructive. It is all designed to make sure that our prisons operate better than they otherwise would. In my view, the job that is being done by Professor Harding is exemplary, and we will have a far better custodial system in Western Australia as a result of a torch being shone into the dark crevices of the prison system in a way that people associated with the administration of the prison system may find uncomfortable. I am delighted that Professor Harding is doing that, because that is a necessary condition of making sure that these sorts of things are done properly. In my view, the level of resourcing

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currently provided to the monitoring team is adequate. We have, as I have indicated, provided an additional senior officer to go to Acacia to make sure that it works properly.

Mr A.J. DEAN: I refer to page 466 and to dot point four under major achievements for 2002-03, which reads that the department administered the police royal commission and finance brokers legal funds. Is there a line item for the finance brokers legal funds? How much was spent on that last year, and how much is intended will be spent this year? A few people in Bunbury are hanging out for their money.

Mr J.A. MCGINTY: I will put the legal aid representative on the spot with regard to the finance brokers litigation and how much was allocated and how much has been spent.

Mr CRIBB: The amount that was allocated in the previous year's budget was \$1.125 million. As at the end of April we have spent \$573 000, which leaves a balance of \$552 000. We have made 30 grants, but most of those have been to syndicates, and about 700 people have been assisted.

Mrs C.L. EDWARDES: Where can those figures be found?

Mr CRIBB: The funding of \$1.125 million was provided in the previous year.

Mrs C.L. EDWARDES: In 2001-02?

Mr CRIBB: That is correct.

Dr J.M. WOOLLARD: I had intended to ask this question later, but as we are discussing finance brokers now, I have been informed by the -

Mr J.A. MCGINTY: If it is a Director of Public Prosecutions matter it may be more appropriately raised later when we get to the DPP.

Dr J.M. WOOLLARD: I am happy to deal with this matter when we get to that division.

Mrs C.L. EDWARDES: I refer to the outcomes, outputs and performance indicators on page 442, output 2 of which relates to case processing in the Magistrates Courts, both criminal and civil. I am interested in criminal convictions in the Magistrates Courts. If someone has been convicted of a criminal offence at the adult level, is that public information?

Mr J.A. MCGINTY: Yes.

Mrs C.L. EDWARDES: A list of union representatives accredited with the right of entry is available on the Western Australian Industrial Relations Commission register. Would it be possible for the minister to provide me with a list of any convictions against any of those unions officials?

Mr J.A. MCGINTY: I am sure if they are erstwhile colleagues of mine they will not have any convictions!

Mrs C.L. EDWARDES: I am sure if they are erstwhile colleagues of the minister they would not have any criminal convictions!

Mr J.A. MCGINTY: I should find out the answer to that! I will provide by way of supplementary information a list of union officials accredited with the right of entry against whom criminal records are held, that being a public matter.

[Supplementary Information No B39.]

The CHAIRMAN: Before we continue, I remind members that they have spent a little over three hours on one division, and that including the time up until 1.00 pm they have only two hours to deal with the remaining divisions. That is just a little reminder about time management, depending on how many divisions members want to get through this afternoon.

Ms M.M. QUIRK: I also refer to page 466, which relates to output 14, legal aid assistance. The second dot point under major achievements for 2002-03 states -

Amended eligibility guidelines for legal representation in criminal matters to give priority to people with mental illness or impairment, intellectual or physical disabilities, English language difficulties or who may be imprisoned for the first time.

Can the minister expand on what has occurred in that area?

[12.10 pm]

Mr J.A. MCGINTY: A change was made in the legal aid eligibility guidelines at the beginning of this year. It was designed to divert funds away from the recidivist offender, who was likely to go back into jail, to those people who had special needs. I was strongly supportive of this. Rather than money continually being provided

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for the legal defence of people who repeated their offending in a serious way, it is better to make sure that people with special needs, particularly those who are likely to go to jail for the first time, are the beneficiaries of the scarce resources that are available. The idea was to stop money being poured down the drain by providing support to recidivists, and to provide the few dollars that were available to areas where it was most desperately needed, particularly to first-time offenders.

Ms M.M. QUIRK: You mentioned the few dollars that are available. What has been the response by the Commonwealth to the provision of funds in this area?

Mr J.A. McGINTY: Having said kind things about Darryl Williams earlier, I will now give the other side of the equation. As the federal Attorney General from Western Australia, he has let us down badly on legal aid funding. We receive dramatically less than the amount we should receive by way of per capita funding, before we take into account the difficulties of the geographic spread in Western Australia, which makes legal aid funding more problematic in this State. Recently I was made aware that in some of the other States the commonwealth funding for commonwealth matters involving legal aid was not fully expended. In Western Australia our demand well and truly outstrips the dollars made available for commonwealth matters. I instance Family Court matters where there is simply not enough commonwealth money to go around. I make a plea to Darryl Williams to recognise the needs of his home State and not underfund us in legal aid to the extent that he has. It is disappointing that that is the case; nonetheless, the Legal Aid Commission does a very good job with the dollars available in that area. It is a pity that we do not have more money to ensure that access to the law is available to all citizens.

Dr E. CONSTABLE: I refer the minister to output 7 on page 454. The issue of home detention restraint systems has been raised on other occasions. How well is that program progressing; how many people are involved in the home detention restraint program; what does it cost; and how effective is it? I understand this system involves some sort of tagging and a high technology process is used to enable the location of people to be identified at will.

Mr J.A. McGINTY: I will ask Jackie Tang, the manager of community justice services, to respond to that question.

Ms TANG: Our statistics as at 8 May show that we have 44 people on home detention from prison and 33 on home detention bail. I am not sure what else the member would like to know.

Dr E. CONSTABLE: Is there a program that involves all of those people wearing some sort of electronic monitoring system?

Ms TANG: They wear an electronic monitoring system, but they are not required for the whole time they are on home detention to do that, depending on the risk. Initially, they would be placed on electronic monitoring and, depending on their response, that restriction of electronic monitoring may be lessened or removed. We have just entered into a contract to purchase a new monitoring system that will be less intrusive, and this is particularly important when an offender is living with other family members. This is a radar-type system that cannot be heard by other family members, but it is tracked back to a central system. Typically under the old system, if someone were on home detention, phone calls would occur during the day and night which would interrupt other family members and create tension in the home, which they could well do without. We are hoping that the new system will be less intrusive and will perhaps provide an opportunity for an extension of the service so that people can be monitored more closely in the community.

Dr E. CONSTABLE: What is the cost of that contract?

Ms TANG: I do not have that amount.

Dr E. CONSTABLE: Could I have that figure by way of supplementary information?

Mr J.A. McGINTY: We will provide by way of supplementary information the contract price for the system referred to.

[Supplementary Information No B40.]

Dr E. CONSTABLE: I assume that some of these people or all of them are not allowed to be in certain places and that is the reason for the tracking?

Ms TANG: It depends on the nature of the offence and the particular risk they may pose, which is relatively low given that they are on home detention. If they are newly released from prison, their movements may be quite strongly restricted within the community to the point where they may be able to go only to medical appointments or other essential places, but as time progresses those restrictions are lifted depending upon the response to the order.

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Dr E. CONSTABLE: What happens if that person is detected as being at a place where he should not be? What is the response of the department?

Ms TANG: Under the current system, we can only detect whether someone is not at home; we cannot detect where they are. If a person fails to respond to a phone call, an attempt would be made to contact that person manually either through a security guard or by a community corrections officer visiting the home. At that point, information would be gathered from other family members perhaps as to where the person might be, or an offender may call in and say that he will be home late and this is where he is. It is a very individual response, but if the person is found not to be at home when he should be, then depending on the case management of that offender, a decision would be made to either reprimand the offender or issue a warrant for his or her arrest.

Dr E. CONSTABLE: How many cases would there have been in the past year of people on home detention being in places where they should not be and being dealt with because of that?

Ms TANG: I suppose the member is asking how many warrants have been issued. I do not have that number but we can provide it.

Dr E. CONSTABLE: Can I have those details by way of supplementary information?

Mr J.A. MCGINTY: It is agreed to provide by way of supplementary information the number of warrants that were issued following breaches of home detention.

[*Supplementary Information No B41.*]

Ms S.E. WALKER: Further to that question on home detention, is it the case that under the new system the prisoner will have more ability to roam at large? For instance, he can be telephoned only when he is at home. If he intends to go to the doctor and will be away for two hours, you do not know where he is. He may turn up at the doctor's surgery, but you do not know where he has been.

Ms TANG: I do not think someone would be given two hours to visit a doctor. Before a person is placed on home detention, the issue of the risk he or she poses to the community is considered. If the person is a high risk, one would have to ask the question whether he or she should be in the community.

Ms S.E. WALKER: This is an important question because the courts treat home detention as time in custody. I have had experience of prisoners who have abused it. They may say they are going to court, but they park near Parliament House and walk all the way down through town past the hairdressers and coffee shops etc to get to the court. It seems that under this new system a person has far greater ability to roam - I can see someone shaking his head - but that person cannot be monitored unless he is at his home base.

Mr J.A. MCGINTY: That has always been the case; there has never been any change. I do not know if Ms Tang can add anything more to that. Mr Piper might be able to.

Mr PIPER: Basically, the technology we have been using has been dial back-type technology which required the offender to place a tag on a telephone receiver in the house. We have shifted to transponder technology that looks like a sports watch and contains a radio system which interrogates that transponder. It gives both the family and the offender more freedom within their home environment because it has a greater range. They do not have to rush back to a telephone, and we can tell if they are within range of their home. It is not the type of system that allows us to use global-positioning technology to determine their whereabouts. Those on home detention have always had an issue with their case manager managing what it is they have to do on a day-to-day basis, including medical or other court appointments. As Ms Tang stated, that is both a risk and case-management assessment that is made by their individual officer. The fact that a person is on home detention means that such decisions are made one-on-one with the offender. The member's comments relate to whether they are abusing the system. The technology does not save us in that sense. In the future I expect that as global positioning becomes more reliable, we will probably be able to positively identify their location. However, we cannot do that at the moment.

[12.20 pm]

Mrs C.L. EDWARDES: The *Budget Statements* refer to 44 people being on home detention. That figure appears to have increased. Can the minister provide the statistics of those on home detention for the past 10 years?

Ms TANG: Currently 44 people are on prison-home detention and 33 are on bail-home detention. It is my understanding that that figure is less than normal.

Mrs C.L. EDWARDES: Will the minister provide, by way of supplementary information, the statistics for the past decade? I am interested to look at the trends.

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Mr J.A. McGINTY: I will provide by way of supplementary information any easily accessible material that indicates the trend of electronic monitoring for people on home detention.

[*Supplementary Information No B42.*]

Dr E. CONSTABLE: Mr Piper stated that the technology is like a sports watch. Is it therefore possible for a detainee to take off the sports watch and give it to someone else to wear while they nick off down to the pub?

Mr J.A. McGINTY: Mr Piper is far more into gadgets so I will let him answer that question.

Mr PIPER: Thank you for that endorsement.

It looks and feels about the size of a sports watch but it is not a sports watch. It has a fibre-optic circuit in the band that is also monitored by the transponder. It cannot be removed because it is crimped on. It is not like a watchband because it is sealed on with a crimping device. If it is cut, a tamper signal is automatically sent back to the monitor. It is much more tamper proof than the previous system which required a disk that the offender wore that was placed on a receiving device. It is not only more robust and durable, but also easier to wear and less intrusive. It works heaps better than the previous system. However, it does not indicate their location in the world.

Mr J.A. McGINTY: I thought the tamper signal was used to get re-elected so I was going to get one!

Mr J.R. QUIGLEY: I refer the minister to victim support and counselling services on pages 450 and 451 of the *Budget Statements*. My question principally concerns female victims of domestic crime, and, within that subcategory, indigenous females who are victims of domestic crime. The *Budget Statements* state that the model trialled at Joondalup will be implemented in other areas of the State. When I practised law the Aboriginal Legal Service declined to act for some of those women because they were either acting for the husband or the male in a criminal setting, or had generally given the family previous advice and declined to act. How will the Government's initiatives help indigenous people in remote areas obtain restraining orders and protect them from family violence?

Mr J.A. McGINTY: Most probably in two ways. First, as I already mentioned this morning, funding has been set aside as a result of the inquiry conducted by Magistrate Sue Gordon. That funding will be directly used to expand the programs and initiatives, particularly in remote Aboriginal communities, that deal with substance abuse. It will be available to expand the role of local supervision for offenders. There is a direct provision of \$300 000 for child witnesses and victim support services for those Aboriginal communities. To the extent that we can use money to address problems, that money is being made available through the Department of Justice as a result of the recommendations made by Sue Gordon.

The second issue is still in the developmental stage. Over the past year and a half we have spent a lot of time reviewing and devising better ways to address the issues of domestic violence and restraining orders. I hope that when the legislation comes to Parliament some time in the new year, members will move comprehensive amendments to address the problems. In considering the way in which restraining orders work in domestic violence legislation we have already foreshadowed, that family violence that occurs in front of a child will be treated as a circumstance of aggravation that warrants a heavier penalty. Violence in a domestic relationship will also be treated as a circumstance of aggravation. The law must provide greater clarity on these matters and it must reflect that such matters are important and should be treated differently and more severely. In addition, a range of other measures are being considered, but I am not in a position to fully explain them today. A lot of work has already been carried out to backup the money that will benefit indigenous women, particularly those in Aboriginal communities who have been the focus of so much attention in recent times. The incidence of child sex abuse and family violence in those communities is totally unacceptable.

Mrs C.L. EDWARDES: I refer the minister to page 448 of the *Budget Statements*. The first new State Administrative Tribunal will be the new Planning Appeals Tribunal. How much money has been transferred from the planning portfolio to justice for the establishment of the new Planning Appeals Tribunal, which will become a formal part of SAT? Nobody has any idea how many matters will be transferred from the old tribunal because there is no database and matters have been dealt with manually. In addition to the 75 matters that were handed over by the minister, 12 new matters must also be heard. The initial workload will be enormous because there is a huge backlog. Apart from the money that has been transferred from planning, will the justice portfolio contribute extra money to deal with that huge backlog that is having an impact on investment in Western Australia?

Mr J.A. McGINTY: The issue raised by the member for Kingsley is a matter for the Minister for Planning and Infrastructure.

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Mrs C.L. EDWARDES: Planning transferred approximately \$800 000 but I could not find that figure in the *Budget Statements*.

Mr J.A. MCGINTY: The Department of Justice is overseeing the lease and fit out of the building at 12 St Georges Terrace for the new State Administrative Tribunal. It will ensure that the information technology systems are the best that is available. It will also ensure that the library and the court and hearing rooms are ready for the tribunal. In excess of the \$2 million that was set aside for the new Planning Appeal Tribunal will be transferred from the Department for Planning and Infrastructure to the Department of Justice as part of the total \$5 million allocation that will be taken from existing agencies. It will not be transferred until the State Administrative Tribunal is set up, by which stage I would hope that with the appointment of the new full-time Chairman of the Town Planning Appeal Tribunal - previously it was a part-time chairman - and also the appointment of senior members, that backlog will have been dealt with. It is an issue that should be dealt with this year. The issue becomes mine as of 1 January next year if we meet our timetable.

[12.30 pm]

Mrs C.L. EDWARDES: I hate to give the minister the bad news, but it will be his from 1 July this year, not 1 January next year. The minister will cop it first. When I was a minister I quickly learnt not to trust information I was given about transfers from agency to agency, because I was never given all the information. I always copped the backlog, and it cost a huge amount to fix it. That will happen in this area. I am flagging major problems with the backlog to be dealt with.

Mr J.A. MCGINTY: I thank the member for warning me of that. When it comes to matters of the administration of state, I am not as wily as is the member. I will do my best to be prepared for it.

Ms S.E. WALKER: I refer to the fourth dot point of major initiatives for 2003-04 on page 455, which relates to the implementation of the first stage of a regional prisons strategy aimed at improving the condition of prisons and addressing issues impacting on Aboriginal over-representation. For some time since the minister has been in government he has said that there will be a new regional prison. People in Broome and Kalgoorlie have been hoping that they will get that prison. In a media statement of 12 November 2002, the minister said that a decision on where it would be built was still many months away. There are two issues. First, will a new regional prison not be built, and is that because \$40 million has gone into the new Nyandi complex? It seems from the budget papers that the minister is just improving the condition of the prisons. Will there be a new regional prison, or has the minister backed down on that now, and is he just patching up those two prisons? If so, where in the budget is that patch-up money, how much is it, and what will be done to those prisons? Secondly, that dot point refers to Aboriginal over-representation. On my recent visit to the Eastern Goldfields Regional Prison, I spoke to the prison officers about the representation of women in that facility. There were about 17 women in the prison at that time, all of whom had severe mental health problems because of, it was said, sexual abuse. Given that no funding will be put into the mental health programs, as the minister outlined earlier, until Nyandi is built, what will the minister do about the situation of women in the goldfields in particular?

Mr J.A. MCGINTY: When we came to government two and a half years ago, the proposal was to build what I would regard as a gulag a long way from either Broome or Kalgoorlie, in the middle of the bush. I have looked at the Waterbank site, which is many kilometres out of Broome - that is the site of the proposed prison in that area - and also at the four or five sites in the bush that are significant distances from Kalgoorlie. I was not impressed with any of them. I have made my view known to the Department of Justice; that is, that the closer it can get the prisons to the towns and to the post office in those towns, the more likely the proposal is to find favour. My view has been that the Broome Regional Prison is very much part of the community there, and it would be a tragedy to take it 20 or 15 kilometres out of town onto the Waterbank station. I do not intend to do that. Accordingly, we have made no progress with the proposition to build a new prison in the Kimberley, and we will not do so until such time as two issues are addressed. The first is the question of location and it being part of the town, and the second is the Aboriginal nature of the prison. Professor Richard Harding describes very adequately that most regional prisons in Western Australia are Aboriginal prisons in the sense that 95 per cent of their inmates are Aboriginal.

Earlier this week I spoke to a meeting of prison superintendents about the work that hopefully will be viewed as visionary for women, and I said that I would like the same notion to be developed for Aboriginal prisoners, so that there is a way of treating Aboriginal offenders that is consistent with their culture and is designed so that they will make the most of their time in prison to stop them re-offending. I do not know how that can be done. I have certainly spoken to a lot of people who can explain it to me philosophically but not practically.

Ms S.E. WALKER: So the minister will do nothing.

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Mr J.A. McGINTY: No. We are working on ways to help these people. No Government in this State in the past has ever dealt properly with Aboriginal prisoners or women prisoners. In the same way that we are looking at a women-centred prison at the new Nyandi facility, we are looking at one or two Aboriginal-centred prisons in the remote parts of the State. They are the two issues. I am not happy with what has been presented to me so far in respect of either Broome or Kalgoorlie, and no progress will be made until such time as I am satisfied on those two issues.

Ms S.E. WALKER: So we will not get a new regional prison? That is my point.

Mr J.A. McGINTY: I suspect that we will, but not until I am satisfied that what we are doing is the right thing. I do not want to simply build another new colonial prison to lock up more Aborigines in the regional parts of Western Australia.

Ms S.E. WALKER: My question was: where in the budget figures is the money, and how much will be apportioned to Broome and Kalgoorlie, where the prisons are still quite disgraceful? What will the minister do for those prisons?

Mr J.A. McGINTY: Money is provided, but I do not intend to spend it until I am satisfied on those two issues. On page 467 of the budget, \$200 000 is provided for planning and land acquisition for the Kimberley prison. The construction of a new prison will not be progressed until those matters have been sorted out. We could do nothing worse than to build another Roebourne Regional Prison in the middle of salt flats, and too far away for Aboriginal people to visit properly.

Ms S.E. WALKER: I am talking about the way in which the minister will upgrade those two prisons. Is the minister saying now that he will not upgrade them at all?

Mr J.A. McGINTY: We will examine ways in which to deal with those issues. One of the things that appalled me with the Kalgoorlie prison - this goes back to the time when we were in opposition - was that in the overcrowding of the Kalgoorlie prison, which was commonplace in those days, a rapist was being held in a cell in the women's section of the prison. On that occasion I asked Hon Peter Foss how that could be allowed to happen. Another thing the member for Nedlands would have noticed about the Kalgoorlie prison is that we could not get a less sympathetic prison to Aboriginal prisoners because of its being enclosed -

Ms S.E. WALKER: The minister is doing nothing for it in this budget.

Mr J.A. McGINTY: I inherited this from the previous Government. In my view, we could not get a less sympathetic prison to Aboriginal prisoners than the Kalgoorlie prison, because it is enclosed. There is no capacity for people to put their feet on the ground, enjoy the sky and things of that nature. More work needs to be done. When it is done, we will invest.

Dr J.M. WOOLLARD: I refer to the output performance measures for legal aid on pages 464 and 465. I believe the decreased costs for alternative dispute resolution far outweigh the increase in costs. How much was spent by the State last year on the alternative dispute resolution program, and how much is budgeted for in the current year?

[12.40 pm]

Mr J.A. McGINTY: Can the member direct me to the line item?

Dr J.M. WOOLLARD: It is covered under several sections. I refer to the output performance measures on page 464. Under the column headed "Reason for Significant Variation between 2002-03 Estimated and 2003-04 Target", it states "Increase due to influence of further development of Alternative Dispute Resolution (ADR) program". On the next page the *Budget Statements* state "Decrease reflects higher proportion of low cost ADR cases", and "Decrease due to revised costing methodology in support of ADR program". What is the State doing in terms of the ADR program? How much was spent in the past financial year on this program, and how much has been budgeted for the next financial year?

Mr J.A. McGINTY: Perhaps the representative from the Legal Aid Commission can answer that question.

Mr CRIBB: I have the information readily available. There are one or two points. The alternative dispute resolution program comes under commonwealth law, so it is a commonwealth matter. It is not funded by the State.

Dr J.M. WOOLLARD: I appreciate that it comes under both the State and the Commonwealth. How much is the State contributing and what is it doing with the program? It is a joint program.

Mr CRIBB: The program is funded purely by the Commonwealth. It is funded 100 per cent by the Commonwealth.

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Dr J.M. WOOLLARD: Is no funding provided by the State for alternative dispute resolution? Other States provide assistance in this area.

Mr CRIBB: That is correct. It is totally commonwealth funded.

Dr E. CONSTABLE: I have a question about a matter that is dear to my heart and I suspect also dear to the minister's heart; the Francis Burt Law Education Centre. This issue probably fits into any of the output measures. What is the proposed contribution of the Department of Justice to the Francis Burt Law Education Centre for the coming year, and what was the contribution this year?

Mr J.A. MCGINTY: I cannot provide that information here and now.

Dr E. CONSTABLE: I am so disappointed.

Mr J.A. MCGINTY: The member has rightly said that it is a matter close to both our hearts. It is a great organisation named after a great man. I undertake to provide details of the Department of Justice contribution to the Francis Burt Law Education Centre for last year and the coming year by way of supplementary information.

Dr E. CONSTABLE: I hope it is a major increase.

[*Supplementary Information No B43.*]

The CHAIRMAN: I remind members that they have two hours and 15 minutes in which to deal with nine divisions.

Ms S.E. WALKER: I refer the minister to the major initiatives for 2003-04 listed on page 455 of the *Budget Statements*. The second dot point refers to the better management of women in prisons. In part, that will be achieved through the upgrading of facilities. In January this year, six women were in Broome Regional Prison, 17 in the Eastern Goldfields Regional Prison, 31 in Greenough Regional Prison, 10 in Roebourne Regional Prison and 10 in Nyandi Prison, besides the women at Bandyup Women's Prison. The minister just said that nothing would be done for Broome or the eastern goldfields. Can the minister explain what will be done to upgrade facilities for non-metropolitan women prisoners? Also, how many women prisoners are in each of the prisons located outside the metropolitan area?

Mr J.A. MCGINTY: Having sat back and had a chance to consider this issue over the past two and a bit years, I have come to the conclusion that one of the greatest failings of the previous Government was the prison system. The prison system was bursting at the seams and there were a record number of deaths in custody. There was crisis after crisis in the prison system, but no new initiatives were taken to deal with those issues. Four significant initiatives have been undertaken in the recent past. I will come back to the question of women as the fourth issue. Firstly, the Government had the political courage to do something about the scandal of overrepresentation in our prisons, which was draining the State's coffers for no demonstrable benefit, by getting out of the prisons the minor offenders who should not have been there in the first place. Some criticism came from the Opposition at a purely political, rhetorical level, but I think most sensible commentators realised it was a good move for prisons to serve the function for which they were established. The previous Government oversaw a dramatic rise in the number of Western Australians locked up in prison, and it was proud of it. I would not have been proud of locking up more citizens in prisons in Western Australia than in any other State in Australia. Secondly, the prison system was awash with drugs. The Government has implemented a prison drug strategy, which it has backed up with financial resourcing in this year's budget, to get drugs out of prisons. For the first time, people who go into prison with a drug addiction will be offered the opportunity to use that time constructively to try to beat their addiction, with a view to making the community safer. Thirdly, under the previous Government, when people came to the end of their time in prison they were released, given a bus fare and wished well. There was no follow-up of those people in the community. Almost \$6 million has been provided in this budget under the re-entry strategy to try to stop those people reoffending. Western Australia has a chronically high rate of reoffending; it is higher than anywhere else in the nation and also higher than international standards. The Government is providing money to try to stop people reoffending. Fourthly, the previous Government did nothing for women prisoners in this State. This Government has not only appointed the first senior manager of women prisoners in this State but also will build the new Nyandi Prison - it is currently under construction - based on international best practice. For the first time in this State, women prisoners will be treated with the dignity they should be afforded if we are serious about stopping them reoffending, rather than putting them through the Bandyup experience and wondering why they go back inside as a result of reoffending. The member asked -

Ms S.E. WALKER: I asked two questions, neither of which the minister has answered.

Mr J.A. MCGINTY: It was a good answer anyway.

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Ms S.E. WALKER: It was not; it was a political answer.

The CHAIRMAN: Order, members!

Ms S.E. WALKER: How will the Government upgrade the non-metropolitan facilities for women prisoners as outlined on page 455 of the *Budget Statements*, and how many women are currently in those non-metropolitan facilities?

Mr J.A. McGINTY: On 15 May, the figures were: Bandyup Women's Prison, 128; Broome Regional Prison, 9; Eastern Goldfields Regional Prison, 11; Greenough Regional Prison, 11; Nyandi Prison, 37; and Roebourne Regional Prison, 10, giving a total of 206 women prisoners in Western Australia. The Government has already spent money on Broome Regional Prison. We inherited a shocking state of affairs with that facility; it was a very small compound. I am sure the member has seen it. We are considering physical upgrades to the women's prisons and will also make sure that women prisoners are treated with the dignity they deserve, which they were not under the member for Nedlands' Government. There will be significant upgrades to the eastern goldfields facility, and we have commenced the upgrade of the Broome Regional Prison.

Ms S.E. WALKER: Is there nothing in the budget for the upgrades?

Mr J.A. McGINTY: Yes, there is.

Ms S.E. WALKER: That is what I am asking.

Mr J.A. McGINTY: I just answered that question; the member was not listening.

The CHAIRMAN: If the member waited for the answer to her question, she might get it.

Ms S.E. WALKER: I do not think so. Only 206 women are currently in the prison system. Bandyup Women's Prison has 128 women prisoners and can accommodate 141. A further 37 women prisoners are at Nyandi Prison in the metropolitan area. Why is the Government building a new \$40 million complex?

Mr J.A. McGINTY: I am surprised that the member for Nedlands resents looking after members of her gender; those unfortunate women who find themselves in prison. The first time that the Government of this State has tried to do something decent for women prisoners to try to help them turn their lives around, an opposition woman has attacked it. I am amazed. It is a quite incredible situation. We expect that from blokes, who are quite unsympathetic to these issues, but I expected more of the member for Nedlands.

[12.50 pm]

Ms S.E. WALKER: Since the minister has been in control of prisons, 21 deaths have occurred in the prison system. Eight have occurred at Hakea, and none at Acacia, as I understand. How many deaths have occurred at Bandyup, or how many female prisoners have died since the minister has been in control?

Mr J.A. McGINTY: There have been two at Bandyup.

Ms S.E. WALKER: Secondly, I believe the minister indicated in a ministerial statement that he had ordered a review of the deaths at Hakea. What money has been put aside in the budget for that, and where is it shown?

Mr J.A. McGINTY: The Inspector of Custodial Services has been directed by me to conduct a review of everything to do with the unacceptable level of deaths at Hakea Prison. This is the first time I have used this power. There is no worse experience for a minister than to be telephoned during the night to be told that a young Aboriginal person has taken his or her own life in a prison in this State. I find that personally very devastating, and it has happened too often. I am not happy with the steps taken to minimise and hopefully end the tragic loss of lives of people who commit suicide in the prison system. Four or five years ago we were regularly recording chronically high rates of deaths in custody. Apart from two tragic suicides of young Aboriginal men at Hakea in the past two months, the majority of deaths in custody over the past couple of years have been by way of natural causes, due to the health conditions in which prisoners find themselves. It is not acceptable that so many people are committing suicide in prisons, and that this is focused on Hakea Prison. I am not happy with that, and things will change at Hakea, along the lines being followed as a result of the report from the Inspector of Custodial Services. It is distressing in the extreme that deaths occur, particularly the most recent two at Hakea. We will do everything we can to ensure that there is no repeat of that, and that is why I have directed the Inspector of Custodial Services to undertake the inquiry. He has resources to do this job, and he will do it within those resources.

Ms S.E. WALKER: Has the minister provided the inspector with any further resources for this study?

Mr J.A. McGINTY: I have just indicated that it will be done within existing resources.

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Mr J.R. QUIGLEY: I refer the minister to the last line of the table on page 463. The sum of \$875 000 is given as the legal costs for the police royal commission, with the provision of another \$225 000 for next financial year, for police and public officers called before the royal commission. Is it contemplated that, when the Corruption and Crime Commission is set up, public servants and police will be able to apply for legal assistance in advance of an adverse finding being made against them?

Mr J.A. MCGINTY: I will answer that question in two parts, and to answer the second part I will ask the legal aid representative to indicate to the committee the extent to which the funds allocated to the police royal commission have been drawn upon, given that the police royal commission is due to report at the end of August. It does not have long to run. We can most probably conclude from that that most of the police who wanted to use the legal aid scheme made available to them as part of the royal commission have made their call on the funds. I will come back to that.

In New South Wales, following the Wood royal commission, an ongoing legal assistance scheme was set up to offer assistance to police officers called before what is effectively an ongoing royal commission into police corruption in that State. That is what we will have here. There is no provision in this budget for a legal assistance scheme of that type to be set up here. We have government guidelines for legal assistance to public sector workers, including police officers, brought before courts, tribunals or royal commissions to give evidence. We will need to give consideration to that matter, and no doubt the Commissioner of Police and the police union will want to make submissions about it. My focus over the past four or five months has been on getting the legislation in place to create the new Corruption and Crime Commission. That was introduced into Parliament in the last sitting week, and the Government will be putting a lot of effort into putting the structures in place, and appointing, in consultation with the Leader of the Opposition and the leaders of other political parties, a commissioner and other staff. We will need to look at the matter of legal assistance if we receive a submission along those lines. The second part of the question can be answered by the representative from the Legal Aid Commission, who can indicate the extent to which the fund has been drawn upon.

Mr CRIBB: We would expect to outlay about \$550 000 this financial year. We understand that the royal commission will run through to about August, in which case the figure could be in the order of \$700 000 spent out of the allocated total of \$1.1 million. That would leave about \$400 000.

Ms S.E. WALKER: I refer again to page 439, and the \$22 million extra in the appropriation. How much was put aside for the one vote, one value court case?

Mr J.A. MCGINTY: None of it.

Ms S.E. WALKER: Is the minister not proceeding with the case?

Mr J.A. MCGINTY: Are you referring to the justice portfolio?

Ms S.E. WALKER: Yes; the Crown Solicitor's Office. Will it be representing the State of Western Australia?

Mr J.A. MCGINTY: I do not think a specific allocation has been made. A global provision is made for legal representation in the interests of the State. Of course, equality and democracy are eminently worth pursuing, and they will be pursued as part of the allocation made for the Solicitor General and the Crown Solicitor.

Ms S.E. WALKER: I do not doubt the fervour of the minister.

Mr J.A. MCGINTY: I am surprised the member does not have any, on such a fundamental issue.

Ms S.E. WALKER: I am a very passionate person. I am asking on behalf of the citizens of Western Australia how much you think it might cost out of the \$22 million.

Mr J.A. MCGINTY: I have already given a public indication that the cost of the initial case in which the Clerk of the Legislative Council took the Government to court was a little under \$25 000.

Ms S.E. WALKER: Does that include the court costs of the hearing? Is that just the counsel representing the Government?

Mr J.A. MCGINTY: The Crown Solicitor's Office operates on a cost recovery basis, and it charges its normal hourly rate. That was the charge involved there.

Ms S.E. WALKER: The court time has not been taken into account.

Mr J.A. MCGINTY: I have also not taken into account the car that was used to drive people around and all sorts of other nonsense. The cost, on an acceptable basis for determining costs, was under \$25 000. We have estimated that the cost of going forward to the High Court will be in the vicinity of \$150 000.

Ms S.E. WALKER: Does that take into account the time spent by the court in deliberating?

Extract from *Hansard*
[ASSEMBLY - Thursday, 22 May 2003]
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Mr J.A. McGINTY: We do not have to pay for the High Court. It is not part of the State's budget.

The appropriation was recommended.

Sitting suspended from 1.00 to 2.00 pm