

**Division 62: Office of the Inspector of Custodial Services, \$1 756 000 -**

Dr S.C. Thomas, Chairman.

Mr J.B. D'Orazio, Minister for Justice.

Professor R.W. Harding, Inspector of Custodial Services.

Mr R.W. Stacey, Deputy Inspector of Custodial Services.

Mr D. Summers, Manager, Business Services.

**The CHAIRMAN:** This estimates committee will be reported by Hansard staff. The daily proof *Hansard* will be published at 9.00 am tomorrow.

The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated fund. This is the prime focus of the committee. While there is scope for members to examine many matters, questions need to be clearly related to a page number, item, program or amount within the volumes. For example, members are free to pursue performance indicators that are included in the budget statements while there remains a clear link between the questions and the estimates. It is the intention of the Chairman to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee, rather than asking that a question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee clerk by 17 June 2005, so that members may read it before the report and third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available. Details in relation to supplementary information have been provided to both members and advisers and, accordingly, I ask the minister to cooperate with those requirements.

I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the clerk's office. Only supplementary information that the minister agrees to provide will be sought by 17 June 2005.

**Ms S.E. WALKER:** I refer the minister to the mission statement of the Office of the Inspector of Custodial Services on page 1046, which states -

*To establish and maintain an independent, expert and fair inspection service so as to provide Parliament, the Minister, stakeholders, the media and the general public with up-to-date information and analysis about prison and detention centre operations and custodial services, so that debate and discussion may be enhanced as to whether and to what extent the key objectives of these activities are being achieved.*

I am no longer shadow Minister for Justice, but I do miss reading the inspector's reports. I noticed during the time I was responsible for that shadow portfolio that the inspector gave his recommendations to the department and the department said whether it agreed with them, but that the reports never contained a third column about whether the department followed through on the recommendations. Will a third column be included in the inspector's reports to show whether the department has followed through on suggested programs or with the upgrading of different prisons?

**Mr J.B. D'ORAZIO:** The department has responded to a number of the suggestions in those reports. As minister, I have also taken a particular interest in the recommendations made by the inspector. Most of the recommendations have been implemented in some form or other.

**Ms S.E. WALKER:** Will we know about it?

**Mr J.B. D'ORAZIO:** It is very difficult, because the report comes to Parliament. The department acts on some of those recommendations. I do not know how we can get a third column into the inspector's report; it is basically a report to the Parliament and to the minister, and the department acts on those recommendations. It will be very difficult to come back with a further report on the report, although the inspector does further reports on his original reports. The member would be aware of the case of Broome Regional Prison. The inspector did that report three or four years ago -

**Ms S.E. WALKER:** But nobody followed it through.

**Mr J.B. D'ORAZIO:** He tabled a report in February and I have been waiting for the member for Hillarys to ask me a question on it. I was going to point out the improvements undertaken in the centre during the term of this government, but I did not get that opportunity. Nevertheless, we take those recommendations seriously and most of them are acted upon. There is obviously a logical reason that some cannot be acted upon. Professor Harding may have something to add.

**Professor Harding:** The Office of the Inspector of Custodial Services was set up five years ago and we had an obligation to inspect all prisons and other custodial services within three years. The second phase of inspections began in 2003. At each of those prison inspections we have been able to assess for ourselves whether there has been adequate follow-up of the previous recommendations, and we have published in the appendices of each report what we call a scorecard. It is true that for some of those early second-phase inspections there were disappointing implementation rates by the department, but I perhaps should tell the committee that at our most recent inspection, which was at Bandyup Women's Prison only two weeks ago, we were extremely pleased to find that 16 of the 22 recommendations that the department had indicated that it would implement had been implemented to an acceptable or better degree. Of course, if it is done this way, prison by prison, it takes a little while to see what is happening. I have been in negotiation with the department over the past year or so about the development of the government's framework between the department and my office, which indicates whether the department has actually implemented the things that it has agreed to implement. This is now at a reasonably advanced stage. Last week the department appointed a new person to take control of the audit aspect of my recommendations to see whether they had been implemented. I am reasonably confident that by the end of this year, or certainly by the end of the next financial year, we will have in place a system that enables members at any given moment to check what has happened in response to my recommendations. It must be said that it has been a difficult and long road, but I am confident that we will get to the end of that road. The system will, of course, enhance the value of this accountability office to Parliament generally as well as assist the minister and, I hope, the department in the conduct of their affairs.

[7.10 pm]

**Ms S.E. WALKER:** How will that information be presented and where will members be able to read it?

**Mr J.B. D'ORAZIO:** As Professor Harding said, it is in the appendix to his report.

**Ms S.E. WALKER:** Yes, I understand that.

**Mr J.B. D'ORAZIO:** I am sure that I will be reporting on the progress of the implementation of the recommendations because the member will ask me about it when the report is tabled in Parliament.

**Ms S.E. WALKER:** I understood the inspector to say that members would be able to see the set of recommendations for each prison on an ongoing basis; that is, the recommendations could be posted on the web site along with a tick off that the department agreed with the inspector's recommendations, and next to that we could see which recommendations had been implemented so far.

**Mr J.B. D'ORAZIO:** That is incorporated as an annexure to the report.

**Ms S.E. WALKER:** No, I mean so that we can see it on an ongoing basis on the web site.

**Mr J.B. D'ORAZIO:** Absolutely, but only after the inspection has been carried out can we see whether the recommendations have been complied with. We will have to wait until after the inspector conducts the inspection. That means it will be in part of his report, which will be on the Internet, and the member for Nedlands can ask me questions in Parliament as often as she likes.

**Ms S.E. WALKER:** Is the minister talking about the inspector's annual report or his report on the re-inspection of prisons?

**Mr J.B. D'ORAZIO:** No; specific to the prison that he is inspecting at the time.

**Ms J.A. RADISICH:** I refer to page 1047 of volume 3 of the *Budget Statements*. Will the minister clarify for the benefit of the estimates committee the issues relating to the role of the inspector, particularly his giving advice to government under sections 17 and 23 of the Inspector of Custodial Services Act?

**Mr J.B. D'ORAZIO:** After the Supreme Court escape, the inspector was able to provide some key advice on the security of the Fremantle and Rockingham custodial facilities. In addition, he has been particularly good at giving us advice on how we can tackle drug use at Karnet Prison Farm. He has also given us advice on the decline in the operational performance of Roebourne, Broome and Eastern Goldfields Regional Prisons. Of course, they have improved now. During the year, the inspector also provided briefings to various opposition spokespeople. However, of real importance is the information I have directed the inspector to provide to support the Mahoney inquiry to deliver a blueprint for prison reform in this state. His role will be crucial to that reform, especially on infrastructure requirements in remote areas. He will play a key role in helping the inquiry come up

with recommendations that we can incorporate into a blueprint for the future reform of the prison system in WA. The inspector, therefore, has a crucial and direct role to play in advising government, and I tell the member that he is doing it very well.

**The appropriation was recommended.**