

Deputy Chairman; Hon Peter Foss; Hon Nick Griffiths; Hon Jon Ford; Hon Murray Criddle; Hon Giz Watson;
Hon Derrick Tomlinson; Hon Ed Dermer; Hon Louise Pratt; Hon Bruce Donaldson

Division 27: Justice, \$550 833 000 -

Hon Barry House, Deputy Chairman.

Hon Nick Griffiths, Minister for Racing and Gaming representing the Minister for Justice and Legal Affairs.

Mr A. Piper, Director General.

Mr T. Simpson, Executive Director, Prisons Division.

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

Mr P. King, Director, Financial Management.

Mr P. Robinson, Manager, Budgets and Planning.

Mrs J. Shuard, Acting General Manager, Public Prisons.

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

Mr G. Bowra, Business Performance Analyst, Court Services.

Ms M. Maliepaard, Senior Communications Coordinator.

Ms L. Storey, Manager, Executive Support, Director General's Office.

Mr B. Warner, General Manager, Legal Aid Commission of Western Australia.

The DEPUTY CHAIRMAN (Hon Barry House): On behalf of the Legislative Council Estimates Committee, I would like to welcome you to today's hearing. Government agencies and departments have an important role and duty in assisting Parliament to scrutinise the budget papers on behalf of the people of Western Australia. The Committee values that assistance.

It will greatly assist Hansard if when referring to the *Budget Statements* volumes or the consolidated fund estimates, members give the page number, item, program, amount, and so on in preface to their questions. If supplementary information is to be provided, I ask your cooperation in ensuring that it is delivered to the Committee's clerk within five working days of receipt of the questions. An example of the required Hansard style for the documents has been provided to your advisers.

The Committee reminds agency representatives to respond to questions in a succinct manner and to limit the extent of personal observations. For the benefit of members and Hansard, I ask the minister to introduce his advisers to the Committee, and for each adviser to please state their full name, contact address and the capacity in which they appear before the Committee. At this time, I ask each of the witnesses whether they have read, understood and completed the Information for Witnesses form. For the information of *Hansard*, nods all round. Do each of the witnesses fully understand the meaning and effect of the provisions of that document? For the information of *Hansard*, all witnesses have indicated in the affirmative.

Answers to questions placed on notice by Hon Giz Watson, Hon Peter Foss, Hon Barry House, Hon Norman Moore, Hon Robyn McSweeney, Hon Derrick Tomlinson, Hon Bruce Donaldson, Hon Simon O'Brien and Hon Barbara Scott have been tabled.

Hon PETER FOSS: My first question relates to a matter that does not show up in the budget estimates; that is, the Criminal Property Confiscation Act and the confiscation proceeds account established under section 130 of that Act. I have provided a copy of my questions to the minister. I realise that some answers may need to be provided by way of supplementary information. The first part of my question is how much money has been received into and paid out of this account? The second part is to whom has the money been paid, in what amounts and on what dates? In particular, has the money that the Attorney General announced would be paid to the Homicide Victims Support Group (WA) been paid; and, if so, when? If there has been a delay, what is the reason for that delay? The third part of the question is what other amounts have been agreed to be paid but are yet to be paid, and to whom? Why have they not been paid? The fourth part is has a procedure been established for making grants; and, if so, what is the procedure and when was it established? Can the minister table the details of it? The fifth part is were any amounts agreed to be paid prior to the procedure being established? If so, can the minister provide details? The sixth part is for each amount detailed as being paid or agreed to be paid, can the minister state under which paragraph of section 131(2) of the Criminal Property Confiscation Act the money was paid out? The seventh part of the question is which were paid out under paragraph (c) to provide support services and other assistance to victims of crime, and in what manner is the grant seen as benefiting victims of crime?

Hon NICK GRIFFITHS: I invite Mr Piper to answer the parts of the question that he is able to answer. As Hon Peter Foss foreshadowed, some information will have to be provided on a supplementary basis.

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Mr PIPER: With the agreement of the minister, we will provide details of the money received and paid out of the account by way of supplementary information. The amounts that have been paid out or allocated to various parties were a grant of \$49 200 to the Homicide Victims Support Group (WA); a grant of \$96 845 to Anglicare; \$98 200 to the protective behaviours program in Western Australia; \$60 000 over two years to the Scripture Union of Western Australia; \$68 343 to the City of Gosnells; \$100 000 to the Domestic Violence Resource and Referral Centre steering group; \$89 258 to the Australian Red Cross; \$5 330 to the Swerve Association; \$48 973 to the St Vincent De Paul Society; \$38 210 to the City of Belmont; \$5 000 to the South Lake Ottey Family and Neighbourhood Centre; \$31 000 to the Leeuwin Ocean Adventure Foundation; \$10 000 to the Sunshine Children's Ministry; \$72 618 to the South West Refuge; \$40 565 to the Shire of Carnarvon; \$10 000 to the South West Regional Domestic Violence Committee; \$80 000 to the Shire of Mt Magnet; \$75 376 to the Albany Youth Support Association; \$99 571 over two years to the City of Bunbury; \$15 883 to the Peel Youth Programme; and \$97 020 to the Bibelman Mia Aboriginal Corporation, to a total of \$1 191 392. As to the disposition of the amounts, they are subject to an agreement between the various organisations, which have been signed and transmitted to the various organisations. Subject to their agreement, the amounts would be paid as agreed. There is no reason for delay other than the procedures of putting that in place. The amounts have been approved. As to the third part of the question on what amounts have been agreed to be paid and to whom, I have given a full list of amounts. I trust that satisfies that question. To the extent that amounts have not been paid, that is for the reason I gave above.

Hon PETER FOSS: I asked you to identify those that have not been paid.

Mr PIPER: We would be happy, with the minister's agreement, to provide a payment schedule on the grants.

Hon PETER FOSS: The second part of the question deals with the ones that have been paid. The third part of the question deals with those that have not been paid.

Hon NICK GRIFFITHS: The third part of the question asks what other amounts have been agreed to be paid and are yet to be paid, and to whom. The amounts have been approved, but the money has not yet been received.

Hon PETER FOSS: There is no division between those that have been paid and those that have not. The second part of the question deals with those that have been approved and paid, and the third part of the question with those that have been approved but have not been paid.

[2.10 pm]

Mr PIPER: To make it clear to everyone, the list I provided is of the approved amounts. With the minister's agreement, I am happy to provide by supplementary information the amounts that have been paid. To the best of my knowledge we are still in the process of communicating and agreeing with the organisations. I doubt that much money has been paid at this stage.

Hon PETER FOSS: I want to know how much has been paid and how much has not been paid.

Mr PIPER: Yes. The member also asked whether a formal procedure has been established. It has, and it includes a process of assessment and recommendation to the minister. With the minister's agreement, we are happy to table details of that.

Hon PETER FOSS: When was it established?

Mr PIPER: My understanding is that it was established earlier this year.

Hon PETER FOSS: I am happy to receive that as supplementary information.

The DEPUTY CHAIRMAN: The customary practice is for the lead speakers of each party to be given the opportunity to ask three questions. I will classify that series as one.

Hon PETER FOSS: It has not been answered yet. The fifth, sixth and seventh parts are still to be answered. Will the department provide that as supplementary information?

Hon NICK GRIFFITHS: Yes; the questions that have not been answered will be answered in the supplementary manner.

[*Supplementary Information No 65.*]

Hon PETER FOSS: The Chief Justice has expressed concern about the Government's not proceeding with the previous Government's plan to establish an appeal court division. What are the Government's intentions in this respect, and how does the Government intend to address the expanding consumption of Supreme Court resources by appellate work?

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Hon NICK GRIFFITHS: The Government has no intention of establishing an appeal court division. The honourable member put the proposition that appellate work is increasingly consuming Supreme Court resources and asked how the Government intends to address that. My advice is that the Supreme Court is dealing with its workload and performs extremely well compared with other jurisdictions in Australia, and that there is no particular difficulty.

Hon PETER FOSS: In that case, I await the Chief Justice's December speech. Much has been made of the claim that the reduction in the imprisonment rate and an increased reliance on community-based supervision are not only better but also cheaper for the community. I understand that there has been some reduction in imprisonment rates. Why has there been an increase of 6.5 per cent in the overall cost of dealing with adult offenders since 2001-02, despite the decrease in prisoner population? Why over the same period has the cost of managing an adult on a community order risen by 22 per cent and the cost of managing an adult in custody risen by 8.7 per cent? What is the apparent trend in the numbers of people who are managed in custody? One of the causes of the big increase in the prison population was a tightening of the breaching requirements for offenders outside prison. I understand those breaching requirements are now not as tight. That has led to a cash-flow difference, if I can use that term. A tight breaching policy results in an increase in the number of offenders in custody and an relaxed breaching policy means a smaller number of offenders in custody. However, in the end, the numbers stabilise. Can the department comment on the trend and whether that cash-flow effect has had an impact?

Hon NICK GRIFFITHS: I will invite Mr Piper to answer the third part of the question, which deals with the trend in the numbers of people who are managed in custody, and I will invite another officer to comment on the first two parts.

Mr PIPER: We have established a projection model for the forward prison population. As the member indicates, the number of people in prison is dependent on breaching practice. It is also dependent on average sentence lengths and a number of other factors, including the application of sentencing provisions. Sentencing provisions are the subject of a Bill before the Parliament. We have done a full projection of that. The prison population has been reduced from a high of about 3 200 to something over 2 800. The reduction represented an 11 per cent decrease in the last calendar year. That prison population has stabilised. In the absence of policy or sentencing changes, the population will probably increase at a rate of about three per cent per annum. That increase will be due to the normal demographic drivers within the process. However, we expect the Sentencing Act amendments will mean a further decrease in the prison population of about 150 prisoners. The practical effect of those two trends will be a stable prison population that may decrease a bit over the next 12 months before picking up again. We do not expect any dramatic increases in the prison population unless there is a significant change in sentencing practices.

I refer to the general issues underlying the cost of managing adult offenders. There have been some changes in accounting treatments. These include the application of the capital user charge, which now shows up in the numbers. An extra \$2 million has been allocated for the full contract value of the Acacia Prison, which was only partly included last year. The budget also indicates that roughly three per cent has been allocated for consumer price index increases and wage growth. In addition, as is indicated in the budget papers, a number of initiatives have been implemented, including the re-entry project and increased spending on drugs programs in prisons. They marginally increase the recurrent costs of imprisonment. Mr Simpson will comment on a very specific comparison of the numbers affecting the ultimate cost of managing adult offenders.

Mr SIMPSON: There are several reasons for an anticipated increase in the cost of imprisonment. The overall cash budget for the prisons division is, with some pluses and minuses, very close to the budget for last year. However, there are projected further decreases in prisoner population as a result of legislation before the Parliament. It is expected that following that further reduction in prison numbers, the unit cost of imprisonment will decrease. The savings associated with that reduction in prisoner numbers would be marginal rather than full-cost savings. If the reduction in prison numbers that we anticipate does not occur, we would expect the overall cost per prisoner per day to be around the same as it has been this financial year.

[2.20 pm]

Hon PETER FOSS: What about the 22 per cent increase in managing an adult outside of prison?

Ms TANG: The initial increase in cost is largely due to the increase in staffing. Over the past two years an additional 55 community corrections officers have been appointed. Thirty-two of those 55 have been hired over the past year. In addition, money has been allocated to community justice and prisons, which impacts on us in the area of re-entry strategy, re-entry coordination services and victim services. In addition, a further allocation of \$2 million has been made for the development and implementation of programs for offenders in the community, which we have not previously had.

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Hon JON FORD: I refer to the fourth dot point under significant issues and trends on page 440, which refers to the over-representation of Aboriginal people as both offenders and victims of crime. What has been the response of the Government to the Ngaanyatjarra community submission and the Gordon inquiry on the issue of the over-representation of Aboriginal people as both offenders and victims of crime?

Hon NICK GRIFFITHS: One of the main issues identified has been the problem of the enforcement of fines in indigenous communities. A joint multi-tasked position has been created in Kalgoorlie to tackle fines and other service issues in the Aboriginal lands. This new role will allow a presence in the lands. The department is also working with the police on the shared multi-function facility at Warburton to tackle issues of community safety, and changes are proposed to sentencing law, in the area of pre-sentence orders and the deferral of sentencing, which will allow more flexible sentencing practices, which are being discussed in detail with Aboriginal communities. A circuit court has started operating at a community in the Pilbara to tackle matters in a culturally sensitive way that involves elders. The re-entry project for prisoners leaving prison and rejoining the community is focused on finding alternative community solutions to problems of crime. In a few days time there will be a joint justice round table with South Australia and the Northern Territory to discuss better service delivery to all of the lands.

Hon JON FORD: The first dot point under major achievements for 2002-03 on page 447 refers to the drafting of the principal State Administrative Tribunal Bill. What areas will the proposed tribunal cover, and what cost or other benefits is it envisaged it will deliver?

Hon NICK GRIFFITHS: This proposal is not yet in effect. It is still to be considered by the Parliament but, subject to parliamentary approval, it is proposed that, from January 2004, the tribunal will replace the functions of nearly 50 industry and public sector boards and tribunals. It will handle the resolution of appeals against a range of administrative decisions currently determined by the courts, government ministers or public officials, and other dispute and appeal matters currently undertaken by various industry boards and tribunals. Additionally, the operations of the Guardianship and Administration Board and the Mental Health Review Board will be collocated with the tribunal. It is envisaged that the tribunal will comprise three jurisdictions - original civil, appellate review and disciplinary. I table a list of the bodies it is proposed will be brought under the tribunal.

The honourable member inquired about the cost and other benefits it is envisaged that the tribunal will deliver. This initiative will have far-reaching consequences in the community. Cost benefits will arise from the judicial component of the tribunal, which will ensure that users of the tribunal are provided with better protection and higher levels of procedural fairness and protection of rights. Further cost benefits will be realised from having common listings, administering a single tribunal rather than several, and streamlined processes such as electronic lodgment and on-site members to deal with specific matters. This should give rise to greater confidence in administrative decision making and review, through independent judicial oversight. It will be a one-stop shop for functions currently undertaken by the bodies on the tabled list. It will provide public access to a one-stop tribunal system with improved case processing, decision making and a focus on informality and mediation. It will be more accessible and user-friendly for business, industry and the community. It should give rise to better, faster case processing and resolution. It will be seen to be clearly independent, and will offer the community a level of consistency in handling matters, which does not occur across the present range of boards and other bodies. It should also address concerns raised by the Gunning inquiry and the Temby royal commission about the limitations of in-house boards of inquiry.

Hon JON FORD: The first dot point under major initiatives for 2002-03 on page 449 refers to recommendations emanating from the fines review. Can the minister explain the various approved recommendations to improve the efficiency and effectiveness of the enforcement process?

[2.30 pm]

Hon NICK GRIFFITHS: An interim report has been compiled to deal with the review of the fines system. Consultation took place with the department, the judiciary, government and non-government sector stakeholders and Aboriginal communities and agencies. The principles of the review were to retain the integrity of the fine penalties as a sentencing option, to adopt a whole-of-government focus and to increase emphasis on service at all stages, particularly for options of payment. I am advised that the department has assessed and costed many of the recommendations and will meet later this month to decide which recommendations should be implemented. Among other matters, the review considered the removal of default imprisonment, sentencing alternatives, departments exempted from lodgment of fees, a user-pays principle, reducing referrals to the fines enforcement agency, sanctions for non-payment, the ability to pay victims, payment options, licence suspensions, training for justices of the peace, execution warrants, and particular matters of great relevance to remote Aboriginal communities.

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Hon MURRAY CRIDDLE: I refer to the fifth dot point under major initiatives for 2003-04 on page 460 of the *Budget Statements*, which refers to an initiative to investigate and implement preferred options for additional services in regional areas. I do not know what area that covers. I have spoken to some representatives in regional areas. Some people have contact with the justice system even before they enter it. Would it be better to employ social workers to provide early intervention programs? A social worker who could assist the Yamatji patrol in Geraldton would be useful. It would also be useful if there were a centre in the city where social workers could work on prevention programs for young people. At least then young people - who seem to have plenty of opportunities to re-offend - would come into contact with a preventive program rather than enter the justice system without it. I wonder whether there is any provision in the budget to provide for social workers to enter into that type of system. They would be particularly helpful in conjunction with the Yamatji patrols and the like.

Hon NICK GRIFFITHS: As I read it, page 460 of the *Budget Statements* relates to the public trustee. The reference to which the member referred deals with the operations of the public trustee. The member is talking about another point entirely. I will ask Mr Piper to comment on that point.

Mr PIPER: We are focusing very strongly on improving justice services in the regions more generally in several areas. A good example of that has been our response to the Gordon inquiry. The Department of Justice has provided a number of additional so-called program officers to regional areas. They will work more closely with remote and regional communities in the delivery of our services to offenders in particular. We have also been engaged with remote Aboriginal communities, particularly in the Kimberley. We have undertaken a very significant consultation program to discover how we can more appropriately apply services. Over the past several years there has been an increasing trend to include bail hostels for young people in regional communities. There is a proposal in this budget to locate a bail hostel somewhere in the goldfields. Over the past several years we have also progressively increased the number of work camps from prison because that brings offenders closer to their communities and allows a greater regional presence. In addition, as the minister indicated, the Yandeyarra circle court was officially opened. As Ms Tang indicated, additional positions have been created in community justice, a number of which are regional positions. Therefore, our strength and capacity to deliver services to the regions has increased. The re-entry coordination service helps offenders with the transition back into the community. That is not just a metropolitan service; it is a statewide service. Those services will be applied for the benefit of communities to hopefully ensure better reintegration of prisoners as they come back into the communities. Therefore, there should be less re-offending and disruption. We have limited our focus in the delivery of services to the regions. In addition, major capital spending on justice centres has been provided for the regions, including work on the Albany justice centre. There has been a very strong focus on the way the department delivers services to the regions.

Hon MURRAY CRIDDLE: Recently, I met people in the country and discussed these issues. An issue that constantly arises is the lack of coordination across the agencies. I hope that the Department of Justice understands it must coordinate with other agencies to deal with these matters.

Hon NICK GRIFFITHS: The Department of Justice is conscious of the need for coordination, and it continues to work towards that. I trust that it has improved its services, as have other government departments. The honourable member raises an important point. The inevitable trend is to improve coordination between government departments. It is improving and I hope it continues to improve.

Hon GIZ WATSON: I refer to a major achievement for 2002-03 on page 461 of the *Budget Statements* to implement changes in policy and procedures to accommodate gay and lesbian law reform legislation, for which the Government is to be congratulated. What allocations and initiatives are planned for 2003-04 to address implementation issues that arise from that law reform? These issues include increased demand for counselling support services, policy development and advice in a number of areas.

Hon NICK GRIFFITHS: The honourable member is referring to part of the work done by the registration services. Specifically, that involved changes to the registry's in-house computer system and its forms to provide records for same-sex couples regarding births, adoption and death registrations and certificates.

Hon GIZ WATSON: Perhaps my question is broader. I was trying to link it to some item in the budget. Will any money from the budget of the Department of Justice be allocated towards the broader implementation of that new legislation?

[2.40 pm]

Hon NICK GRIFFITHS: These were policy changes that followed on from legislation that Parliament passed last year. There is no specific budget allocation. They are matters of policy that are carried out by the department in its normal processes. In other areas of government that are relevant to the legislation to which the

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honourable member has referred, resources are put into drafting regulations that are required to make sure that the objectives of the policy are carried out. That is done by officers in the course of their normal duties; it is a mainstream government activity.

Hon GIZ WATSON: I refer to page 440 of the *Budget Statements*. The third paragraph under the second dot point states -

High recidivism rates are being addressed by introducing appropriate and effective programs and procedures including a comprehensive re-entry program and improved throughcare for prisoners.

Is there a budget allocation to assist people on release with temporary or permanent accommodation?

Hon NICK GRIFFITHS: So that the honourable member can have a precise answer, we will provide the answer as supplementary information. .

[*Supplementary Information No 66.*]

Hon GIZ WATSON: The second dot point on page 440 also deals with the over-representation of Aboriginal people in prisons. Are there any specific budget allocations to address the matters raised with regard to deaths in custody? Is there a specific amount to address some of those recommendations?

Hon NICK GRIFFITHS: There is no specific amount. However, the department has a significant suicide prevention program. I will get the director general to comment on that.

Mr PIPER: The issue of suicide in prisons taxes everyone's mind. The issues around Aboriginal people and suicide are very salient. We have had a series of people working on that issue from within the department together with the relevant experts from the Department of Health, and Aboriginals. Since 1988 a series of operational procedures have assisted in the identification of suicidal people and the prevention of suicide. We have recently established a relatively senior suicide prevention officer who has been appointed to the prisons area to ensure a proper coordination of the process. We also have a separate project officer who is more deeply engaged with all coronial inquiries. He ensures that we learn the lessons from every incident with which we are involved to improve our procedures and approaches in those areas. For example, the coroner made a recent recommendation on a death by natural cause that we would be better placed if we had more defibrillators in prisons. We are now proceeding to buy defibrillators so they are more freely available in prisons. People at a unit level will also be trained on their use. That sort of improvement is under constant watch at the moment.

Hon DERRICK TOMLINSON: I refer to the table of works in progress on page 467 of the *Budget Statements*. I note under completed works that Bandyup Women's Prison has been allocated \$14.8 million for the current financial year and \$1.5 million under new works for a Bandyup visits centre with \$100 000 in the coming financial year. Can I assume from that investment in the upgrading and refurbishment of Bandyup Women's Prison, that the Government has abandoned any plans for a new women's prison? If the plans have not been abandoned, what sort of time frame - if there is one - is there for the establishment of a new prison? What is the bed capacity and the average daily muster at Bandyup Women's Prison? Can the minister provide some indication of the proportions of maximum, medium and low-security female prisoners at that prison, and when does he anticipate that the low-security prisoners will be transferred? Does he anticipate that all low-security female prisoners will be transferred to Nyandi Prison?

Hon NICK GRIFFITHS: The first question referred to an assumption and the answer is no.

Hon DERRICK TOMLINSON: Is my assumption wrong?

Hon NICK GRIFFITHS: Yes. In answer to the second question, Nyandi Prison is currently being built and I will ask the director general to comment on that in a moment. With regard to the average daily muster, Mr Piper will read out the figures and comment on the rest of the question.

Mr PIPER: The contract for the construction of a new low-security women's prison is in place and construction has commenced at the old Longmore site. The construction is anticipated to be completed around March next year followed by a commissioning period of approximately two to three months, depending on the operational need, to ensure that all the systems are tested and put in place. Broadly speaking, the new low-security women's prison will be in place early next year. The prison is designed to accommodate up to 70 women in an accommodation style that resembles modified Homeswest housing with five women in a unit. Part of the philosophical rationale is to move out of Bandyup Women's Prison the women who are capable of being managed in a low-security environment.

[2.50 pm]

Hon DERRICK TOMLINSON: Does that include medium security?

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Mr PIPER: It includes anyone who is classified as suitable for a low-security prison. The member may recall from the inspector's report on Bandyup that there is considerable discussion on the entire issue of classifying women prisoners. We take into account that the male classifications of minimum, medium and maximum are not particularly applicable to women because they are based on the behaviour of people in a secure environment. The security issues with women and therefore their suitability for low-security placement cannot be considered in the same way as with men. Prior to opening we will establish a set of criteria for the suitability of women to be in that environment. They may not match the current criteria. We intend the facility to operate well. It is clearly inappropriate to incarcerate people who will not be able to function in that environment. The intention is to have the environment work as a unified environment and to classify women inmates accordingly. In terms of the current prison population at Bandyup, as of 29 May there were 131 inmates.

Hon DERRICK TOMLINSON: Compared with its capacity?

Mr PIPER: Its standard capacity is 155 inmates. It is not really an issue of capacity; it is an issue of our capacity to manage and what is the best management placement. Our view is that by separating the two groups of women we will obtain a better overall management arrangement. A purpose-built low-security facility for women has been a long time coming.

Hon DERRICK TOMLINSON: I request that the table to which Mr Piper referred be tabled.

The DEPUTY CHAIRMAN: Is the minister happy to table the table?

Hon NICK GRIFFITHS: It is part of a document entitled "Weekly Offender Statistics". I table it.

Hon DERRICK TOMLINSON: The minister may have misunderstood the first part of my question. Perhaps I have wrongly presumed excitement about the replacement of Bandyup. When I was talking about a new women's prison I was thinking in terms of a women's prison, regardless of classification, which was more appropriate for the incarceration of women.

Hon NICK GRIFFITHS: It is proposed to move low-security prisoners from Bandyup, which will be adjusted to accommodate other prisoners.

Hon DERRICK TOMLINSON: There is no prospect of replacement in the foreseeable future?

Hon NICK GRIFFITHS: It is not on the Government's agenda.

Hon ED DERMER: I refer to page 453 of the *Budget Statements*. The first major achievement for 2002-03 is the development of additional computer applications to improve the process of printing and reprinting legislation. What are the applications and how have they achieved improvements?

Hon NICK GRIFFITHS: The member should be provided with specific information. I ask that the answer be provided as supplementary information. .

[*Supplementary Information No 67.*]

Hon PETER FOSS: I have a question about replacement prisons, specifically the regional prisons at Broome and the eastern goldfields. On assuming office the Attorney General agreed with the previous Government that those two prisons needed to be replaced. Unfortunately, I do not see a plan for their replacement in the budget papers.

Mr PIPER: The pressure on regional prisons in an immediate sense was caused by the increasing prison population. Over the past year or so we have introduced a strategy to reduce the prison population and introduce additional work camps, particularly in the Kimberley. The pressure on the capacity of regional prisons has been reduced. The immediate pressure to create additional capacity in the regions because of a dramatically increasing prison population has eased. However, it is still well recognised that in the Kimberley and goldfields there are a number of Aboriginal people who are secure prisoners and are not held in the regions. As a matter of policy, that is something we seek to continue. Both those areas have been identified and the capital budget at page 467 of the *Budget Statements* shows money for land acquisition in both areas. After having investigated a number of sites, the discussion is somewhat philosophical in deciding what sort of prison should be created and how far removed it should be from other services. Our current preference is to move away from sites that are remote from regional centres; that is, to move closer to regional centres for the benefit of greater access to services. We also prefer to adopt the philosophical position, particularly in relation to Aboriginal people, that we have applied to the new low-security women's prison. It is a quite significant departure for the department compared with its previous construction philosophy. Although there is some capacity in the system to accommodate current prison numbers, the department is taking the time to inform itself better in developing a different approach to regional imprisonment that uses some of the thinking adapted for women but takes a different approach for Aboriginal people.

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Hon PETER FOSS: Will you relate that to actual numbers? Broome Regional Prison peaked at 147 inmates. How does that compare with its capacity? The Eastern Goldfields Regional Prison peaked at 130 inmates. The imprisonment of Indonesian fishermen was putting some pressure on the prison population at Broome. Is that prison still overcrowded?

Mr PIPER: There is now an additional work camp at Wyndham. That is in addition to the camp at Bungarun. It has provided the capacity for significant minimum placement away from the Broome Regional Prison. The pressure on the prison has been reduced.

Hon PETER FOSS: What about the rates of capacity?

Mr PIPER: The prison does not show the work camps as part of its rated capacity. The department has not been feeling the pressure in those locations. The pressure in those areas is around the secure prisoners who are not kept in the region. They have been transported from the region and are now located in Greenough or the metropolitan area. That is the issue, not our capacity to accommodate minimum-security prisoners, particularly in Broome with the two work camps.

[3.00 pm]

Hon PETER FOSS: That figure of 147 for Broome would include people at the work camps, would it?

Mr PIPER: Perhaps, with the minister's agreement, I can get Mr Simpson to comment on the specific numbers.

Mr SIMPSON: Yes, the total numbers in Broome include the prisoners in the work camps. For example, as at today's date, of the total population in Broome of 112 prisoners, 27 were accommodated between the two work camps. What Mr Piper is saying is correct. The advent of the second work camp in particular is taking a lot of pressure off the Broome facility.

Hon PETER FOSS: And the Eastern Goldfields Regional Prison?

Mr SIMPSON: The Eastern Goldfields Regional Prison does not have a work camp. Again, as at today, 100 prisoners are in the Eastern Goldfields Regional Prison as opposed to a design capacity of 96. Therefore, it is slightly over capacity, but nothing like the situation that we were experiencing some time ago with a regular population of about 140 or 150.

Hon JON FORD: The first dot point of major achievements for 2002-03 on page 450 refers to the Coronial Counselling Service's involvement in the process of identification of victims of the Bali bomb disaster using the disaster victim identification protocols. Has this work been completed, and were the disaster victim identification protocols deemed effective?

Hon NICK GRIFFITHS: The disaster victim identification process is complete. All Australian victims, including the 15 Western Australians, were identified and their bodies repatriated to their families. It involved the establishment of disaster victim identification teams, which included counsellors from the Coronial Counselling Service and the Victim Support Service. The protocols set out the processes for developing and managing the multidisciplinary, multi-agency teams and identifying the respective roles of the non-government, state and federal government agencies involved and the liaison processes between them. The protocols were considered to be highly effective in establishing a well-coordinated response that was sensitive to the needs of family members of victims of the disaster throughout the identification process.

Hon JON FORD: Further to that, I refer to the second dot point on the same page, which I assume relates to the same circumstances. It refers to the establishment of a one-stop shop contact telephone number for victims to all services provided by the department across the State. I presume that was established to deal with that unfortunate disaster in Bali. Will the service remain to meet any future requirements; for example, natural or civil disasters?

Hon NICK GRIFFITHS: The reference is not to Bali victims. A call line was set up specifically for Bali victims, but this was funded and managed by the Department for Community Development. The Department of Justice, however, has established an 1800 number accessible to all victims of crime across the State to provide a single access point. All calls to the 1800 number go to the Victim Support Service in the first instance, and are then directed to the appropriate service. It has now been operating for eight months. Callers are able to be transferred directly to services such as the victim offender mediation unit, the victim notification register and the Criminal Injuries Compensation Tribunal. This initiative has been established on a permanent basis.

Hon PETER FOSS: I will now deal with the State Administrative Tribunal, which is referred to at page 447 of volume 2, budget paper No 2. What is the estimated full year operating cost of the State Administrative Tribunal, being costs of assigned staff such as judges, for the first three years of operation? Will there be any savings as a result of the efficiencies to be obtained in consolidating administrative tribunals; and, if so, how

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much are the savings estimated to be? What are the current operating costs of those tribunals whose work the SAT is expected to subsume in the first three years of operation? What are the reasons for the difference in operating costs between the SAT and those tribunals? Finally, has any estimate been made of the likely legal costs to be incurred by a litigant before the SAT under the procedures at each level of the tribunal; and, if so, what are they? If not, on what basis has the impact on accessibility to justice of the SAT process been assessed?

Hon NICK GRIFFITHS: In answer to an earlier question dealing with the proposed tribunal, I pointed out that the intention was that it would commence at the beginning of the calendar year 2004. Therefore, the full-year figure relates to the financial year. The operating costs for 2004-05, being the first year, will be \$10.642 million.

Hon PETER FOSS: Is that with assigned staff, or is that just the consolidated fund? Some staff on the tribunal will be paid under a statutory -

Hon NICK GRIFFITHS: That is the full operating cost. In 2004-05, the operating cost will be \$10.642 million; in 2005-06, \$10.983 million; and in 2006-07, \$11.251 million. This is a five-part question. The member asked whether there would be any savings as a result of the efficiencies to be obtained -

The DEPUTY CHAIRMAN (Hon Barry House): Will the minister drop the microphone down a little? I am glad I am not a Hansard reporter, because I am having a great deal of difficulty hearing the minister.

Hon NICK GRIFFITHS: Mr Deputy Chairman, with the greatest of respect to you, all of us are glad that you are not a Hansard reporter. The Hansard reporters do a magnificent job. I am not suggesting you do not do a magnificent job, but I have never really seen you in the role of a Hansard reporter and, notwithstanding your great capabilities, I do not think you would do as well as they do.

The DEPUTY CHAIRMAN: The point is that we all need to hear what the minister is saying.

Hon NICK GRIFFITHS: The next question was: will there be any savings as a result of the efficiencies to be obtained in consolidating administrative tribunals; and, if so, how much are the savings estimated to be? I will take that question on notice.

The third question was: what are the current operating costs of those tribunals whose work the SAT is expected to subsume in its first three years of operation? Again, I have tabled a long list of bodies. Some of them are not necessarily bodies for which the detail can be provided. I will take that on notice with a view to providing what can be provided.

[3.10 pm]

Hon PETER FOSS: Obviously if that information cannot be provided the minister will let me know.

Hon NICK GRIFFITHS: That follows. The next question relates to the reasons for the differences in the operating costs of the State Administrative Tribunal and other tribunals. That flows on from the answers with which Hon Peter Foss will be provided in due course. The next question was whether an estimate had been made of the likely legal costs to be incurred by a litigant before the SAT under the procedures at each level of the tribunal: and, if so, what they are; and, if not, on what basis the impact on accessibility to justice of the said process has been assessed. That is a comprehensive three-part question. The design of the tribunal, which is yet to be considered by Parliament, will, as I said in answer to an earlier question, make matters more accessible. It follows that if the design is approved by Parliament, the necessity to use legal practitioners will be less than may be the case with some of the tribunals that operate at the moment. The honourable member will be given a particularised answer insofar as one can be given.

Hon PETER FOSS: Obviously the minister can tell us whether there has been a study.

[*Supplementary Information No 68.*]

Hon GIZ WATSON: I refer to the first dot point on page 440 of the *Budget Statements*. My question relates to the provision of court security and prisoner transfer services, particularly where they are provided by a private contractor. Has that resulted in reduced costs; and, if so, what are the costs? Can the minister comment on the provision of those services?

Hon NICK GRIFFITHS: The initial contract price tendered was \$11.725 million. In year one the contract cost the State \$16.245 million. There is a dispute about matters involving escapes that may lead to reduced costs, but that has yet to be determined. In year two the contract cost the State \$17.409 million and the anticipated year three contract cost to the State is \$17.810 million.

Hon PETER FOSS: I see the Inspector of Custodial Services sitting in the back of the Chamber and I will ask him these questions later. What amount of time has the department been given to address the matters of concern raised in the reports before they are tabled in Parliament? How has the department gone about responding to the matters raised? What responses has the department made to each report, in particular the reports on Hakea

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Prison and Bandyup Women's Prison? Does the department have an in-house group whose responsibility it is to report on and ensure compliance with the reports? Why did the department take so long to respond to the inspector about Hakea Prison? Does the department now consider it has met the inspector's requirements on Hakea; and, if not, why not?

Hon NICK GRIFFITHS: The inspector has provided an annual report and it is my understanding that many of these matters are dealt with in that report.

Mr PIPER: Each report is handcrafted by the inspector and to that extent, depending on the magnitude of the task, the department either has a greater or lesser amount of time. Through the inspection process we get early warning of the key issues involved. We have an in-house team that liaises with and responds directly to the inspector. That serves two functions: first, it ensures we provide an adequate response to the inspection report; and, second, under the functions of the Inspector of Custodial Services, the office has wide access to documents from within the department, and, therefore, there is a requirement to provide those as requested. That is a substantial two-way approach. The inspector's approach has been to document with every report a series of recommendations for action and include within each report, as tabled, the department's response to those actions. Those actions are monitored internally within the department at an executive level. It is our intention to comply with all those, and to the extent that they have not been complied with, I am sure that on his next round the inspector will ensure that we do. To the maximum extent possible, the response to recommendations is mainstream so that if a particular prison has to do things in response to a report, it is largely that prison's responsibility to get those things done. It is management's responsibility to provide the resources to assist.

A good example was the expenditure of almost \$1 million on the Eastern Goldfields Regional Prison to upgrade the facilities to meet an acceptable standard and to remove a number of unsatisfactory practice and design features identified in the inspection report. Clearly the department is not happy - neither is the inspector - about the overall performance of the Hakea and Bandyup prisons. The inspection reports clearly set out management challenges to improve the performances of both those prisons. We have implemented a separate changed management process that involves extra resources dedicated to both prisons. The approach has been slightly different. For example, at Bandyup we have appointed a new Director of Women's Custodial Services, Cheryl Clay, who is taking the lead. In the Hakea case, some of the responses relate to capital. For example, building a secure perimeter wall around the prison has been included in this budget round. Some relate to the culture and operation of the prison and involve changes to practices, processes and the way people operate. Some of those have occurred. There are also changes to gatehouse and other procedures. The number of random drug tests at Hakea has doubled. Those things are in place. The factors that relate to how a prison works, its culture and its day-to-day operations are a management challenge and will remain a management challenge because such things do not move quickly. I am well apprised of the deficiencies in both those areas and the department shares the inspector's concern. It is strongly committed to improving the performance in both those prisons.

[3.20 pm]

The DEPUTY CHAIRMAN: There are 10 minutes to go in this session and several members wish to ask questions. I ask members to keep to short, sharp questions, and for the answers to be similar.

Hon ED DERMER: My question relates to output 4 and the major achievements for 2002-03 listed on page 450 of the *Budget Statements*. I refer to the third of those listed achievements, which talks about the establishment of victim liaison officers in all metropolitan courts. I am interested to hear what feedback the Department of Justice may have received from victims on the effectiveness of the work of those victim liaison officers.

Hon NICK GRIFFITHS: I will have to take that question on notice.

[*Supplementary Information No 69.*]

Hon PETER FOSS: The answer to one of the questions on notice on drug testing in various prisons seemed to indicate that the only prison that was carrying out a rigorous drug testing program was Acacia Prison. Can the minister explain why there appears to be such a low ratio of drug testing at government-run prisons compared with the ratio at Acacia Prison?

Hon NICK GRIFFITHS: There are differences in their testing regimes. I ask Mr Piper to elaborate.

Mr PIPER: Under its contract, Acacia Prison is required to undertake drug testing of a five per cent random sample each month. In the public prisons we have increased the frequency for taking that five per cent random sample. No less testing was done previously, but suspected drug users were targeted. The numbers appear to show that a lot less testing was done because the five per cent random statistical testing was done less frequently. This is a point that the inspector raised in his report on Hakea Prison. We have accepted the point and have increased the frequency of that testing to get a better statistical baseline across the population. Significant

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targeted testing is still undertaken in the public prisons. Across the board a lot of drug testing is still being done. The drug plan released for prisons a few weeks ago outlined that there would be increased on-site testing as well, particularly concerning the maintenance of drug free units in the prison system. We have yet again increased our focus on what amounts to on-the-spot testing in order to be confident that the cohorts that are saying they are drug free are in fact drug free. I understand why the figures would be read in that way. In fact, the reality is that there is no less a focus on drug testing in the public system.

Hon LOUISE PRATT: I refer to page 449 and some of the statistics on fine enforcement. The figures include the percentages for the payment of fines. What progress has been made with the recommendations for the fine enforcement system and the future potential for timeliness in the payment of fines? What happens to people who do not pay their fines? It appears that a rather large percentage of people do not pay their fines.

Hon NICK GRIFFITHS: An answer to an earlier question covered some of the ground the honourable member has raised in her question. However, the honourable member has dealt with some specifics. I ask Mr Piper to comment on those.

Mr PIPER: On the specific question of what is happening with fine defaulting, the member would probably recall that there was a change to the legislation. In the process of fine enforcement there are about seven stages of management of somebody who has failed to pay a fine. Under the previous legislation that was a lock-step process; each step had to be taken in sequence. Legislation was passed some three years ago to allow that sequence to be broken at the discretion of the Fines Enforcement Registry or magistrates. There has been an increase in the use of directly imposed work and development orders for people who do not have the capacity to pay. A lot more effort is involved in case managing people who do not pay their fines between community justice and the Fines Enforcement Registry. We are trying to ensure an adequate overall response to what amounts to the imposition of a penalty by the system, but not to let it fall through to gratuitous unmanaged imprisonment. A lot of work is going on, particularly with Aboriginal people, to try to understand and manage the impact of fines in those areas.

Hon LOUISE PRATT: Is there perhaps some way of reflecting compliance without a financial transaction? Could there be a better way of reflecting that in the budget papers in the future? It appears in the current *Budget Statements* as though the majority of people in the community are not compliant. It would be good if there were some way of progressing that.

Hon NICK GRIFFITHS: The supplementary question has raised a very positive point. I trust that will be something that will be addressed.

Hon BRUCE DONALDSON: I refer to the output performance measures on page 454 and the cost efficiency of managing adult offenders in custody of about \$262 a day. On page 456, the cost efficiency of keeping a juvenile offender in detention is \$625 a day. The number of full-time equivalents provided at juvenile detention centres is huge when compared with the number of persons they look after and the ratio between offenders and FTEs in the adult system. What are the reasons for the difference in cost and the number of FTEs?

Hon NICK GRIFFITHS: There are a number of factors. First, the custodial arrangements for juveniles involve smaller institutions. The fixed costs therefore reflect a greater cost per head. Secondly, the facilities available to juveniles are different from those available to adults. I invite Mr Piper to comment on the other variables and whether any specifics can be given.

Mr PIPER: The obligation of the department under the Young Offenders Act is quite different from its obligation to adult offenders in that juveniles involve a much greater duty of care. The department is effectively in loco parentis for young juveniles. We also need to comply with the mandatory requirement to provide all young people with education. We run a full school and almost TAFE-equivalent courses inside our juvenile institutions. The institutions are secure because nobody wants juveniles to escape. It runs with all the fixed costs of a large secure institution but has in the order of only 85 to 90 young people. In addition we provide a much larger ratio of counselling and other support services to young people who are in detention. In summary, the member is correct; more services are provided per head for young people in detention, but our obligations are different. Generally there is an acceptance that detention is the first point of interception for young people and we should be trying harder to stop them from coming back, not that that is reflected in the statistics. The simple answer is small unit sizes for facilities plus the obligations we have.

[3.30 pm]

Hon GIZ WATSON: I refer to my previous question about the provision of court security and prisoner transfers. The minister mentioned that that matter was in dispute. When will that dispute be resolved, and is it expected that the cost of service provision will continue to experience overruns?

Extract from *Hansard*
[COUNCIL - Thursday, 5 June 2003]
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Hon NICK GRIFFITHS: It is impossible to say when the dispute will be resolved. It depends on whether agreement can be reached. If no agreement is reached, the matter will have to proceed to arbitration. We cannot put a specific time on it. It is a five-year contract, and there are two years to go. The amounts that are set out, particularly for the third year, are anticipated to be the sorts of amounts that will be incurred by the State. It would be nice if it were far less; however, that is the anticipation.

The DEPUTY CHAIRMAN: Members, we have run out of time. From a personal point of view, I seek a quick reassurance from the minister and the director general that Bunbury Regional Prison will not be closed or downgraded.

Hon NICK GRIFFITHS: The Deputy Chairman would be aware that the Attorney General made that clear some time ago, as did, I think, the member for Bunbury. That is clearly the position. I do not know what plans the Opposition has in mind. The Government is not intending to close the prison.

Hon PETER FOSS: We never had it in mind.

Hon NICK GRIFFITHS: An Opposition that says never, ever.

The DEPUTY CHAIRMAN: This session is concluded. I thank the minister and his advisers from the Department of Justice.

Sitting suspended from 3.32 to 3.45 pm