

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

MINISTER FOR POLICE AND EMERGENCY SERVICES; JUSTICE; AND COMMUNITY SAFETY

Motion

MR M.J. BIRNEY (Kalgoorlie) [4.01 pm]: I move -

That this House calls on the Premier to remove the Minister for Police and Emergency Services; Justice; and Community Safety from her position, as a result of her failure to properly administer her portfolios.

Effectively, this motion calls on the Minister for Police and Emergency Services and for Justice to be sacked. From time to time there is a tendency within the ranks of the Opposition to want to call for the political head of certain ministers. Generally speaking, we decide to hold back in that regard to ensure that when we call for the political head of a minister, it is for good reason. We do not call for the sacking of a minister on a weekly, fortnightly or even monthly basis. When we call for the sacking of a minister, it can be guaranteed that we have pretty good grounds for calling for that sacking.

Today I will outline those grounds for the House. Today I will outline a sorry tale of an incompetent, bumbling, inadequate, publicity-seeking minister, who is not capable of carrying out her functions as a member of the State Cabinet. I will explicitly make a case for the sacking of the Minister for Police and for Justice to the members of this House. I will go back to 2001, if you will allow me, Mr Acting Speaker, and talk about the Harding report.

Professor Richard Harding was commissioned to undertake a report on court custodial services, among other things. That report was handed to the Government of the day - this State Labor Government - in November 2001, and it became the Holy Grail of the Department of Justice. It became the all-encompassing document that dealt with all the outstanding unresolved issues over a long period in the Department of Justice. Let me tell the House that it was scathing of court-holding facilities, particularly at the Perth Supreme Court. It effectively said that that holding facility was an escape waiting to happen.

That report was duly delivered to the Government by Professor Harding, and it sat on the shelf. It basically went absolutely nowhere. Indeed, the current Minister for Justice, who has had that role for approximately 12 months, I think, had not read the Holy Grail of the Department of Justice, Professor Harding's report, prior to the great escape on my birthday last Thursday. Nearly three years on, that report has gathered dust on the shelves of the department. A number of myths have been perpetrated, particularly by the Minister for Police and for Justice, about the content of the report and its recommendations. Of course, a number of myths have been perpetrated by that same minister about what happened on the day of the great escape.

I will go through some of the facts surrounding the escape and spell them out very clearly for members present, because I know there is a tendency from time to time for members to just read the odd press report here and there. Sadly, we are all busy people, and from time to time we do not have an opportunity to fully avail ourselves of all the facts surrounding the most important matters, such as this one. However, before I do that, I will touch on Professor Harding's report, particularly the section that deals with high-security prisons. Professor Harding wrote in his report in November 2001 - the same report that has sat on the minister's shelf for some three years -

It seems surprising that prisoners who, according to one measure of risk assessment, apparently pose such a high risk to the community can be delivered to the sally port of a court and left there for supervision and control by a group of unarmed personnel untrained in dealing with such persons. It is not to the point to claim, as the Department does, that this is what the contract requires. These prisoners either pose an unusual danger or escape risk, or they do not.

Effectively, Professor Harding was saying that certainly for at least the last three years since that report came down, there had been a number of unresolved issues surrounding the matter of whether a prisoner should be classed as a high-security prisoner. If a prisoner happens to get that high-security classification - God knows what he must do to achieve that classification - he is transported from the prison to the court by specially trained members of the Department of Justice, with an armed police escort.

Section 3.3.3 of the Australian Integration Management Services Corporation Pty Ltd contract - this is a public document - states under the heading "Exclusions"-

The following prisoners are excluded from the provision of court custodial services under the Contract and will not be managed by the Contractor, albeit that they may be held and guarded in facilities managed by the Contractor:

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

- (a) high security prisoners in the charge of MOJ Emergency Security Group (ESG), or in the charge of WAPS because of operational necessity or risk. In these cases WAPS or ESG may provide all escorts and guards;

That is effectively saying that under the terms of the AIMS contract, AIMS is not required to look after or transport high-security prisoners; yet over time the Minister for Justice's own department has forced AIMS to do just that. When the Premier, under some duress, tables all the correspondence between AIMS and the department, I believe we will find that AIMS has contacted the department and said that under section 3.3.3 of its contract it does not have to look after high-security prisoners, and it does not want to do it; yet the department has forced AIMS to do just that.

That brings me to my next point about the prisoners that we are discussing today. We are talking about nine armed robbers. Some of them are also sex offenders and rapists. They are prisoners of the worst kind - low-lives, in fact. They are people whom the public would rightly expect to be classified as high-security prisoners. Even though, on the one hand, the department has been forcing AIMS to look after high-security prisoners, on this occasion at least, it decided that those nine armed robbers and rapists did not pose a significant threat to the community. I heard the minister talk today about the fact that she was a bit bewildered also that those individuals had not been given a high-security classification. The now famous Professor Harding report recommendation 4 reads -

As a matter of urgency, the Department should cease the practice of placing high security escort prisoners into the custody of Contract staff. Prisoners who have been assessed as posing a high risk should remain in the custody of specialised officers at all times.

That goes to the question of whether AIMS had been forced to accept high-security prisoners in the past. That is an argument that can be made. However, Professor Harding's report recommends very clearly that a review should be undertaken with a view to analysing how a prisoner achieves a high-security risk classification. It is okay for the Minister for Police and Minister for Justice to say that she is bewildered that they did not get a high-security classification, but it is not okay that she ignored a recommendation that clearly states that the department should undertake a review of how prisoners achieve certain classifications. That is negligence. That is the first point I wish to make today on the possible sacking of the Minister for Police and Minister for Justice. She had before her a recommendation from Professor Harding clearly telling her that a review should be undertaken of how prisoners achieve their security ratings. That review was never undertaken. I heard the minister today blustering on about having had discussions, talks and a little bit of this and that, but the review as recommended by Professor Harding was never undertaken. As a result nine very dangerous criminals did not achieve a high-security classification and of course they broke free; it is a matter of fact.

With regard to the transportation of prisoners from prison to court, effectively what happens with high-security prisoners is that a specialised team of Department of Justice people flanked by armed police shackle the prisoners' hands and feet, put them in a van, sometimes with a police helicopter escort, and then drive them to the court, where they are handed over to unarmed AIMS guards. That is what happens. It should not happen, given clause 3.3.3 of the AIMS contract. It is very clear about that, yet when AIMS asked the minister if it could be absolved from looking after high-security crooks, the minister told AIMS not to be silly and that it was doing the job. Clearly this is a negligent minister who simply wants to swan around town and get her head on television but does not want to get her hands dirty.

When a prisoner is transported from prison to court the Department of Justice has some advance notice of it. It determines whether the prisoner will be a high-security prisoner. AIMS cannot make that determination, given that AIMS is not aware of the names of people who are to appear in court until the night before they appear in court. Therefore, AIMS cannot make that determination; only the minister's department can make that determination. On this occasion it failed miserably. Even if it had given those prisoners a high-security classification, the poor unarmed AIMS staff would still have had to look after them in the Supreme Court lockup. The prisoners would have had an armed guard from the prison to the court instead of just the AIMS staff, but the AIMS staff, under duress, would still have been responsible for their custody at the Supreme Court. That is contrary to clause 3.3.3 of the AIMS contract. The minister and the department know it, yet they do not want to do anything about it.

Let me go through the chronology of what happened on the day. I have laid it out on the public record so that members may chew over it for themselves. The nine prisoners in question were transported by AIMS staff from various prisons to the Perth Supreme Court. Had they achieved a high-security rating, they would have been escorted by armed Department of Justice guards. That did not happen. That is security failing number one; that is, unarmed AIMS guards transported them to the court. They got them into the sally port, which is where the van enters the court, and they took the prisoners to the cells. There are only four cells in the Perth Supreme

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Court, and all manner of people need to be housed separately in those four cells. On the day in question, three women needed to be housed separately from the others in one cell, one protected offender needed to be housed separately and one bailee, somebody who had surrendered himself to the court and had not been through the judicial process, also had to be housed separately. Only one cell was left, and 11 crooks were put in that one cell! Members may well ask how on earth that information came to hand only in recent times. Members may well ask how we got to a situation in which there had to be an escape before we worked out that there were issues with the number of cells in the Perth Supreme Court. I am afraid to say that in appendix 2, paragraph 2.4, of his report, Professor Harding said the following -

The custodial centre lacks the range, quantity and size of facilities to adequately support the custodial service.

Mr N.R. Marlborough: When did that report come out?

Mr M.J. BIRNEY: This report was given to Government in November 2001. The Government knew that there were not enough cells from November 2001 because the word “quantity” appears in Professor Harding’s report, yet this Government was happy to house 11 hardened criminals in the one cell. Guess what happens when 11 hardened criminal are housed in the one cell? The minute the cell door is opened, they rush for freedom, and that is exactly what happened and exactly what Professor Harding predicted in November 2001. In his report, Professor Harding also identified another serious issue with these holding cells. He said -

Self contained holding space, i.e., with toilet and drinking facility, is limited to the female holding cell making it necessary to manage all other accused into and out of cells to gain access to a single toilet facility. This is of concern when managing high risk persons.

He is effectively saying that there is a toilet in only one of the four cells. If a prisoner in one of the other cells needs to go to the toilet, his cell has to be opened, he has to be removed from his cell, the prisoner in the cell with the toilet has to be removed from that cell, the prisoner wanting to go to the toilet is then transferred to that cell and then he is taken back to his cell afterwards. A person does not have to be Einstein to work out that that presents a number of security risks. In fact, Professor Harding said so in his report of November 2001. Guess what happened on the day of the great escape? One of the prisoners said that he needed to go to the toilet! Those were his exact words. What do members think happened when the door was opened? Exactly what Professor Harding told the Government would happen; the prisoners in that cell made a bolt for it. Nine of the prisoners pushed their way out. Luckily, two of the crooks had the good sense of mind to stay put, but nine of them did not. They probably read Professor Harding’s report and they probably knew that this was a good opportunity. That prisoner probably did not even need to go to the toilet. He probably read Professor Harding’s report, which is why he said had to go to the toilet. He knew that that was a security weakness at the Perth Supreme Court. However, this bumbling minister in charge of the justice and police and emergency services portfolios has done absolutely nothing.

Let me tell members exactly what happened on the day in some detail because I want to debunk all of the points in the press release put out by the minister a couple of days ago. As I just said, one of the prisoners asked to go to the toilet. The cell door was opened with two prison guards immediately present. The policy of AIMS Corporation when the cell door is open is to have two guards present at any one time. It is also policy for the guards to put their foot against the bottom of the door and for the two of them to be standing there. These guards followed procedure. However, it would have been pretty extraordinary prison guards who could have withstood the pressure of nine big, strong thugs pushing on the cell door, and they could not. The cell door, therefore, flew open to the left, effectively trapping the two prison guards behind the door and blocking them off from the duress alarm, which was on the other side of the cell door. The hardened criminals then said to one of the prison guards words to the effect, “We don’t want to hurt you; just give us the keys or else.” The prison guard was an unarmed civilian in the company of nine hardened criminals; he did the right thing and handed over the keys. The criminals then made their escape. In doing so, they accosted all manner of people and tried to hijack cars. As we discovered today, some 150 police or thereabouts were mobilised to catch those prisoners. I hate to think how front-line policing suffered in the districts from which just about every available police officer in the community came to try to catch those escaped prisoners. It was an escape that could have been prevented by this minister sitting on my left.

It has been a bit of a comedy of errors since then. The Minister for Justice has thrashed about wildly looking for somebody to blame and take the fall for her obvious inadequacies. She blamed Hon Peter Foss, an excellent former Attorney General. She blamed the previous Government. How many times have we heard the previous Government blamed? Then, by way of a backhander, she blamed her own Attorney General. She then tried to blame the court system. In fact, the only body she did not blame was the federal Government. That was a departure from standard Labor Party policy, so she may be rapped over the knuckles for it. The Minister for

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Justice then tried to blame an organisation that is contractually prohibited from speaking publicly and putting forward its case; that is, AIMS. Within days of the escape, the minister had issued a press release titled "State Government takes control of Supreme Court security", which was meant to engender some sort of confidence in the judicial process. In the press release the minister cited a number of reasons for sacking AIMS from the court security contract at the Supreme Court. I will read a couple of the reasons and then I will give the opposing and truthful views. The minister's press release said -

an AIMS security co-ordinator apparently rejected a request for additional staff on the day of the escape after security concerns were identified about the group of prisoners;

There are a couple of issues there. It is the job of the Department of Justice to identify security concerns about a group of prisoners. They should have been designated high-security prisoners but were not. Notwithstanding that, on the day of the escape one of three custodial security officers working for AIMS rang in sick at the eleventh hour, just before the start of his shift. AIMS found another security guard, who was working in the general security area, and put him into the court custodial section so that it could be fully manned. The Minister for Justice has the hide to sack AIMS on the premise that it was short-staffed on the day, when it was not. The press release continues -

on the day the AIMS supervisor apparently directed that cells only be unlocked with a minimum of three staff. However, internal investigations had now revealed that three staff were not used for the unlock;

In fact, the policy of AIMS is to assign two staff to unlock a cell door. Two staff were immediately present at the front of the cell door. The third staff member was removing the bailee from the holding cell - presumably the one that contains the toilet - and was in the process of putting the bailee into an interview room where he was to be held while his cell was being used. That, in itself, is, of course, inadequate. He was only two to three metres away. Although AIMS complied with its own policy of having two staff to unlock the cell door, a third backup staff member was only metres away, locking the bailee in the interview room. That point has been roundly defeated as well.

The minister then stated that the duress alarm was not activated, which could have alerted extra staff in the building. The duress alarm could not be activated because it was located on the wrong side of the door and the prison guards were trapped behind the door when the nine hardened criminals pushed it open. They could not activate the duress alarm.

Point of Order

Mr R.C. KUCERA: I am not being pedantic but -

Mr P.D. Omodei: Which standing order?

Mr R.C. KUCERA: Standing Order No 91 refers to sub judice. As I understand it, a number of people in that cellblock on the day were not convicted felons; they were on remand. A number of people had surrendered on bail. I have no problem with those people being referred to as prisoners or as bailees. There were people in that cellblock on that day who are entitled to be referred to, the same as anyone else, as remand prisoners, people awaiting trial or people on bail. It seems the member for Kalgoorlie wants to persist in addressing things in an emotive manner and talk about people as hardened criminals or crooks. It may very well be the case that some of the people have prior convictions but it may well be that they have not.

Mr C.J. Barnett: They are all escapees now!

Mr R.C. KUCERA: I do not have a problem with calling them escapees or prisoners on remand. There is a sub judice rule. People are entitled to the conventions of Parliament that have been laid down for many hundreds of years. It is about time that the member for Kalgoorlie took the emotion out of this and started talking about the issues in this debate. It is a very clear convention in this Parliament.

Mr M.J. BIRNEY: I have at all times referred to the nine escapees as hardened criminals. It is a matter of public record that all nine of those hardened criminals have records for armed robbery. Some of them have records for sex offences. I have at no stage referred to the bailee or the three women who were in another cell or the protected offender in the third cell. I have restricted my comments to the nine hardened criminals. I stand by my comments.

Mr R.C. KUCERA: I understand from what the member said that two people did not leave the cells. The member clearly referred to them as the two crooks who stayed behind. He should show some caution. People are entitled -

Mr M.J. Birney: Sit down!

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mr R.C. KUCERA: I will not sit down; it is a convention of the court. There is a clear sub judice rule.

The ACTING SPEAKER (Mr D.A. Templeman): The minister must address his point of order to the Chair.

Mr R.C. KUCERA: I put my point of order to the Chair: there is a proper way to address this issue. Yes, there are escapees and convicted persons but there are also people who are entitled to a proper trial and the proper process of law. The member for Kalgoorlie should make his comments properly in this House.

Mrs C.L. EDWARDES: The comments made in no way reflect on Standing Order No 91. The member for Kalgoorlie did not talk about "matters awaiting or under adjudication in any court of record" in the criminal matters he referred to. They were not addressed.

The ACTING SPEAKER: The minister has made a point of order about Standing Order No 91. My interpretation of the standing order is that there is no point of order. However, the member for Kalgoorlie should ensure his comments are relevant to the matter before the House.

Debate Resumed

Mr M.J. BIRNEY: A person would think that a former police officer would have half a clue. Perhaps the Labor Party is the refuge for failed police officers!

Withdrawal of Remark

Mr R.C. KUCERA: I take objection to those comments. I simply pointed out that Parliament is a place of fairness.

Mr P.D. Omodei interjected.

Mr R.C. KUCERA: I ask the member to withdraw that.

The ACTING SPEAKER: The term used by the member for Warren-Blackwood is not appropriate. I ask that the member for Warren-Blackwood withdraw his remark, then I will deal with the point of order raised by the minister.

Mr P.D. OMODEI: I withdraw, Mr Acting Speaker.

Mr R.C. KUCERA: I have no problem with the issues the member is raising; I am simply saying that there were people in those premises on that day who are entitled to the proper premise of law. That must be addressed.

Mrs C.L. EDWARDES: If the minister wishes to challenge your ruling, Mr Acting Speaker, he can do so quite easily using Standing Order No 112. There is no point of order, and he is continuing to try to distract the member speaking.

The ACTING SPEAKER: I have made a determination on the point of order previously, and the comments I made then still stand.

Debate Resumed

Mr M.J. BIRNEY: I am pleased to have been given a respite, to gather my thoughts. I will now approach this matter with renewed vigour. As I was saying, the two AIMS officers in question could not get to the duress alarm because they were trapped behind the door. An argument can be put that that duress alarm was in the wrong place, and that is hardly the fault of AIMS. The minister, in her press release, also said that key control was so poor that AIMS did not report a missing set of keys after the incident. Others discovered this the morning after the escape. When this was being trotted around, even the member for Perth, on Radio 6PR, had people believing that a set of keys had mysteriously disappeared the day before the escape. Then the escape happened, and yet nobody had reported those keys missing. The keys that were missing were those that the crooks took off the prison guards and escaped with. My information is that a key audit was undertaken within 30 minutes of the escape taking place, and then a second key audit was undertaken within 30 minutes of that. That dot point in the minister's press release has also been roundly defeated.

Members should remember that this press release explains the minister's reasoning for giving AIMS the sack. The final dot point in the press release reads -

two steel-plated doors in the escape path, also under AIMS control, appeared to have been blocked open.

The Perth Supreme Court building is in such a bad shape that it does not actually have a secure airlock between the cellblock and the courtroom. In fact, prisoners are transported down a normal office-type corridor. That corridor is used by judges, lawyers, administration staff and crooks. It is used by all manner of people. The directive from the court to the AIMS Corporation is that those doors shall remain locked when prisoners are

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

being transported into the sally port, and once those prisoners are locked away, those doors are to remain unlocked so that those judges, lawyers and administration staff can freely move throughout the court facility.

How on earth can the minister put out this diatribe as her justification for sacking AIMS? She is looking extremely silly with this press release. The reality is that the minister is to blame for the escape. The escape was preventable, and yet the minister has been thrashing about looking for someone to blame. She thought AIMS would make a good target, because it is contractually prohibited from speaking to the media. She thought she would get away with it, but she has not. She has failed miserably, and she is a disgrace to the positions she holds as Minister for Police and Minister for Justice.

Notwithstanding the fact that the Minister for Police and Justice has roundly slipped the boot into the AIMS Corporation, I nearly fell off my chair two days ago when I heard that same minister crowing - in fact, bragging - that the number of escapes has halved under the stewardship of this Government. That comment went over the heads of most people, but it hit me squarely between the eyes. This is the same minister who said that AIMS is an atrocious mob and should not be anywhere near the judicial system, and will be sacked from the Supreme Court. However, in the next breath she said that AIMS had halved the number of escapes since it took over from the police and the Department of Justice. In fact, in the three years leading up to AIMS taking over the contract, when the police and the Department of Justice were undertaking court security and prisoner transport, there were somewhere in the order of 28 escapes. In the three years following AIMS taking over the contract, there were 12 escapes. Yet the Minister for Justice had the hide to stand in this place two days ago and take the credit for that result! She was beating her chest and telling anybody who would listen that escapes had halved under her tenure. She forgot to tell people that it was AIMS that halved the number of escapes - the same mob she is trying to blame for the fiasco at the Perth Supreme Court.

Mrs M.H. Roberts: Does AIMS have anything to do with the reduction in escape rates at Wooroloo, for example?

Mr M.J. BIRNEY: The minister continuously tries to throw in red herrings. I will tell members of another connection between the Labor Party and AIMS. Since it took over the contract, this mob has paid AIMS some \$2 million worth of bonuses for meeting certain performance criteria, yet now we are to believe that it is the worst mob in the world. The only reason the Government wants us to believe that is to save the Minister for Justice's hide - to save her political scalp. I fear that, after this week, no-one will be able to save her. The reason the Premier has not yet managed to summon up the courage to sack the Minister for Justice is simply that she holds the dual roles of minister and President of the Western Australian Labor Party. Why should the people of Western Australia put up with a dud minister - an unsackable minister - in the face of massive evidence that she should be sacked simply because she is also the President of the State Labor Party? That is what it amounts to. The minister is a disgrace. I do not know how well she does her job as the President of the State Labor Party, but I can tell her that she is not fit to hold a position in the State Cabinet. If she were not the President of the State Labor Party, the Premier would have had no option other than to give the minister her marching papers.

Mr B.J. Grylls: The State Labor Party is going well!

The ACTING SPEAKER (Mr D.A. Templeman): Order, members! I ask the member for Kalgoorlie to direct his comments to the Chair, not across the Chamber.

Mr M.J. BIRNEY: A very pertinent comment was put to me by my friend from Merredin, who said that the State Labor Party is not going too well either. It is true; it cannot even do its own preselections. However, I do not want to get off the track.

What happened to the nine hardened criminals whom the Minister for Tourism seems to want to protect? I congratulate the police; they caught six of them. However, three are still on the run. Two of them allegedly held up a Totalisator Agency Board outlet in South Perth yesterday. The minister can be blamed for that. I know that, in some quarters, that might be considered to be an outrageous statement. She should be blamed for the hold-up at the South Perth TAB, if in fact two of the three criminals on the run perpetrated that crime. If she had followed Professor Harding's recommendations, the escape would not have occurred. That is indisputable.

A further development has taken place today inasmuch as the minister's department will not release the vision of the hold-up at the South Perth TAB. I do not recall a time when security vision captured a hold-up and the police did not release that vision. Is it because they are worried that it might further embarrass the Minister for Justice, who has single-handedly been responsible for the escape of nine hardened criminals? I am sorry if that offends the Minister for Tourism. I know that he obviously has some empathy for these people. The fact is that only one person has a lot to lose by that video being shown on the six o'clock news tonight, and that is the Minister for Justice. Joe Public will watch the news tonight and see a shocking crime taking place, and he will know that a pretty good reason that that crime has taken place is that the Minister for Justice has presided over one of the worst escapes in our State's history. It amounts to little more than a cover-up. I understand that the

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Department of Justice does not want the video to be released because it thinks it has already identified the crooks and there is no problem. It is one thing to identify them, but it is another to catch them. Do members not think the vision should be put to air so that people can see what those people were wearing, how big or small they are, or what their mannerisms are? It is not enough for the minister's department to say that it will not release the footage because it thinks it has already identified them. What about showing the vision to the public so that they can help apprehend them? It is a disgrace. It is a cover-up of mammoth proportions. It is reminiscent of this whole saga; it has been one cover-up after another. I suspect that we are only midway through this saga.

As a bit of an aside, I was very amused to watch the news on the weekend; it was on either Saturday night or Sunday night. The minister was obviously reeling under the massive weight of public opinion. She was looking for something that she could do to reclaim some ground and convince people that she had things under control. What did she do? She put on her pearly whites, went to the Perth Supreme Court and smiled for the camera with two Department of Justice guards, who were armed to the teeth, by her side. They were wearing nicely pressed uniforms and bulletproof vests, and held machine guns. They stood on each side of the Minister for Justice guarding the Supreme Court. Guess what? The Supreme Court is not open on the weekend. They were not guarding anyone. Perhaps they were guarding the Minister for Justice. God knows she needs it! In fact, they were not guarding anybody. They were there to take part in the minister's publicity stunt. Where did the Minister for Justice pull them from? Did she get them out of bed? Did she recall them to duty and take them away from their families? Did she take them away from active duties so that they could take part in her publicity stunt? What duties were missed as a result of the minister having these guys with her on the weekend, armed to the teeth and pretending to guard the Supreme Court, which was not open?

Mr B.K. Masters: Were they paid?

Mr M.J. BIRNEY: How much were they paid? That is another good question. The Supreme Court was not open. They were standing with their feet apart. They were big, strong blokes. We thought they were protecting the Supreme Court, but it was not open. What a disgrace! It shows that this minister is more interested in her public image than public safety. It was a shameless publicity stunt.

I move to the issue of documents. The Leader of the National Party requested of the Premier yesterday that he table all documents between the AIMS Corporation and the Department of Justice. The Premier did everything but answer the question; he looked at the chandeliers, did up his shoelace and spoke to the minister next to him. During the matter of public interest yesterday I again put to the Premier that he might consider tabling those documents. Once again we saw the same antics. He did everything he possibly could to avoid tabling those documents. Today he has come out and said that he will table them and that he has no problem in doing so. He has done that under considerable duress, because a number of very astute journalists would have gone on with this matter and that would have caused him considerable damage. He has now said that he will table those documents. We look forward to reading the information that is contained in those documents. I suspect that in those documents there might be a missive from AIMS to the Department of Justice asking it to stop making it look after high-security prisoners because its contract says that it does not have to. I suggest that those documents will contain a reply from the Department of Justice telling AIMS to shut up and just do it. That is my guess. We will see what happens from there.

Where was the minister on the day of the great escape, when the Department of Justice went into a tailspin and up to 150 police officers were scouring the streets of Perth looking for these crooks? Where do members think the minister went within hours of learning about the great escape? She went to the dentist to keep a regular dental appointment! I will say it again as I can see some members cannot believe it; they have incredible looks on their faces. The minister went to the dentist to keep a regular appointment. Both her departments were in a tailspin, yet she went to the dentist to keep a regular appointment. What a disgrace!

Mr C.J. Barnett: It's consistent. When the State lost power, the Premier was at a cocktail party at the beach.

Mr M.J. BIRNEY: That is a good point. I guess the minister took her lead from the Premier, who disappeared to a swanky cocktail party in Cottesloe on black Wednesday when the power went out, or certainly he did so the night before.

What was the minister thinking? I understand that the dental appointment, which obviously was very important, was made days in advance and could easily have been cancelled. It was not as though there was some urgent dental crisis. I understand that the receptionist at the dental surgery said, "Oh, minister, I've been listening to the radio; I didn't think you would be coming in today. I thought you would be cancelling your appointment!" What did the minister say? Was it words to the effect of, "Oh, well, my life goes on"? This is incredible. The Minister for Justice chose to be out of contact attending a regular dental appointment.

Mrs M.H. Roberts: I was not out of contact for one minute.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mr M.J. BIRNEY: Was that at the dental surgery?

Mrs M.H. Roberts: That's right.

Mr M.J. BIRNEY: How was the minister contactable when she had a drill in her mouth? What was the minister to say when people rang to ask for some guidance? Was she going to gargle at them? This is almost humorous, but it is very serious. The Minister for Justice, who is also the Minister for Police and Emergency Services, took off to keep a regular dental appointment when her two departments were in a tailspin. It is astounding.

Several members interjected.

The ACTING SPEAKER: Order, member for Peel!

Mr N.R. Marlborough interjected.

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Mr N.R. Marlborough interjected.

The ACTING SPEAKER: Order! I call the member for the Peel to order for the first time. The member for Kalgoorlie has the floor.

Mr N.R. Marlborough interjected.

The ACTING SPEAKER (Mr D.A. Templeman): Order! I am on my feet, member for Peel. I remind the member for Kalgoorlie to make his comments through the Chair. In that way, he will be able to get through his discourse. I remind members that this debate will continue throughout the afternoon and early evening, and those members who wish to have a say will have an opportunity to do so.

Withdrawal of Remark

Mrs C.L. EDWARDES: Pursuant to the code of conduct that this House has passed, I ask that the member for Peel withdraw the name calling of the member for Kalgoorlie. He knows what he said.

Mr N.R. Marlborough interjected.

Several members interjected.

Mrs C.L. EDWARDES: The member for Peel called the member for Kalgoorlie an unparliamentary name that breaches the code of conduct and -

Mr N.R. Marlborough interjected.

Mrs C.L. EDWARDES: I ask you, Mr Acting Speaker, to direct him to withdraw.

Mr N.R. Marlborough interjected.

The ACTING SPEAKER: Order! I did not hear the comment.

Mr A.D. Marshall interjected.

The ACTING SPEAKER: Order! I am speaking, member for Dawesville. If the member made a comment that is considered unparliamentary, it is practice for the member to withdraw. However, I did not hear the comment.

Mr N.R. Marlborough interjected.

The ACTING SPEAKER: Order! I call the member for Peel to order for the second time. Once again, I have made a ruling and I now give the call back to the member for Kalgoorlie.

Debate Resumed

Mr M.J. BIRNEY: There is a diagnosed syndrome associated with the member for Peel's actions. I need not tell members present what that syndrome is.

Mr N.R. Marlborough interjected.

Mr M.J. BIRNEY: I know that the member thinks he can bludgeon female members of Parliament into submission. I tell you, Mr Acting Speaker, that he is little more than a piece of chewing gum under my foot. At the appropriate opportunity, I will flick it off.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

In concluding, we might have been able to cut the Minister for Police and Emergency Services and Justice some slack if this was an isolated incident. However, it was not. Recently, a convicted criminal walked out of an indoor cricket centre during a cricket match. What was he doing playing indoor cricket? After that, a convicted criminal walked out of jail - at least, there have been allegations of this happening - and had a secret sexual liaison with his girlfriend, which resulted in her getting pregnant, before returning to jail. Of course, last Friday another prisoner took flight from Eastern Goldfields Regional Prison. While I am on that subject, another Department of Justice condoned program involved those same prisoners at Eastern Goldfields Regional Prison undertaking air rifle practice. Can members believe that the Labor Party is teaching hardened criminals how to shoot guns? Have members ever heard anything more ridiculous? The list goes on and on and on. People are walking out of our prison system. I might add that it is almost impossible to get in there in the first place. It is nearly impossible to get in and it is really easy to get out. That is what the Labor Party has delivered for us. In fact, somebody said the other day that the nine hardened criminals who escaped from the Supreme Court should have waited until they went before the judge because, under the Labor Party's sentencing regime, the judge would have let them go legally. Under the Government's six-month sentencing regime, they would have walked anyway. They were a bit silly.

Mr N.R. Marlborough interjected.

The ACTING SPEAKER: The member for Peel will have an opportunity to speak during this debate.

Mr M.J. BIRNEY: I will wind up my comments in a minute or two. The Minister for Police and Emergency Services and Justice does not deserve to hold a position in State Cabinet. We have proved absolutely that those escapes could have been prevented had she been on the ball. Had she read and acted on the report to which I earlier referred, those escapes would not have happened and, more than likely, the hold-up in South Perth would not have happened.

I ask members to recall all the other issues that the same minister has presided over that have been absolute disasters. In due course, the Opposition will probe those issues and make our case further for the sacking of the Minister for Police and Emergency Services and Justice.

MR M.W. TRENORDEN (Avon - Leader of the National Party) [4.54 pm]: I support this motion. I will quote a few words spoken by the Premier in recent times when he has held a position of responsibility in this Chamber, either as Leader of the Opposition or Premier. I refer to the Labor Government's code of conduct on the Premier's web site, which reads -

Being a Minister of the Crown demands the highest standard of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions. They must ensure that their conduct does not bring discredit upon the Government or the State.

They are very clear words. In this particular debate, let us not worry about the words that have been included on the web site. Let us pick on "diligence". When it comes to diligence alone, this minister has failed. Indeed, not only has she failed; she has failed dismally. The minister was either at the dentist or at the call of the Labor Party when she should have been carrying out her duties.

Mr M. McGowan: That is a low thing to say.

Mr M.W. TRENORDEN: It is absolutely true. The President of the Western Australian branch of the Labor Party is paid \$191 000 to do her tasks. There has been severe disruption in the Labor Party and the member cannot tell me that the president has not had the requirement to be hands on.

Ms M.M. Quirk: What do you think that involves?

Mr M.W. TRENORDEN: I know what that involves. I have been part of a political party for many years and I know what the role of president involves. It is a full-time task. Many presidents of political parties work seven days a week; they certainly work five days a week. Government members can say that the position of President of the Labor Party is a part-time job, but I will not. I know how hard presidents have to work. Under normal circumstances the job is probably controllable, but in recent months, while the Labor Party has been in turmoil, that job has been a crucial part of getting the Government through to contesting the next election.

Mr C.J. Barnett: Apart from the obvious conflict of interest.

Mr M.W. TRENORDEN: I was just getting to that. That is mentioned in this process as well. The community has totally lost faith in the minister. If government members want to point out that the community consists of the member for Avon and other members on this side of the House, I can show them editorials from *The West Australian* and *The Australian* both calling for the minister's head. Whom do they represent? Do they represent the opposition parties of Western Australia or do they represent the general public? Do they represent the people

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

who watch the actions of the members of Parliament? Of course they do. The key commentators on this process - I have not seen the *Sunday Times* yet, but I suspect it will be involved in this process soon, because it is a weekly newspaper - from the two serious dailies in this State have both called for the minister's resignation. The minister cannot take that lightly. It is not something she can dismiss with a flourish of her hands. It is a serious call and she needs to consider her own set of circumstances. Two of the State's most dangerous criminals are now armed in public and the minister is still trying to say that that action was not her responsibility.

I will now talk about the system. On page 63 of Erskine May's *Parliamentary Practice*, under "Ministerial accountability to Parliament", it states -

... in the opinion of this House, the following principles should govern the conduct of ministers of the Crown in relation to Parliament: ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and Next Steps Agencies;

The responsibilities of a minister cannot be put much clearer than that. What did we see this morning? The member for Pilbara, a very prominent member of the Opposition - I do not think! - correctly moved a motion in this House about the process of accountability. He used the mechanisms available to every member. What was the outcome of that motion? It was dismissed out of hand. The Government said there would be an independent inquiry. There is a critical distinction. Members should look at the quotation from Erskine May: ministers have a responsibility to this House, not to the judiciary and not outside this Chamber. The minister's responsibility is to this House. A member of this House moved a motion, supported by a range of members, and it was rejected out of hand by this Government. The Commission on Government and the royal commission before that clearly pointed out that ministers are responsible to this Chamber, not to anyone else. To say that an inquiry will be established outside this place is fine with regard to process, but it still does not make the minister accountable to this place. One of the reasons members opposite would have rejected the motion out of hand is the terms of reference. When an inquiry is held, terms of reference are drawn up. I do not know who will head the inquiry. I have no doubt that it will be a person of integrity. As I said, I have no idea who it will be. Nevertheless, I will not doubt that person's integrity. However, the head of the inquiry and those persons involved in the inquiry will be given terms of reference, which must be maintained throughout that inquiry. Mr Acting Speaker, do you know what would be the terms of reference if the parliamentary committee of which the member for Pilbara is a member were asked to investigate this case? Those terms of reference are permanently open because of the standing orders. A purpose of the standing orders is to show that the committees of this House represent this House. They have all the powers of this House. Members opposite know that. The reason they kept away from a parliamentary inquiry is they know that the Premier and the Minister for Justice would have been asked to attend the inquiry. They cannot be compelled to attend, but they certainly can be asked. It would be on their heads if they decided not to attend. The member for Pilbara made that point when he moved the motion. There is a precedent for Premiers and ministers to appear before parliamentary committees; it has occurred. It has happened only twice in 100 years but it has occurred in recent history. The pressure would have been on the Premier and the minister to attend that committee. That is why the matter has been referred to an inquiry. That provides a lesser level of accountability. I concede that it still provides a level of accountability, but it is a lesser level of accountability and it does not hold the minister accountable in the appropriate place. The appropriate place for a minister to answer to is this Chamber. The Government is doing everything it possibly can to make sure that the minister is not put in that position.

It is rather remarkable that only six members of the Government are in the Chamber to support the minister, given the pressure the minister is under, in part due to the pressure applied by the articles in today's newspaper. That is an unbelievable position. The only inference that can be drawn from that is that the minister does not have the support of the backbench or the other ministers.

Mr J.C. Kobelke: That is total nonsense.

Mr M.W. TRENORDEN: The practice of all western democracies is that government members support their ministers.

Mr M.P. Whitely: People do not want to listen to your rubbish.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members!

Mr M.W. TRENORDEN: The member for Roleystone has been in this Chamber for only five minutes and has demonstrated his ignorance during all those five minutes. He will be gone after the next election. The member will either be elected to the upper House or he will be gone completely. I will loan the member for Roleystone a copy of Erskine May's *Parliamentary Practice* for him to read and find reference to the procedures of this place. One procedure is for members to defend themselves when they are under attack.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mr M.P. Whitely: Only when they are under attack. You don't constitute an attack.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, member for Roleystone!

Mr M.W. TRENORDEN: The member for Roleystone is really cute. Ever since he has been in this place he has -

Mr M.P. Whitely: Perhaps you should tell me that in private!

The ACTING SPEAKER: Order, members! The debate is deteriorating to a slanging match across the Chamber, and I do not appreciate that. The Leader of the National Party is also inviting these interjections, so if he wishes to continue with his speech, I ask that he do so.

Mr M.W. TRENORDEN: Thank you, Mr Acting Speaker, but I was actually looking at you and speaking to you, and I will continue to do so.

This is a serious matter. The Opposition is clearly putting the minister on notice, and we will continue to do so. The fact that government members are not in attendance in this Chamber can be seen in no other way than a lack of support for the minister. No other conclusion can be drawn.

I will run through some of the other things that are outlined in Labor's pre-election policy. It states that a Gallop Government will aim for the highest standards of openness and accountability in government, the highest standards of integrity in public life, and an enhanced democracy. It states also that Labor will establish a review process and implementation of the Commission on Government recommendations; implement a ministerial code of conduct as a matter of priority for an incoming Labor Government; and ensure that the ministerial code of conduct meets the highest standards of accountability, including fundamental principles identified by COG. Have we seen that? Silence! Everyone in this Chamber knows that we have not seen that. The Labor Government clearly supports the findings of the Commission on Government. The policy states also that the 1995-96 Commission on Government inquiry made 263 recommendations that went to the heart of Western Australia's system of government, and it had a bold vision for Western Australia - one of open, accountable and responsible Government. We saw that yesterday. When I asked the Premier twice to table papers, what happened? When the member for Kalgoorlie made the same request, what happened? The member for Kalgoorlie is correct. Only when the cold of the morning struck the Premier and he knew what had been put before him did he decide to make a brief ministerial statement to the Parliament today. It is good that the Premier intends to table the documents, and I look forward to that. What I find absolutely amazing about the Government's defence of the minister is that right throughout the process the Government has said that the standards of the previous Court-Cowan Government were lamentable and were at fault. However, in the next breath, the Government has said that it will maintain the same standards. If members opposite really believe that the Court-Cowan Government was so bad, why are the principles that they say are so terrible their principles, and why are the practices that they have condemned so roundly their practices? No answer! That is the situation right now. It just does not hold water. If the Premier wants to stand by his pre-election promises, then the Minister for Justice should stand down. There is no alternative. I agree totally with the member for Kalgoorlie that the case no longer needs to be put. The case has been proved. *The West Australian*, *The Australian* and the public want this minister's head, quite correctly, because she has been asleep at the wheel. The minister has failed to uphold the fundamental expectations of ministers of the Crown. I have been through that aspect. Against all measures she has failed. She has failed to make herself accountable for serious flaws in custodial procedures that involve the State's most dangerous criminals. She has failed to make the Department of Justice accountable to the public. That is her responsibility because that agency is under her direct control. The minister has totally messed up and has no ground to stand on.

The Labor Party material contains a wonderful sentence from the Commission on Government quoting the 1992 Royal Commission into Commercial Activities of Government. It states -

Criminal Law provides no more than the base level below which officials must not fall.

I repeat - criminal law provides no more than the base level below which officials must not fall. If that argument is applied to the Premier's ministerial standards, what is the base level? There does not seem to be a floor. It does not matter how low the standing of ministers goes, the ministers will be backed. They will not be supported physically. For example, the Premier is not in the Chamber and only one minister is present. There is no support for the minister whatsoever. Since 1986, I have not seen a minister hung out to dry as badly as this minister has been by this Government. It is an amazing set of circumstances. The minister's colleagues are leaving her to hang out like a rotten apple on a tree.

Mr B.J. Grylls: The Labor Party is run by Treasurer Ripper.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mr M.W. TRENORDEN: That is correct. The minister has not been working in the public interest. There is no question but that is true. This flashed through my mind during question time: I would not mind betting that the whale off Kalbarri or wherever it is will be caught before the three prisoners are caught. *The West Australian* has compared them to American criminals. An example of an Australian equivalent would be the Kelly gang. Some people in Australia will see this small, terrible group of people as heroes, and they will see themselves as heroes. They are out there gaining whatever notoriety they can get. This chapter of Western Australian history will be recorded because the minister was asleep at the wheel.

MS S.E. WALKER (Nedlands) [5.13 pm]: I support the motion -

That this House calls on the Premier to remove the Minister for Police and Emergency Services; Justice; and Community Safety from her position as a result of her failure to properly administer her portfolios.

In a sense the public debate on this incident is already over. The deputy leader of the coalition has brought into the House some editorials that I have not seen. I have certainly not seen the one from *The Australian* that states that the minister must not escape the rap. He also referred to *The West Australian*, which stated that ignorance is no excuse for ministers.

Mr A.D. McRae: You have not read them.

Ms S.E. WALKER: At least we on this side of the House read. Had the minister done her job and read the report, those recommendations would have been in place. The opinion of *The West Australian* states -

Justice failures are Roberts' responsibility.

The opinion in the *Sunday Times* states -

Mrs Roberts must take the blame.

The minister must stand down, but what is interesting is the weakness of the Premier of our State. If this had happened in Queensland, for instance, Mr Beattie would have dealt with the issue because he has some depth to his character. This Premier came to power saying that he would act with integrity. He has failed. He failed by not standing down the Minister for Planning and Infrastructure at the very beginning of his term of office. That was his mark there and then. When the Lewandowski affidavit was leaked to the former Minister for Health, the Premier failed to stand down the Attorney General and the Minister for Health. He has now failed to stand down the minister for her bumbling incompetence. This State has a weak Premier, and he will be judged on it because he does not have the strength of character to act. It may be that he does not have the numbers. Let us face it, the minister under discussion here is also the president of the Western Australian branch of the Australian Labor Party. I support this motion -

Ms M.M. Quirk interjected.

Ms S.E. WALKER: The member for Girrawheen can get up and say something. Did she see on television the other night that little 83-year-old lady who had been cringing in her garden shed when those armed robbers were in her backyard? Did the member see that lady on television while her minister was in the dentist's chair with her feet up? I thought of that woman. She was terrified because the minister did not do her job, and I will tell members why. It is important that we do not lose focus here because a number of red herrings have been thrown -

Ms M.M. Quirk interjected.

Ms S.E. WALKER: I have asked the member a question and she does not want to answer. She will not answer the question about the little 83-year-old lady. Perhaps she can tell me about the motorist who nearly got killed. Did the member see him on television the other night? What did she think of that? What does she think about her minister's performance on this matter?

Ms M.M. Quirk: I think she is doing a tremendous job.

Ms S.E. WALKER: Let us hope the member is never made a minister if she thinks that. The focus is on the Minister for Justice and her failure to perform. The focus is on her inability to perform her functions. The minister is paid nearly double a backbencher's salary to perform the functions of a minister. The disgraceful mistake that occurred last week happened as a result of her neglect. It was simply the icing on the cake in a long line of matters. I will not go through them all; I have raised them in this House, on television and on radio. It started with the failure to breach the high-risk parolee, which ended in a tragedy, and this minister came in here and could not give a straight answer about the breach.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

However, I will focus on what the minister should have been doing in her justice portfolio. In my view, the bible of what is happening in the prisons and court services in this State is the reports of the Inspector of Custodial Services. The purpose of the inspector's office is to bring independent external scrutiny of the standards and operational practices relating to custodial services. The government outcome is to improve the confidence of the community as a whole in the state justice system. That is what the inspector's office was set up for. It was set up in 1999 by the coalition Government, which introduced provisions into the Prisons Act and introduced the Court Security and Custodial Services Bill 1998. That Bill established the independent statutory Office of the Inspector of Custodial Services to inspect, review, advise and report to Parliament on all adult prisons in this State, including private prisons. Under the Court Security and Custodial Services Act the inspector was given power to inspect court services and prisoner transportation. I noticed the other day on the front page of *The West Australian* that somehow Hon Peter Foss got caught up in this -

Mr A.J. Dean: Do you hate his guts like the rest of us.

Ms S.E. WALKER: I beg your pardon, member for Bunbury. I have often stood in this Chamber and defended him because I admire him for bringing in the provisions under which the inspector now operates. Those provisions were brought in to ensure full and transparent accountability in the Department of Justice for these services. When I was in my office last Thursday and I was telephoned to say that the prisoners had escaped, I immediately went to the inspector's report that is relevant to the issue. I did that because I wanted to check whether security at the Supreme Court had been attended to. I wanted to know which was the relevant provision in the inspector's report. I wanted to make calls to find out whether those recommendations had been acted on. The provisions brought into Parliament by Hon Peter Foss built a strong foundation for making the prison system and custodial services - not all services - open and accountable. It was a first in this State. Therefore, this State in 2000 was given independent external scrutiny of the functioning of the Department of Justice, prisons and court custodial services. The purpose of those provisions was to substantially reorganise the arrangements and powers for the operation of prison services, central to the support and functioning of the courts and related custody processes. The arrangements included court security management, court custody management, prisoner management and lockup management, and they codified security and custodial practices. I am going through these provisions because it appears to me that they have been lost in this debate by the minister throwing up red herrings. It is very easy to turn to AIMS and blame it and it is very easy to turn to the judiciary and blame it; I will come to that later.

The Bill for the Inspector of Custodial Services was introduced into Parliament after a project team had consulted 50 stakeholders in and outside government. In 1999 the police provided security for the dock and the public gallery in courts, managed court custody centres, provided security for all the lockups in the State and transported prisoners on remand and convicted persons in custody to lockups, prisons and detention centres. I, as a prosecutor, recall attending court during that changeover and I must say that I preferred to have police officers in the courtroom, as their presence gave me a lot more confidence. The point is that the legislation was brought in by the former coalition Government to remedy deficiencies that existed at that time after a steering committee had considered different approaches to the delivery of court custody management, police custody management and prisoner management. It had also considered approaches taken in the United Kingdom, New South Wales, South Australia and Victoria. I raise this matter to demonstrate the background to the Inspector of Custodial Services Act, how the establishment of that office was regarded as important at the time and the uniqueness of the legislation. Last year the provisions in the Prisons Act relating to the creation of the inspector's office were removed and an independent Bill for an Inspector of Custodial Services was introduced into the Parliament. At that time I read the second reading speech of Hon Peter Foss on that Bill. Interestingly, he said that there was strong support for the Bill from Aboriginal groups, as they wanted a dedicated and impartial approach to be taken to the management of lockups and the transport of prisoners and accused persons. The Bill, therefore, provided for the contractor, the subcontractor and their employees to be subject to scrutiny by the Ombudsman and the then Anti-Corruption Commission. Hon Peter Foss said in his second reading speech that as the whole point of the legislation was a further means of ensuring full and transparent accountability, the Government had included in the Bill provision for the establishment of an independent statutory Office of Inspector of Custodial Services. Hon Peter Foss made it easy for ministers. If they wanted to know what was happening in prisons, the prison system, court security or prisoner transportation, they needed only to read Inspector Harding's reports on those items to get a very honest appraisal of them. When I assumed the shadow justice portfolio, I read and summarised most of those reports and time and again I have used them in this Parliament. They are essential reading for any justice minister.

As I said in this Parliament yesterday, when I reached in my office for the inspector's report, it was with some confidence that I could say that the recommendations had not been implemented. I said that because last year during the consideration in detail stage of the inspector's Bill, I asked the minister whether the inspector's

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

recommendations had been implemented. The inspector's recommendations, the department's response and the response from AIMS are set out at the back of the inspector's report, which I will come to. When I asked the minister about the fourth column and how many implementations had been made, she could not answer. She did not know what I was talking about. I understand why. I do not believe she has ever read a report. The outcome for the Government of these reports should be to improve the confidence of the community in the state's justice system. As a result of the great escape last Thursday, the confidence of the community is shattered. I saw the news about the people whose cars had been stolen from them in St Georges Terrace and Barrack Street. They were ordinary Western Australian folk. They were waiting for the traffic lights to change when, all of a sudden, they were attacked by several high security risk prisoners. I listened to the man who was nearly killed on the freeway. What were the motorists thinking when they saw the four-wheel-drive vehicle travelling the wrong way? What about the elderly lady who cringed in her shed? This has affected the lives of many people.

Mr M.J. Birney: Where was the minister?

Ms S.E. WALKER: If my times are correct, the minister had her feet up in a dentist's chair. It is very easy for us in this House to not have an understanding of what the police were going through. I thought the police did a fantastic job. Last Saturday's *The West Australian* ran an article about the police nabbing two more escapees. The police arrested two dangerous escapees in a house in Morley Drive. A 0.45 calibre hand gun was also found at the house. Correct me if I am wrong, but I believe the minister said something yesterday along the lines of, "Oh well, no-one was harmed in the escape." Only yesterday afternoon a Totalisator Agency Board outlet was the subject of an armed robbery. A person could potentially have been wounded or killed.

Has the minister read the inspector's report? There was an earlier draft of this report. After conducting inspections, the inspector normally prepares a draft report. I am not sure whether the draft is sent to the Premier; I will find that out. He sends a copy to the minister and the department. He gives them the opportunity to comment on the report. The final report is the polished version. The seventh report is titled "Report of an Announced Inspection of Metropolitan Court Custody Centres" and dated November 2001. In fact, the Government would have been made aware of the appalling situation at court custody centres - not just at the Supreme Court - earlier than November 2001. Page 5 states, in part -

So it is a matter of some satisfaction that both parties, despite some angst at aspects of our earlier draft Report, have commenced changes to their practices. The Department, for example, has started on-site monitoring, not just of the transportation side of the CSCS contract but also of the court custody centres.

It is important to remember in connection with any area in which AIMS has contracts that, ultimately, the control of the facilities is subject to 24-hour monitoring by the Department of Justice. Acacia Prison has on-site monitoring. When a copy of the Acacia Prison debrief arrived at my office last year, it was clear that it was another prison in crisis. The inspector put the statutory epicentre and the full responsibility for Acacia Prison squarely with the Department of Justice. What does the report state about the facilities in general? I will go through the report because I want to focus on it and not the red herrings that have been thrown up. At page 25 of the report, paragraph 2.55 states -

The ownership of court custody centres remains with the Department, and the Act stipulates that the CEO of the Department retains responsibility for the 'management, control and security of court custody centres'. The terms of the Contract require the Contractor to provide clean and hygienic court custody centres. Beyond this, there are no other references to the physical court custody buildings and facilities, so the Department (as the owner and party ultimately responsible for persons in custody) retains responsibility for the appropriateness of the cells for their purpose, the adequacy of facilities for the volume of prisoners, and maintenance.

What does the inspector have to say about the premises he inspected? At page 3, the report states -

These are of varied quality, some court custody centres being frankly appalling. Sometimes this can affect the ability of the Contractor to deliver services to an agreed standard - for example, with regard to not mixing different categories of prisoner. Previously, this sort of issue was hidden from view. But now that it is visible, what is the duty of the Department, as owner of the premises? The response to our Recommendation - that the suitability of premises for the delivery of the required services to the required standards should be assessed - has simply been to say that it is not currently funded to undertake the suggested capital works . . . Nevertheless, with the publication of this Report, the game must surely change; the Department must start putting together the business case for these capital works with energy and commitment.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Did the department do this with energy and commitment? It did not, because this minister was not even aware of it. There was no energy and commitment. Yesterday the Leader of the Opposition referred to the minister as lazy. I do not know whether the minister is lazy as a person, but in this portfolio, I would say that not reading reports or proactively addressing responsibilities in this department is a lazy approach. The inspector listed the urgent priorities at page 4 of the report. It states -

some matters stand out as urgent priorities that simply cannot be deferred much longer . . . foremost amongst these are the sally port arrangements for the Supreme Court, described in paragraphs -

The report goes on to give the paragraph numbers, and he refers to the fact that it was not his work, but that he had secured an expert appraisal of the Supreme Court. The report continues, further down the page -

These would appear, in the light of the fact that some of the State's most dangerous accused persons are tried at that venue, to constitute a tangible security risk . . . the fact is that the sally port is below acceptable security standard for any cases.

The custody area within the Supreme Court was also identified as being unsatisfactory.

. . .

the time has come for the development of some kind of master plan for renovation and refurbishment.

The master plan is part of the inspector's recommendations, but there is no master plan. This has been known for nearly three years, and there is no master plan, not only for the Supreme Court, but also for other court custody centres. What did the inspector have to say about safety in these court custody centres?

[Leave granted for the member's time to be extended.]

Ms S.E. WALKER: At page 27, the report states -

Not only is there potential for harm to staff members at many locations, but also to judicial officers and the public. At a number of locations, the custody centre is located on a different level from the courtrooms . . . It would be very easy for persons in custody to force staff members to fall down the stairs or to throw themselves down as a form of self-harm.

On the next page, the report states -

Due to the serious nature of cases that it hears, the Supreme Court of Western Australia has the most serious offenders in this State appear before it. Despite this, the area at the Supreme Court where prisoners are first received into court custody from the transport vehicles - the sally port - was the most insecure of the seven centres inspected.

It was the most insecure; it was the worst, and yet, nothing has been done. I do not know whether anything has been done for any other centres, but here we see that the court that hears the State's most serious offences is the most insecure, and nothing has been done. The report continues -

When a vehicle is not delivering a prisoner to court, it is an open public area with unfettered access to anyone who may walk by.

. . .

In addition to the sally port area being easily accessed by the public, the barriers separating the public area from the custody centre of the Supreme Court are also inadequate.

He says that these issues must be remedied immediately. Interestingly, the use of restraints is referred to at page 25. We have heard a little about restraints. That was another one of the red herrings that we heard from the minister. I have been called twice in the past couple of days by judges of the Supreme Court about what the minister has been saying.

Mr R.C. Kucera interjected.

Ms S.E. WALKER: While I was in my office I listened to how the Minister for Tourism interacted with the member for Kalgoorlie. Frankly, with the minister's track record, I do not think he should say very much in this House about law and order.

Mr M.J. Birney: Ain't that the truth!

Ms S.E. WALKER: Yes, as the member for Kalgoorlie has said, "Ain't that the truth."

Mr R.C. Kucera: You should attempt to be truthful.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Ms S.E. WALKER: The minister is suggesting that I should attempt to be truthful! I can tell members that I have never gone into court and sworn on the Bible to tell the truth and then told a pack of lies! I have never done that! Let us get back to restraints.

Withdrawal of Remark

The ACTING SPEAKER (Mr A.P. O’Gorman): I ask that the member for Nedlands withdraw that comment.

Ms S.E. WALKER: I did not refer to anyone in that comment. I referred to myself.

Mr M.J. BIRNEY: The member for Nedlands simply made a very important point. She said - she has placed on the public record - that she has never told a pack of lies in a court of law after swearing on the Bible to tell the truth. I expect nothing less from a person such as the member for Nedlands than exactly what she has said. She has not made any reference to any other member of this House, the community or the State. She has simply made a point about her own behaviour.

The ACTING SPEAKER: I was listening to the member for Nedlands and I was clearly under the impression that she was referring to the Minister for Tourism, and that is why I asked that she withdraw. If she says that she was not referring to the Minister for Tourism, she is not required to withdraw; however, if she was referring to him, I ask that she withdraw.

Ms S.E. WALKER: I used the word “I”. I was talking about my behaviour, Mr Acting Speaker.

Debate Resumed

Ms S.E. WALKER: In relation to restraints, report No 7 states -

Defendants are not usually permitted to appear handcuffed in court as it is deemed prejudicial. Custody centre staff generally do not have the information to make an assessment that this is a necessary safety precaution, as the basis of the prisoner’s classification usually is not made known to them. Whether to allow the defendant to appear in handcuffs or not is totally at the discretion of the Judicial Officer in charge of that court.

We have heard another red herring. I am led to understand that intelligence is received by police officers about prisoners, and it cannot be passed on to third parties. Members can see how very important the inspector’s recommendations were in this report, as well as the development of a master plan for court custody centres. He refers to that at page 37. Recommendation 6 states in part -

- c) The development of a master plan for the management of people in custody and vehicles at the Supreme Court complex, including secure arrangements for the vehicle sally port.

He also refers to that at page 45 -

- A comprehensive master plan should be prepared to address movement of people and vehicles onto and off the site. This should examine alternative arrangements for locating a new vehicle sally port.

As I have said, that was an expert appraisal. Anyone who has read this report would know that he had an expert appraisal done by Lin Kilpatrick, the architect, and Peter Cotter, the security engineer at CCD Australia. Both inspections were accompanied by Keith Scardifield, the supervisor of custody services at AIMS Corporation. The point I want to make is that the inspector went to all the trouble of using taxpayers’ money. That is what we pay the inspector for - to tell us what is happening in our court custody centres. This is the bible. This is what a Minister for Justice wants to look at. As I said, when I reached for it last Thursday it was with complete confidence that the minister would not have implemented those recommendations, given her record of stuff-ups in the judicial system. I am giving the minister a lesson here. The Inspector of Custodial Services usually puts his recommendations at the back of the report, followed by the response of the Department of Justice and then the response of AIMS Corporation. I have said several times in this Parliament that the missing column is one on implementation. Currently in this State there is no way of knowing whether this Government and this department ever implement any of the recommendations made by the inspector. I refer to the recommendations of the Inspector of Custodial Services. He recommended -

As a matter of urgency, the Department should cease the practice of placing high security escort prisoners into the custody of Contract staff. Prisoners who have been assessed as posing a high risk should remain in the custody of specialised officers at all times.

If I heard the member for Kalgoorlie correctly, and as I understand the argument, these prisoners were not classified as high-risk prisoners.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mr M.J. Birney: That is correct.

Ms S.E. WALKER: That would be a cost-cutting measure of this department. It is an example of penny-pinching by this department, because it seems obvious to me -

Mrs M.H. Roberts: It was introduced by Hon Peter Foss.

Ms S.E. WALKER: If that is true, why did the minister not correct it? How would she have known?

Mr M.J. Birney: Professor Harding recommends in his report that a review be undertaken of the classification of prisoners. He said that he was concerned that many prisoners are not classified as high-security prisoners when they should be.

Mrs M.H. Roberts: A review was undertaken; that is how little you both know.

Ms S.E. WALKER: It has been very difficult to get any information out of the minister.

Mrs M.H. Roberts: Especially with you carrying on like a beanbag.

Ms S.E. WALKER: My behaviour is not under attack here; the minister's performance is. When I was asked about this, I went to the report. I had read it and knew what information to give to the media. I am glad. I exposed the minister for her incompetence. The department's response to that recommendation states -

The Department is not aware of any reasons for excluding high security prisoners from the scope of the services. Nevertheless, the Department will undertake a risk assessment of placing high security prisoners in the custody of the Contractor at court custody centres.

That obviously did not happen. Armed robbers, rapists and paedophiles who rape children are high-risk prisoners. What was AIMS' response to the recommendation? It agreed. The report states -

AIMS Corporation has represented its case to exclude high security escorts from the Contract formally to the Department on a number of occasions to no avail.

It is with confidence that I can stand here today and talk about the minister's performance and support the member for Kalgoorlie's motion to call for her removal. I have no difficulty with that at all. I know the public will not have any difficulty with that. The public has already made its decision. Members of the public do not have to listen to me talk about the inspector's report. It is as plain as the nose on one's face that this minister is responsible for putting the community at risk: the little old lady who was cringing in her shed, the motorists on the freeway, the motorists in St Georges Terrace and Barrack Street, the man who was nearly killed, and the people who were in the TAB yesterday. I do not know how many people were in the TAB yesterday or whether someone just missed being hurt, because we cannot get the video footage of that incident. Suddenly we cannot see it. It is an operational matter, I suppose.

I went through how the inspector's office was created. It was created so that there would be transparency and accountability in the prisons and the justice department. This minister has not even bothered to read the bible on this issue and has failed in her role as Minister for Justice. She ought to stand down.

MRS M.H. ROBERTS (Midland - Minister for Justice) [5.45 pm]: One might have thought that in moving such a motion, people opposite might have said something new or something of substance today. Sadly for members opposite, and gladly for me, I suppose, given the nature of the motion, very little that was accurate was said by the member for Kalgoorlie in moving this motion. He opened by stating that the report of the Inspector of Custodial Services had sat on a shelf and gathered dust. Nothing could be further from the truth.

Mr M.J. Birney interjected.

Mrs M.H. ROBERTS: As I referred members to only last year in Parliament, the Office of the Inspector of Custodial Services puts out an annual report. I refer now to the 2002-03 annual report. I think I have referred the member for Nedlands to page 26 of this report.

Mr C.J. Barnett: The pages are sticking together, it's so new. You've never read it!

Several members interjected.

Mrs M.H. ROBERTS: This is the inspector's report that I have referred to in the House on many occasions. I have referred the member for Nedlands to it.

Several members interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order! This debate has been held in relative silence so far from both sides of the House, except for a few instances. The minister has been on her feet for barely a minute, and a

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

number of interjections are being made. I ask members to let the minister address her comments to the Chair in silence, please.

Mrs M.H. ROBERTS: Of course, the Leader of the Opposition does not listen or lacks comprehension - I am not sure which. I refer to the inspector's annual report, not the report to which members opposite have referred. I refer to page 26 of the 2002-03 Office of the Inspector of Custodial Services' annual report that lists the key effective indicators under the following heading -

The extent to which the Department of Justice and, where relevant, other agencies accept and/or implement recommendations contained in Reports.

This contains a list of the inspector's reports. The first report listed is the custody and security report. The list has figures under a heading of percentage of recommendation that the inspector believes should have been accepted. He placed 75 per cent against the custody and security report. The inspector has advised me that he fully expects that from time to time he may get things wrong. In light of advice from people in the Department of Justice, it is acceptable that officers disagree with him on a point and it is possible on occasions that he gets things wrong. On that basis, he seeks a 75 per cent compliance generally with his reports; that is, the percentage of recommendations to be accepted. In some reports, he sets a 100 per cent expectation regarding the implementation of his recommendations, and 50 per cent expectation in other reports. The inspector expected a 75 per cent compliance rate with the custody and security report, as outlined in the 2002-03 annual report. He also lists the number of recommendations tabled or completed in 2001. There were 16 recommendations in that custody and security report. The final column in the list shows the percentage of recommendations accepted to date; namely, 15 out of 16, which was 94 per cent acceptance. The member for Kalgoorlie suggested that the inspector's report on custody and security had sat on a shelf and gathered dust. Nothing could be further from the truth. The Department of Justice started to act on the recommendations in the report in an active way from the moment the department received the report. For example, a comprehensive review was undertaken by the Department of Justice following the inspector's report of all high-risk prisoners received and assessed by the superintendent of operations. Also, all prisoners were placed on the offender management system. The Australian Integration Management Services Corporation - AIMS - has access to the offender management system. It is not true to suggest, as a couple of members have done in this debate, that AIMS has no access to the background of those offenders. It has access to the system colloquially known as TOMS, the total offender management system. Further, as there was some disagreement between the department and the inspector and AIMS about what should occur with the high-risk prisoners, the department, despite disagreeing with the recommendation, ensured that all high-risk prisoners were assessed. Further, it ensured that the TOMS information - the total offender management system information - and prisoner history were available to AIMS Corporation. In addition, it was agreed that AIMS could ask for the emergency support group to be involved if it had any concerns about the care and management of those prisoners. People have asked the very sensible question, a question that I asked myself last Thursday: why is it that these nine offenders were not regarded as high-risk offenders? There was clearly a failure in the system in that, firstly, the Department of Justice people did not assess these prisoners as being high risk, despite the inspector's recommendation and the fact that the department reviewed the high-security prisoners; and, secondly, AIMS was fully armed with the offender management system information - the information I have is that AIMS has full access to that offender management system - and if AIMS had concerns, it could have raised those concerns and had the emergency support group involved. AIMS did not raise those concerns either. I am not saying for a moment where the blame lies, but a lot of people opposite do not want to wait for the independent inquiry; they just want to blame the minister and be done with it. They do not want the role of AIMS to be examined properly, and they are not particularly keen on having the role of the department or its officers examined; all they want to do is get rid of the minister. The fact of the matter is that this minister is just getting on with the job. I do my job very thoroughly. Some members opposite who are now suggesting that I have not been involved enough are those who tend to criticise me for being overly involved in the management of my portfolio areas. I take my job very seriously and I do get involved in all areas of my portfolios. Those opposite can say what they like, but many of them know that I am absolutely and completely dedicated to getting on with the job. That is exactly what I have done since this incident occurred on Thursday: I have just got on with the job and all I have got from people opposite is criticism.

Mr M.J. Birney interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order! I remind the member for Kalgoorlie that he can speak only when he is in his seat. I remind him that he is not in his seat.

Mrs M.H. ROBERTS: I will go through the member for Kalgoorlie's speech in detail and we will see the complete untruth of just about everything that he put forward. In the first instance, he said that the report sat on

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

the shelf and gathered dust. No, it did not. Action was immediately taken by the department, and the Government decided to address those physical problems within the court security area and immediately furthered the budget process -

Mr M.J. Birney: Justify your press release.

Mrs M.H. ROBERTS: We will get to that. I regard this as a very serious motion. I have listened intently to what members opposite have said. I think I have paid them -

Mrs C.L. Edwardes interjected.

Mrs M.H. ROBERTS: The member for Kingsley continues to interject. I think I have paid members opposite considerable courtesy in listening to their arguments, which have been ill-conceived, ill-prepared and ill-informed. Despite that, because this is the Parliament and because I take my job seriously, no matter how ignorant and ill-informed are the comments of those opposite, I have said that I will go through them one by one. If the member for Kalgoorlie has criticisms, he should make them at the end. Members opposite have also ignored the rulings from the Acting Speaker and they are in contempt of this Parliament if they continue to interject on me. Because I am being rudely interrupted by members opposite, I will go back to the first incorrect statement -

Several members interjected.

The ACTING SPEAKER: Order, members! The member is still trying to address her comments through the Chair without interjection. She is not accepting the interjections. I have watched, and during the whole time that opposition members were talking, the minister did not interject, or, if she did, she made sure that the interjection was being received. Members' interjections are not being accepted; therefore, I ask members to hold their interjections, listen and then engage in further debate later.

Mrs M.H. ROBERTS: Thank you, Mr Acting Speaker.

The member for Kalgoorlie's first assertion was that the report sat on the shelf and gathered dust.

Mr M.J. Birney: That is the fourth time you have said that.

Mrs M.H. ROBERTS: It is the fourth time the member has interrupted me.

Mr M.J. Birney: Is that your only point?

Mrs M.H. ROBERTS: I think that the member for Kalgoorlie is in contempt of the House. I have been attempting to outline a case and he continues to interject.

Mr M.J. Birney: You have only one point to make. Is that true?

The ACTING SPEAKER: Order, members!

Mrs M.H. ROBERTS: I have said time and again that I have a whole point. Maybe the member for Kalgoorlie is afraid that I said that I would go through every assertion he made in his speech and refute them all. I will not lose my train of thought by the member's errant interjections. If I have to repeat myself, I will. If I have to use the full 50 minutes remaining, I will.

Mr M.J. Birney: Just resign and make it easier for all of us.

The ACTING SPEAKER: Order, member for Kalgoorlie!

Mrs M.H. ROBERTS: The fact is that nothing could be further from the truth. That report did not sit on the shelf and gather dust. It was acted upon straight away by the Department of Justice. Further, this Government acted upon it, unlike members opposite, who had been given similar recommendations from people of equal standing, such as the former Director of Public Prosecutions John McKechnie, QC, and did nothing. The reason no prisoners escaped during the time of the former Government was not good management; it was nothing but sheer good luck. Members opposite did nothing when they were asked to. They did nothing to upgrade the court. They took money out of the budget that the Lawrence Government had allocated. Their leader sat in cabinet meetings, and probably also at the expenditure review committee table, and slashed the money that the Lawrence Government had provided in the budget for the courts. The former Government stopped the upgrade from going ahead and then employed private contractors rather than police or prison security staff to manage the prisoners, and now they are saying that it is the Government's fault because it did not fix up the mess the former Government left us. The fact is that even prior to this report, our Government, in its first year in office, moved to address the problem. Even before the inspector's report was released, the Attorney General took it to that budget round and got money provided in the budget for the commencement stage of a new court complex. The Government started to put in place a timetable for a new court complex.

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mr M.W. Trenorden: That timetable was for 2004 construction. I repeat: 2004 construction. Has the building started?

Mrs M.H. ROBERTS: If that is the worst criticism the Leader of the National Party can make, I am not overly worried.

Further, additional money was provided in the budget to address the immediate problems at the Supreme Court. It would take some time before the criminal trials could be transferred to the new facility. The member for Kalgoorlie was wrong: the report did not sit on the shelf, unlike anything the former Government did. This Government actually progressed the recommendations in that report.

Mr M.J. Birney interjected.

The ACTING SPEAKER: I call the member for Kalgoorlie to order for the second time. He has been given fair warning over time. The minister is trying to speak.

Mrs M.H. ROBERTS: The Opposition continues to highlight a couple of matters that it claims we did not act upon. The Government and the department did act on them. Further, I have said that we have nothing to hide. Let us have a completely independent review of the situation.

Ms S.E. Walker: Why did you not get the inspector to do the review?

Mrs M.H. ROBERTS: The member for Nedlands had her time to speak. If she has additional points to make, perhaps she should have made them in her speech. The member's speech lacked substance as it was.

The next point that the member for Kalgoorlie tried to make was that I tried to blame AIMS Corporation. He accused me of blaming AIMS on Thursday. He tried to defend AIMS on Thursday. In the media statement he released on Thursday night he said that the Government must not blame AIMS - because AIMS is the member's hero. He loves AIMS and he defends it at every opportunity. He wears rose-coloured glasses. He is not objective at all about AIMS. On Thursday night he was reported in the media as defending AIMS. How could he know how much AIMS was at fault or how much the department was at fault? The member said that the Government should not blame AIMS. He said that the minister should be blamed, because he does not like me. He does not like me but he likes AIMS. We know that because he has defended it time and again in the Chamber. On Thursday I said to the media - surely just about everybody in the media has the tape - that I had no information at that point that AIMS had done anything wrong or that there had been anything wrong with AIMS' procedures, and that I would wait and see.

I said on Thursday, the day of the incident, at just after three o'clock in the afternoon, that I would not be moving -

Ms S.E. Walker interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, member for Nedlands! The member for Nedlands is continuing to interject, and I call her to order I think for the third time now. I caution the member to cease her interjections.

Mrs M.H. ROBERTS: Sadly, the rabble opposite have no manners, nor do they want to afford me the opportunity to properly explain the facts, because what I am doing is refuting their arguments one by one, and they do not like that, so they are trying to drown me out with their continual haranguing. It will not work, because I will proceed and go through the points one by one.

The member for Kalgoorlie said that I have tried to blame AIMS. Everyone in the media knows that on the Thursday afternoon, when I stood outside the Supreme Court after I had looked through the court and had had a briefing from the officers, I said that I had no information at that time that AIMS was at fault. The media said, "It is the contractor. It is responsible for the custody of these prisoners. They have escaped. Surely AIMS is to blame." I said, "I am not blaming AIMS at this time. I will wait until I get the investigation report so that we will know actually what happened." I wanted to get to the facts of the matter.

Mr M.W. Trenorden: You know the facts. You are the minister.

Mrs M.H. ROBERTS: We again have ignorant comments from the Leader of the National Party. He is interjecting to say that I know the facts.

The ACTING SPEAKER: Order, members! I cannot hear the minister, and I am sure the Hansard reporter cannot hear the minister, when there are conversations across the Chamber right across the Hansard reporter. The minister has the floor, and she is trying to get her point across.

Mrs M.H. ROBERTS: The Leader of the National Party says that I know the facts of what occurred that afternoon. That is a particularly ignorant comment from the Leader of the National Party. Short of knowing that

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

nine prisoners escaped from a certain area of the Supreme Court, the facts are not established. That is why we have established an independent inquiry. I believe we will get many versions of the facts from the different people to whom we will be speaking. The Department of Justice's preliminary investigation indicates one set of facts. AIMS has another set of facts. The prisoners who escaped and who will be interviewed may have a different story again. That is why we need to get the truth of the matter. Naturally, we will expect some bias in what the Department of Justice officers will say, because they are likely to want to defend their role. We will also expect some bias in what the AIMS officers will say, because they are also likely to want to defend their role. That is why we need an independent person to assess the roles of the various parties. I am more than happy to have my role examined, and I have included that in the terms of reference. I do not believe we can be any fairer than that.

On the Friday, the media required me to do further interviews and again asked me to blame AIMS. I said that I had no information at that time to blame AIMS. I said that there was great potential for fault in this situation, but that we needed to have a full investigation so that we would learn what the truth of the matter was. I said that once we knew the truth, we could rectify the situation. A lot of "if onlys" have been put forward about how the escapes last Thursday might have been prevented.

The member for Kalgoorlie's statement that I have attempted to blame AIMS is based on my press release on Tuesday. What occurred over the weekend is that the Department of Justice internal investigators continued their inquiries into what had occurred. The Director General of the Department of Justice advised me early on Sunday evening that some of the interim findings in the report did not reflect well on AIMS. When I had further discussions with the director general on the Monday morning, he told me what those matters were. He said that there were other people to whom he had spoken, and that on the basis of the information that was before him he intended to take the step that he is required to take under the legislation if he is concerned about public safety. The director general has obligations under legislation to protect public safety. These were not matters put forward as truth or something final but as concerns that had been raised. They were allegations about the conduct of AIMS that had been raised in the investigation so far. The director general decided to take what he considered to be prudent action to protect public safety, which was to suspend the AIMS contract. The member for Kalgoorlie has colourfully said that I and the Government had sacked AIMS, but we have not sacked AIMS - that is a nonsense. Again, it is more colour and hyperbole and it is not the truth. Neither the minister nor the Attorney General or the Premier has sacked AIMS. The truth of the matter is that the Director General of the Department of Justice, in the knowledge of his own legislation, decided to take action to protect public safety. My view is that he was taking very much precautionary action. One can imagine what people would say later if a further event occurred after he was presented with interim findings showing AIMS to be at fault in a whole range of areas and he did nothing, yet under his obligation he had to act to protect public safety and did nothing. How would that look, we must wonder? Ultimately, it is not a decision that the minister can influence in any way. It is improper for the minister to attempt to influence the director general in any way over whether he should suspend all or part of the AIMS contract. Under the legislation that responsibility lies wholly and solely with the Director General of the Department of Justice. He made that decision.

The director general having made that decision, he informed me of it. We determined that it was in the public interest to advise the public, largely through the media, of what was occurring and why. It is clearly my view that there needed to be some justification to the public for why AIMS was being removed. I do not think it would be good enough if in an attempt to be open and accountable it was said that the director general in the interests of public safety had decided to remove AIMS from the equation. People opposite would have become twice as feral as they have been. We said what kinds of issues had been raised and what the concerns were to the Director General of the Department of Justice, and that as a result he had acted to protect public safety. If the member for Kalgoorlie and others are criticising that, they are criticising the director general about the exercise of his powers, which I think is improper. They are criticising informed decisions that he has made.

Mr M.J. Birney: You can't keep washing your hands of it. It is your department.

Mrs M.H. ROBERTS: The member for Kalgoorlie says that it is my department. Maybe the member for Kalgoorlie should get some legal advice. He is now embarrassed because he has got things so dreadfully wrong. If he did get legal advice he would find out that it is not just inappropriate but improper for the minister to interfere in that process that the director general has under his control. I do not know whether the member has looked at the court custodial legislation, but if he has he should have had a lawyer help him look through it, because he might have found out a thing or two about the director general's role, such as that it is wholly and solely his call. He is not influenced by the Government of the day in these matters.

As part of his speech, the member for Kalgoorlie claimed to definitively know what went on. He went through what happened exactly line by line. I can only assume that he gave the AIMS version of events, or maybe it was the version of his mate from AIMS. Maybe that is where he got his information from. Members opposite take

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

the view that they cannot trust what the minister says and that they cannot trust the Department of Justice to conduct an internal inquiry. We have moved straight ahead. Yesterday, I said in the House that we will have an independent inquiry into what happened on Thursday and the role of everybody involved, not just AIMS Corporation but also the department.

Mr M.J. Birney: What about yourself?

Mrs M.H. ROBERTS: That is right, I have included myself and the Inspector of Custodial Services in that.

Mr M.J. Birney interjected.

Mrs M.H. ROBERTS: The member is shocked. From my point of view, I have nothing to fear from the inquiry. I have acted diligently and with the utmost probity at all times. I think it is pretty ignorant for the member for Kalgoorlie to present that he knows exactly what occurred. He carried on about how the duress alarm could not be activated, how it needed to be shifted and so forth and so on. Today he went on to say that AIMS is getting the sack from the Supreme Court. It has not got the sack. As I just explained, for precautionary reasons the director general has decided that the responsible thing to do is to suspend AIMS activities at the Supreme Court and for the Department of Justice to take control. Interestingly, the member is crediting AIMS with the reduction in the escape rate. We have said that the escape rate is half of that during the previous Government's time in office.

Mr M.J. Birney: You said that.

Mrs M.H. ROBERTS: Yes, I said that. The member has quoted me as saying that, and the member asked me then why I thought that was. He then went on to say that it is because of the great and mighty AIMS, which he defends and supports -

Mr M.J. Birney: I did not say that.

Mrs M.H. ROBERTS: The member may as well have said that. He can talk about me beating my chest, but whenever the member for Kalgoorlie talks about AIMS, he puffs up his chest because he is so proud of AIMS and he is defending it at every opportunity.

Mr M.J. Birney: I am not using it as a scapegoat; that is for sure.

Mrs M.H. ROBERTS: No, that is for sure. However, the member is defending AIMS at all costs. I am not making the call either way. It may turn out that some fault lies with AIMS and some fault also lies with the department, but we will wait for the findings of the independent inquiry. In another one of the member's statements that do not bear a lot of relevance to the truth, he said that the reduced escape rate is attributable to AIMS.

Mr M.J. Birney: The same mob you just sacked.

Mrs M.H. ROBERTS: We are talking about an escape rate from prison.

Mr M.J. Birney: No we are not. We are talking about the escape rates for prisoner transport and court security, and the rate has been halved by AIMS; the same mob you are trying to sack.

Mrs M.H. ROBERTS: Previously, I said that the number of prison escapes since this Government came to office has halved, from 100 in 1999-2000 to 50 in 2003-04. That figure will now be 59, because of those nine escapes. We have also -

Mr M.J. Birney interjected.

The SPEAKER: Order, member for Kalgoorlie!

Mrs M.H. ROBERTS: As part of that, we have reduced the number of escapes from Wooroloo Prison Farm from 20 in 1999-2000 to just seven in 2003-04. The fact of the matter is -

Mr M.J. Birney: You are the best minister we have ever had!

Mrs M.H. ROBERTS: Now I am getting an endorsement from the member. He is a bit schizophrenic today. The fact of the matter is that AIMS does not have a contract at Wooroloo Prison Farm, for example. The only prison with which AIMS is involved is Acacia Prison. If the escape rate is down at prisons, I am sorry, member for Kalgoorlie, AIMS cannot take all the credit because it does not work at all those prisons.

Mr M.J. Birney and Mr B.J. Grylls interjected.

Mrs M.H. ROBERTS: The member for Kalgoorlie is interjecting again with the member for Merredin. However, most of the member's speech was a collection of colourful insults. The member for Kalgoorlie,

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

through most of his speech, chucked insults at me. I do not believe he should conduct himself in that way in this House. He should come into this place with preparation, arguments and statements that can stand up to scrutiny. All the statements that I have heard from the member for Kalgoorlie so far stand up to no scrutiny at all.

Mr E.S. Ripper: But he would have to work to do that!

Mrs M.H. ROBERTS: Exactly.

In part of the member for Kalgoorlie's many insults, his next line was that I am to blame for the Totalisator Agency Board hold-up last night because I had not implemented the recommendations of the Inspector of Custodial Services. I had said earlier, contrary to what the member for Kalgoorlie said, that the report did not sit on a shelf and gather dust and that the recommendations were implemented.

Mr M.J. Birney: They weren't implemented.

Mrs M.H. ROBERTS: The degree to which they were implemented and any argument about them will be resolved in the independent inquiry. There is no point, therefore, in the member for Kalgoorlie and me arguing in this place that they were or were not implemented.

Point of Order

Mr M.J. BIRNEY: Mr Speaker, the Minister for Justice has just misled this House by saying that Professor Harding's recommendations on the cells at the Perth Supreme Court have been implemented when they have not. That is why we are in this situation today.

The SPEAKER: Points of order are not to be taken to make political statements. There is no point of order.

Debate Resumed

Mrs M.H. ROBERTS: Mr Speaker, the member for Kalgoorlie is being a bit pedantic now. I said that he claimed the report sat on a shelf, gathered dust and nothing happened. The recommendations were acted upon. I pointed out to the House today that the Department of Justice agreed with 15 out of 16 of the recommendations and that they were listed in the Auditor General's report of 2002-03, and I have said how the department implemented them.

Mr M.J. Birney interjected.

The SPEAKER: Order, member for Kalgoorlie!

Mrs M.H. ROBERTS: I have also explained to the House how the Government moved to implement the recommendations on the new court building.

Mr M.J. Birney interjected.

The SPEAKER: Order, member for Kalgoorlie!

Mrs M.H. ROBERTS: The member for Kalgoorlie has made other interesting statements as further reasons that I should resign. According to the member for Kalgoorlie, I was involved in a cover-up of massive proportions by not releasing the television video footage.

Mr M.J. Birney: I said "again".

Mrs M.H. ROBERTS: The member for Kalgoorlie might have said "again". He said that I was involved in a cover-up because the police did not release some video footage of the TAB hold-up last night. The fact is that the decision was taken independently - appropriately independently - by the Police Service.

Mr B.J. Grylls interjected.

Mr M.J. Birney: Do you do anything?

Mrs M.H. ROBERTS: The members for Merredin and Kalgoorlie are joking and making trite comments; it does not become either of them in this debate. The fact is that the Police Service makes operational decisions. My only request of them is that they catch these three prisoners who are still at large as soon as possible. That is what I believe the public wants and expects, and I hope the Police Service can do that at the earliest possible opportunity. Decisions on how the Police Service utilises operations, units, staff and whatever else to recapture those escapees are rightfully for senior people in the Police Service to make. I believe that a senior officer in the Police Service made a decision at this time to not release that video footage. It is not for me to have an opinion on that decision.

Mr M.J. Birney: Did they tell you?

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

Mrs M.H. ROBERTS: No, they did not tell me.

Mr M.J. Birney: So, how did you find out?

Mrs M.H. ROBERTS: I found out through the media that they were unhappy that the video footage had not been released. I can only assume that, for whatever operational reasons, the Police Service has made the choice to not do that. How is that portrayed? Imagine if I interfered in the day-to-day operations of the Police Service? Imagine if I, as minister, said that I wanted to keep on the good side of the media and the television stations and impress all the journalists and that I wanted the Police Service to hand over the footage from the TAB? It would be a scandal if I interfered to that level in the Police Service and directed it to hand over video footage to be given to television stations to publicise when the Police Service had said that, for whatever operational reasons, it did not want to hand it over and have it publicised. The improper thing for me to do would be to direct the Police Service in this matter. I have kept right out of this matter. There is no reason the Police Service would consult me about whether it would release footage like that. Not only is there no reason to do so, but it did not do so. I certainly did not contact the Police Service about it. In fact, the first I heard about it was through the media. The incident was portrayed, I think, quite deceptively by the member for Kalgoorlie as a cover-up of massive proportions. That is the kind of hyperbole and nonsense -

Mr M.J. Birney: Another cover-up.

Mrs M.H. ROBERTS: He said it was another cover-up of massive proportions. Whichever way it is put, the fact of the matter is that it is clearly not a fair statement. It is not a true statement. I find it to be a very offensive statement. If that is the kind of argument put forward in the motion by the member, I think he has no substance.

In terms of the action I have taken since that event, my immediate concern was to recapture the prisoners. My second concern was to make sure that there was no repeat of the incident at the Supreme Court or any other court. I asked the Department of Justice to advise me urgently on further measures that could be put in place to protect the security of prisoners at the Supreme Court. I received that urgent advice on Friday. On Saturday I announced the further measures we would put in place. That was the \$100 000 package that I announced on remedial works and extra staff to be made available at the Supreme Court, as well as the much greater use of armed escorts in the transfer of prisoners to the Supreme Court.

Mr M.J. Birney: Were they armed at the Supreme Court?

Mrs M.H. ROBERTS: See, the member is off-track again. I know that the member hates to be misquoted, but I am not a Hansard reporter. I have written down the gist of what he said. The member suggested that I had armed guards dressed up and out and about on the weekend. It may surprise the member for Kalgoorlie to learn that armed guards, such as the two armed guards, often work on weekends and are fully kitted out.

Mr M.J. Birney interjected.

Mrs M.H. ROBERTS: He does not believe me. That is the type of nasty individual he is. His immediate response is to not let me explain or make a point; he is trying to suggest to me that those guards were not working that day. The two guards who were with me at the Supreme Court later on Saturday morning had been working earlier that morning and had taken the two prisoners, Nicolaides and Simion, back to a high-security prison prior to the guards coming to the Supreme Court to participate with the media.

Mr M.J. Birney interjected.

Mrs M.H. ROBERTS: I think it is appropriate, in the circumstances, that the public be concerned. I am concerned that three prisoners are at large. I am appalled that nine prisoners were able to escape from the Supreme Court. The public will be appalled as well. As a result of that, there is an obligation on me, as the minister, to get on with the job and to be seen to be getting on with the job of making the court secure. It is an important part of reassuring the public and advising them that, immediately, the day after, we started to put things in place that will better protect the security of prisoners at the Supreme Court. He then went on to make outrageous statements that criminals at the Eastern Goldfields Regional Prison had been taught by the Labor Party to shoot. I think those were his words. What nonsense, exaggeration and hyperbole! The fact of the matter is that an acting superintendent made a decision to allow some prisoners to participate with a Police and Citizens Youth Club program under section 94, and that involved them learning to shoot air rifles. The moment that was found out, I said it was a completely unacceptable activity. Senior people in Perth were not aware of it, and I certainly had not been advised of it prior to my doing something about it. I asked the head of prisons, Mr Terry Simpson, and the Director General of the Department of Justice how this could happen; how someone could have made such a stupid decision. Surely this is not allowed as a regular section 94 activity. A whole range of activities are prohibited under the prisons regulations as section 94 activities. Nobody thought before that a prison superintendent would ever think that arms training was a suitable section 94 activity, yet an acting

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

superintendent seemed to think it was suitable. I understand that the views of other superintendents in the system were sought, and each one said he would not have thought for one moment that any kind of arms training would be a suitable section 94 activity. One person makes a completely stupid decision at the Eastern Goldfields Regional Prison, and the member for Kalgoorlie says "sack the minister". There is no logic there; it is just crazy stuff.

I will get back to what the Government has done since the occasion of the escape. As I said, at the very first instance, on the day the escape occurred, I had meetings with the senior people at the Department of Justice straight away. I continued to get updates from them. I had updates from the Police Service about what it was doing to recover the prisoners. I visited the Supreme Court in the afternoon, had a look at the physical environment there and was taken through what happened. I addressed the media shortly after that. I then went back to my office and received further updates and briefings on what was occurring, both in the justice and the policing systems. I directed that we make immediate plans for an upgrade to security at the Supreme Court, in the light of what had occurred. Work was commenced on getting the \$100 000 package of new measures in place, and obtaining additional staff for the next day. In addition to that, I have established an independent inquiry by a prominent barrister. His job will be to get to the bottom of this - to find out what occurred that day, and what the circumstances were. He is to examine the role of AIMS and the Department of Justice, and I have asked him to examine my role and that of the Inspector of Custodial Services. He will also make recommendations on the way forward. I think that is the responsible thing to do in the circumstances. I have asked Mr Hooker to complete his report by 16 July. I fully expect that, after he has been on the job for about a week, he will be able to advise me whether that is a realistic outcome. I am hopeful that he may be able to provide a report earlier than that.

Mr M.J. Birney interjected.

Mrs M.H. ROBERTS: The fact of the matter is that I have appointed the independent investigator to carry out this role. As I have explained, Mr Richard Hooker was selected, in the first instance, by the State Solicitor in consultation with the Attorney General. They recommended this barrister as somebody who would be extremely able and competent to conduct such an inquiry. It is never enough for members opposite. I think he is well equipped to do that job. Once and for all we will have an end to this tit for tat and have a realistic picture of what occurred. From day one, all we have wanted to do is, first, recover the prisoners; secondly, ensure that there is no repeat of the incident; and, thirdly, uncover the truth of what occurred so that it does not occur again.

This Government's record in the justice portfolio shows that it has done an awful lot to rectify some of the dreadful things that occurred in the past. We have made great inroads in the State's prison system. We have reduced the number of escapes. Sadly, members of the Opposition have forgotten all too quickly their terrible record when they were in government. In January 1998, six violent and dangerous prisoners escaped from Wooroloo Prison Farm. One was serving an eight-year sentence for manslaughter. The victim was an elderly man, and the prisoner was sentenced in 1997. This dangerous prisoner had been moved to Wooroloo Prison Farm, probably because of the overcrowding that existed during the previous Government's time in office. He was serving an eight-year sentence for manslaughter, but members of the Opposition, when in government, allowed him to be moved to Wooroloo Prison Farm within a year. In 1997, the prisoner was sentenced to eight years in jail. In 1998 he was already at Wooroloo and escaped. What was the response from the then acting Minister for Justice? He defended the practice of sending violent prisoners to minimum security, stating that it was vital to increase gradually the level of trust afforded to all prisoners. Kevin Prince said that when a person who had been convicted of manslaughter and was serving an eight-year sentence was moved to Wooroloo. How does that contrast with the action I took recently? There had been no incident, but the mother of a victim was informed that the child sex offender had been moved after a couple of months to a minimum-security facility. My response was not that it was great to see that the offender had been given a bit more responsibility. My response was that that was not acceptable and was not in line with community expectations. The community expects an offender of that nature - indeed, any sex offender - to serve at least one-third of his sentence in a high-security facility before he is considered for a minimum-security situation. That is the kind of contrast that can be seen between the way the Liberal Party complacently got on with the job while it was in government and the way I have made the tough decisions and made the calls on behalf of the community.

Yesterday I held up a headline from 1999 - "55 escape jail in 6 months". The department's whole escape budget for the entire year was blown in six months. In 1999, 17 prisoners escaped from various prisons in just two months. I have all the articles. One headline reads, "Union threat over safety". The article also has the pictures of some of the prisoners that were at large at that time, many of whom were violent. Another couple of headlines read, "Six violent prisoners escape in stolen car" and "More police join hunt". What were the standards of the previous Government? Did anybody from the previous Cabinet resign over that? I do not think so. I must wonder whether people are being very hypocritical when they call for a very different standard from

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

me from that which they practise. The quote from *The West Australian* that best sums up the situation at that time was -

POLICE recaptured prison escapee Troy Alan Smith at a Balga house about 9pm last night.

...

Marlon ... Lee Inman was recaptured in East Victoria Park ...

Police are still looking for 15 other escapees.

Fifteen other escapees were on the run. That is the record of the former Government. Did Premier Court take any action? Did any minister say that he thought he should resign because a lot of people had escaped from jail? No; nobody did that. They took no responsibility at all. That Government had the sorts of ministers who were just apologists for their departments. They said such things as, "I think what they did was okay; I accept that", and brushed it under the carpet. That Government also had reports written about the justice system. It did not make them public or table them. It did not take the action that we have taken.

People know my record. At every opportunity I call my departments to account. I have not just sat on my hands and taken the salary, as did many ministers during the time of the Court Government. I have not just rubber-stamped all the decisions of the department. When things have gone wrong I have not publicly defended the department and said that I thought it was okay. I have not gone out and stonewalled and said that I thought the department was doing a good job. When the police department has fallen short, I have been one of the first to criticise it and say that the community expects better. I have demanded higher standards of it. The same has gone for every one of my departments. Whenever a failing or shortcoming has been highlighted to me as minister, I have acted. That is what sets me apart from the members who sit opposite me. I find it quite objectionable that people who were lazy in government and did nothing but rubber-stamp and defend their departments are criticising me. I have already established a significant reputation as someone who properly manages her department, who calls her department to account for every shortcoming that is drawn to my attention, and who is prepared, when I have the capacity at law, to step in and direct a department to do things differently.

The department did not like it when I said a couple of weeks ago that if someone is in jail for a child sex offence or indeed for any sex offence, he needs to serve at least a third of his term before he is released to a minimum-security prison. When did that system change? That system started to change in 1999 under Hon Peter Foss. Hon Peter Foss trialled it at Bandyup Women's Prison. It seemed to work there. The new system of individually assessing every sex offender and working out the suitable time to put an offender into a minimum-security prison was trialled at Bandyup and then rolled out across the rest of the State in 2000. That meant that some child and other sex offenders could be taken out of a more secure environment and placed into a minimum-security environment without serving a third of their sentences. Prior to Hon Peter Foss making that policy change, sex offenders needed to serve a third of their sentences in maximum security, a third in medium security and a third in minimum security. The previous Government tore that up. It was in the practice of moving more and more serious and offensive prisoners into minimum security. That was the practice of members opposite in government. We keep in contact with victims. The first time this was highlighted to me was when a victim's mother informed me about it. I took action and said that it was not acceptable. I told the department that the offender could not stay in minimum security because it was not an acceptable community standard. That was not to be based on the movement of one offender. My view is that there is no way on earth that a sex offender, especially a child sex offender, should be considered for minimum security before he has served at least a third of his sentence.

That was a wrong decision of the former Government and it is one that I am fixing. There are people in the department who would defend that system. If I had been one of the former Government's ministers, I would probably have stood here and said that there had been no real problem because none of the sex offenders or child sex offenders who had been put into minimum security had escaped and done anything naughty. Members opposite would probably have tried to justify that situation. Some of the departmental advice to me is that such offenders are the least likely of all people to escape. I do not care. This is about justice being done and punishment being part of the equation. The community has a real expectation that punishment is to be part of the process. It cannot all be a rehabilitation effort. Yes, rehabilitation is important, and, yes, we need sexual offender rehabilitation programs in prisons so that re-offending is less likely when offenders are released back into the community. However, punishment cannot be removed from the equation.

The Government has put in place a range of new strategies at Acacia Prison. This had to be done because, again, the previous Government failed in that regard. When we came to government, the Inspector of Custodial Services described Acacia Prison as "a prison in crisis" and "a failure". That was outlined in the report of the Inspector of Custodial Services. Acacia met few of its benchmarks, it was underperforming in prisoner

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

management and was in urgent need of attention. In 2002 - the year of the previous Government's big privatisation push - as indicated in the 2002-03 annual report, Acacia was underperforming in the very areas in which it was supposed to set benchmarks; namely, in education and treatment programs, reparative work, opportunities for prisoners, and the provision of an indigenous health service. Concerns were expressed about the management of security and intelligence issues. Also, it was reported that there was a high level of prisoner grievance, specific management needs for indigenous prisoners and so forth. What did this Government do? It developed a formal anti-bullying strategy, developed risk management plans and improved security processes. It also put in place ongoing monitoring, and made progress with action plans derived from specialist reviews, developed cultural awareness training for staff, and put in place a more streamlined contract information system. Also, a senior executive at the AIMS Corporation was appointed to oversee the application of the prisons, courts and custodial services contract. The Gallop Government had to undertake these initiatives to fix up the mess. This Government has been extremely active in the justice portfolio.

I refer now to the supervision of offenders. The Auditor General released a fairly damning report about how offenders were previously managed in the community; this report related completely to the term in government of members opposite. The system was a mess. Unlike members opposite, government members did not sit on their hands or ignore the problem with supervising offenders in the community. The Labor Government spent \$2 million on world-best programs, employed 55 new community corrections staff, and delivered an effective pay increase of \$6 000 a year for base-grade community corrections officers. Also, the Government required all staff to undertake national standard certification to ensure they were trained in best practice procedure. The Government invested in a new practice and standards unit, a centralised breach unit and a new risk assessment model for the management of offenders. Also, this Government abolished the previous Government's failed home detention program. I emphasise that point. The Gallop Government invested in new electronic technology to ensure that those released by the courts or prisons on a curfew were properly monitored.

I could talk for hours about this Government's activity, and my active involvement in the past 12 months, to significantly upgrade our prisons system. The Government has been tough on sentencing and parole conditions. Better resources have been provided to offender management. Prior to the escape last week, the escape rate had been cut in half. Following the escape, the reduction in the escape rate is only 40 per cent, rather than 50 per cent. However, that reduction is a significant advantage to the community. Better offender management programs have been put in place, along with better drug management in prisons. The way burglary has been tackled in the community is already reflected in the imprisonment rate, and the way juvenile crime has been tackled is reflected in the imprisonment rate of juveniles. Also, the Government has invested in many capital upgrades, such as those earmarked for the Supreme Court, Albany and the like. That compares more than favourably with the previous Government's record: a record of the underperforming Acacia Prison, an underperforming court security contract, under-resourced and understaffed community and justice services, a higher number of escapes and poor prison security, the failure of the offender management program, the failure of the home detention program, and the failure to invest in capital works to fix problems. That is the record of those opposite. No sane person could compare that abysmal record with the record of this Government and make the claims that those opposite have made today.

Mr M.W. Trenorden: It does not matter how bad we are; it does not give you any excuse.

Mrs M.H. ROBERTS: The Leader of the National Party now says that it is not about the blame game but about accepting responsibility. I will tell members what was said about the Casuarina riots in 1998. Those opposite blamed the prisoners, the department - everyone but themselves. Most importantly, when faced with the need to address the issues concerned, they failed. They did not deal with the issues at Casuarina Prison. They had about 20 people, including staff, hospitalised and they had 17 escapees on the run at one time, and they did nothing to address the problems. The *Sunday Times* of January 1999 contained regular reports of inmates walking in and out of minimum-security prison farms and so forth. What did those opposite do about those issues? They did nothing.

MR J.C. KOBELKE (Nollamara - Leader of the House) [6.48 pm]: Any objective commentators or people who know the Minister for Police and Emergency Services would have to acknowledge that she is a very competent minister and has done a very good job, both in the police portfolio, which she has held since 2001, and as the Minister for Justice for the past 12 months. What is the responsibility of a minister? The attack from those opposite has been far more noise than substance. They have had a few good headlines. On the basis of their normal approach, if a speech had been written for them they might have been able to cut something out of the newspaper, and they might have had an issue to bring into the Parliament. It is not as if they have done any work and it is not as if they have offered any suggestions about how things might be better managed. Theirs has really been a shotgun approach. There have been some very critical headlines and there has been a major issue about which the Government has had to take responsibility - and the minister and the Government have done that

Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

- and somehow this is fodder for the Opposition. They have been able to make a lot of noise about it, although there has been no substance to their contributions or suggestions about how the matter should be handled. In fact, the member for Kalgoorlie seems to be promoting the case for AIMS. One has concerns that the member for Kalgoorlie is perhaps crossing the line from where he represents his electorate and the public interest, to the other side of the line where he seems to be an advocate for a particular company that is a player in this issue. The Opposition has not approached this issue with clean hands. The member for Kalgoorlie needs to be very careful that he does not continue to present himself in a way that might cause many people to feel that he is actually in the employ of or an advocate for AIMS, which is at the centre of this issue and has to answer some very hard questions.

The minister has accepted responsibility and has put in place an inquiry to address the key issues. The minister has expressed her real concern about what happened and said that we need to get to the bottom of this. There needs to be a clear understanding about why this occurred, not to lay blame, but so that steps can be taken to make sure it does not happen again. That is the appropriate action to take, but what have we seen from people opposite? Those opposite set a standard that they are never willing to live by. They have this standard that is totally unrealistic or bears no relevance to the way they acted when in government and the way they continue to act. They set this very false standard that somehow or other the minister is supposed to be the jailer and the police officer wearing the gun; she is supposed to be rushing around looking under bushes and checking cars to see how these people might be apprehended. This came through clearly because those opposite said there was something wrong with the minister going for a dental appointment and that her being in a dentist's chair for 15 minutes was somehow a dereliction of duty. The minister had a mobile phone with her; she had taken all the reasonable steps that could be required of her. The contribution to the debate by some members opposite has been to suggest that the minister was somehow derelict in her duty. Before sitting in the dentist chair for 10 or 15 minutes the minister did a range of things, including keeping in contact with her department. That shows how little thought members opposite have given to the real issue. They are not looking at the standards that the minister is expected to live up to. The standards expected relate to how the minister responds when a matter has gone wrong or when a key issue needs to be fixed. The minister has clearly responded appropriately to this situation and is seeking to have the matter addressed. How does that sit with those members opposite who were members of the former Government? Day after day and week after week the ineffective action of the then Minister for Fair Trading, Doug Shave, was brought to the attention of government members. Did they say that the minister had a responsibility to do something about it? No. They said that they had no responsibility whatsoever. They simply would not face up to the issue. That is what we mean by the dereliction of ministerial duties. Although Minister Shave was derelict in his duty, he was backed by key members of the Opposition who did not act when an issue was identified as a problem. This minister is acting with great haste to make sure that the matter is understood so that action can be taken.

It is absolute nonsense for the member for Kalgoorlie to suggest that the minister should actually do the police work herself, including patrolling the streets, and guarding the lock-ups and prisons. When the member for Kalgoorlie was put on the spot and was asked a question about his implication in Liberal Party matters, his excuse for not being involved was that he was blind drunk for four days. That was his public response to the accountability of his involvement in a matter that was of considerable political interest in this State. His excuse was that he was drunk. However, he has totally different standards for the minister. The minister is doing what is expected of her. She is making sure that the facts are ascertained, and she is taking action to make sure it does not happen again. The member for Kalgoorlie and other members opposite have said that she should do the work on the ground. However, when the member for Kalgoorlie was asked a simple question about his responsibility as a member of Parliament and of the Liberal Party, he made a nonsense excuse that he was so drunk for four days that he could not answer the question. That is the level of accountability that members opposite apply to themselves. Did the Leader of the Opposition call the member for Kalgoorlie to account for using such a flimsy excuse? The Leader of the Opposition made absolutely no attempt to say that that is not acceptable behaviour.

What standards do members opposite expect people on this side to uphold? There are competent ministers on this side. We have an able backbench. Many members on this side could step up and be ministers; we have a very strong team. We have high standards. The hypocrisy lies in members opposite suggesting that they do not have to measure up to those standards. They are quite happy to set very high, unrealistic standards for ministers to do the job of their departments hands-on, and yet they have showed no interest in maintaining those standards at all. I mentioned just the one example of the member for Kalgoorlie. I could go through example after example of members opposite who do not uphold standards themselves but expect them to be upheld on this side. The Liberal Party has no consistency. It runs with the foxes and hunts with the hounds. It is happy to do either at the same time. It has no integrity. Therefore, its members are not in a position in which they can suggest that the Government should live up to these unrealistic standards that they have tried to espouse.

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[ASSEMBLY - Wednesday, 16 June 2004]
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Mr Matt Birney; Mr Bob Kucera; Acting Speaker; Mrs Cheryl Edwardes; Mr Max Trenorden; Ms Sue Walker;
Mrs Michelle Roberts; Speaker; Mr John Kobelke; Mr Colin Barnett

This is a serious issue. The Leader of the National Party at least tried to present his case seriously, rather than huff and puff like a number of other members. If those other members really believe this is a serious issue, they should have tried to demonstrate that in the way they presented their case. However, the abuse of shouting, without any substance to it, that we have seen today, particularly in question time, reflects the very nature of the Opposition. All the Opposition is about is making a lot of noise and casting aspersions on the minister. The minister has handled herself well in this circumstance and is putting in train a process to ensure that the truth is ascertained as to what went wrong and how it can be fixed. Members opposite, by their use of press cuttings, have made no attempt to present a case. The minister does not have a case to answer. On that basis, the motion should be rejected by this House.

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [6.56 pm]: I am delighted the Premier has returned to the Chamber. I will happily sit down to give the Premier the opportunity of defending the minister, because the Premier has been absent throughout this debate.

Mr E.S. Ripper: What a scurrilous remark! He has defended the minister!

Mr C.J. BARNETT: The Premier has come in with five minutes to go. He has not been in the Chamber at all during this debate. Indeed, very few ministers and Labor members have been in the Chamber for this debate. I will sit down and give the Premier a five-minute opportunity to defend his minister, because he has absolutely failed to do so.

Question put and a division taken with the following result -

Ayes (16)

Mr C.J. Barnett	Mr J.H.D. Day	Ms K. Hodson-Thomas	Mr R.N. Sweetman
Mr D.F. Barron-Sullivan	Mrs C.L. Edwardes	Mr B.K. Masters	Mr M.W. Trenorden
Mr M.J. Birney	Mr J.P.D. Edwards	Mr P.D. Omodei	Mr T.K. Waldron
Mr M.F. Board	Mr B.J. Grylls	Mr P.G. Pandal	Mr A.D. Marshall (<i>Teller</i>)

Noes (27)

Mr P.W. Andrews	Dr G.I. Gallop	Ms S.M. McHale	Ms J.A. Radisich
Mr J.J.M. Bowler	Mr J.N. Hyde	Mr A.D. McRae	Mr E.S. Ripper
Mr C.M. Brown	Mr J.C. Kobelke	Mr N.R. Marlborough	Mrs M.H. Roberts
Mr A.J. Carpenter	Mr R.C. Kucera	Mrs C.A. Martin	Mr D.A. Templeman
Mr A.J. Dean	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Mr J.B. D'Orazio	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Ms M.M. Quirk (<i>Teller</i>)
Dr J.M. Edwards	Mr M. McGowan	Mr J.R. Quigley	

Pairs

Mr J.L. Bradshaw	Mr P.B. Watson
Mr R.F. Johnson	Mr J.A. McGinty
Ms S.E. Walker	Mrs D.J. Guise

Independent Pairs

Dr E. Constable
Dr J.M. Woollard

Question thus negatived.

House adjourned at 7.00 pm
