

Deputy Chairman; Hon Peter Foss; Hon Nick Griffiths; Hon Giz Watson; Hon Frank Hough; Hon Ed Dermer;
Hon Sue Ellery; Hon Bruce Donaldson; Hon Kate Doust; Hon Barbara Scott; Hon Louise Pratt; Hon George
Cash; Hon Derrick Tomlinson

Division 30: Justice, \$510 836 000 -

Hon Adele Farina, Deputy Chairman.

Hon N.D. Griffiths, Minister for Racing and Gaming.

Mr A. Piper, Director General.

Mr T. Simpson, General Manager, Prison Services.

Mr P. King, Director, Financial Management.

Mr G. Thompson, Executive Director, Courts.

Mr L. Bechelli, Manager, Budgeting and Planning.

Mr R. Warnes, Executive Director, Corporate Services.

Mr G. Turnbull, Director, Legal Aid.

Mr R. Harvey, Executive Director, Offender Management.

The DEPUTY CHAIRMAN: On behalf of the Legislative Council Estimates Committee, I 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.

Members are asked to sit towards the front of the Chamber where practicable so that witnesses will not have to turn their head when answering questions. 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 for 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.

May I remind those members of the public in attendance that only accredited media representatives may take notes. However, full Hansard transcripts will be available to the public within a week of the close of these hearings.

The Committee reminds agency representatives to respond to questions in a succinct manner and to limit the extent of personal observations.

At this time, I ask each of the witnesses whether they have read, understood and completed the Information for Witnesses form. Do all the witnesses fully understand the meaning and effect of the provisions of that document?

WITNESSES: Yes.

Hon PETER FOSS: The Attorney General has announced the laudable intention to reduce the number of people who go to prison for a short term by giving them community service orders. I am interested to know how this will operate in practice. What is the successful completion rate of community service orders at the moment, and does the Government intend to improve it? Is it not a fact that many of the people who are imprisoned for a short term are imprisoned because of their failure to complete a community-based order? What will happen to this increased number of people - and presumably there will be an increased number of failures - if they cannot go to prison? Will they merely get another CSO, which they will not complete, or will they get a longer term in prison? Does the minister have a failure rate for repeat CSO breaches? In other words, does the minister have a recidivism rate for people who have failed a CSO once? Does the department have any identifiable work for the increased number of people who will be on CSOs; and if it does not have enough work, how will it allocate the work, and to whom will the work go first? Will the people who have not completed their CSO go to the end or the beginning of the queue? Is there not a risk that CSOs will become notoriously unenforceable?

Hon N.D. GRIFFITHS: The member asked a number of questions covering a range of matters. In fact, so many questions were asked that I lost count.

Hon PETER FOSS: I am happy to take them one by one.

The DEPUTY CHAIRMAN: Would the minister like to take the questions one at a time, or would he like the advisers to make a general statement and answer as many of the questions as they can, and if some of the questions have been left out, they can be dealt with separately?

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[2.10 pm]

Hon N.D. GRIFFITHS: If it is acceptable to the Committee, the general observations will be made, and if the matters are not dealt with in the course of the general observations, the Deputy Chairman may wish to invite the member to follow up.

Mr PIPER: I will attempt to outline some of the basics behind what we are trying to do, and, with the minister's agreement, refer to Mr Harvey for some of the specifics of the rates and numbers. The member accurately identified some of the issues surrounding the interface between short terms of imprisonment and orders. It requires a change of approach to the management of the breaching of orders, particularly within community supervision. Many of these orders are in the metropolitan area. There are differences between metropolitan, regional and remote locations, as I am sure the member is aware. Therefore, the answers vary depending on the location and how the change of approach is to be achieved.

Certainly, in the metropolitan area, there is no shortage of work available to offenders to be managed within the community. The department has for some time been undertaking work parties in areas such as Kings Park, in the Department of Conservation and Land Management-managed reserves within the metropolitan area, or with the Water and Rivers Commission cleaning up the surrounds of the Canning River and its catchment area by taking out noxious weeds.

As has been correctly pointed out, what is required is a change of focus to supervision of compliance, and a requirement of attendance of offenders in the context of those orders. The intention is for officers within the department to more closely supervise offenders. When we have relied on voluntary and other non-government organisations to undertake all the supervision for us, to some extent we have been competing with people who are supervising the community development employment program and other programs. That has led to some issues of compliance. We are in detailed discussion with communities throughout the State, however, because a number of communities, particularly remote communities, are happy to mix their CDEP supervision and order supervision, and they see this as a worthwhile contribution that they can make to offenders out of their community.

Clearly, the approach to a failure or breaching of orders must also be looked at carefully, so that there is the capacity to have a range of penalties short of imprisonment applying within a community justice framework in order that technical failure to comply with a community order does not result immediately in imprisonment but in an increased intensity of community supervision. If we proposed an arrangement under which we did not change our operating practices in community justice areas, we would indeed end up with what amounts to people being precluded from prison on short sentences and going back into prison for breach of orders. All that has been looked at in some detail, but the detailed programs and processes are still being formulated. With the minister's agreement, I will refer to Mr Harvey, who is the executive director of community and juvenile justice, to speak on the detailed breach rates, to the extent that we can answer the questions on those matters today.

Mr HARVEY: The current successful completion of community correction orders is about 65 per cent. That is consistent with Australian standard figures. It is a pretty average, normal figure. An additional question was asked about the recidivism rate for those who have already breached. I do not have that figure available. It is a figure that we may be able to derive, but it is not normally calculated. Nevertheless, it would be an interesting one.

The only thing that I would add to Mr Piper's comment is that under current breaching practice, particularly for people on parole, there is little opportunity for community corrections employees to do other than send people back to prison. Part of what we are exploring at this time is the possibility of giving people more options based around home detention and curfews, which may well provide more strict supervision in the community, but avoid the necessity of sending offenders back to prison.

Hon PETER FOSS: I have a supplementary question. I am curious, because my understanding is that one of the four major causes of imprisonment of indigenous people is breach of orders. I thought that those people would be the most intractable with this and, if care is not taken, they might end up with an increased amount of imprisonment due to the fact that they are unable to carry out community service orders. I am curious to know what is being done to improve the completion rate by Aboriginals specifically, because in the past it has not been good and has been a major cause of their imprisonment.

Mr HARVEY: Yes, this is a serious challenge. The goal has been to reduce the representation of indigenous people in prison. It is true that indigenous people have a high recidivism rate. Furthermore, indigenous people are more than highly represented among those prisoners who have short sentences. In the order of 75 to 80 per cent of all prisoners in the system who have sentences of 12 months or less are indigenous people. In an attempt

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to reduce the representation of indigenous people in the imprisonment system, the initiative to proscribe sentences of up to six months will significantly deal with that issue, we believe. It will give us attendant issues in community corrections, and further work must be done to explore that. However, the goal of reducing the over-representation of indigenous people in prison should be attained.

Hon N.D. GRIFFITHS: Mr Piper wishes to comment further.

Mr PIPER: The member will be aware that legislation was changed in the past year to enable fines to be worked off directly. That, coupled with a much closer working relationship in the regional areas with Aboriginal communities, which are showing no lack of willingness to assist in the management of their offenders, will allow a much more direct translation of orders into a community-managed arrangement, together with the CDEP. The experimental bail hostel facilities at Banana Wells and Bell Springs have also shown a capacity for community-assisted management of some of these offenders, which is showing an early success rate. That capacity is also seen through the work camp program, which is likely to be expanded in some of the areas in which there are more Aboriginal offenders. Therefore, we believe that by creating more options that have a greater cultural acceptability to Aboriginal people, together with, as Mr Harvey indicated, removing some of the offences that have typically caught Aboriginal people, this matter can be improved significantly.

Hon PETER FOSS: That sounds like my policy, actually.

Hon N.D. GRIFFITHS: No, it does not.

The DEPUTY CHAIRMAN: Does that answer all the matters raised in Hon Peter Foss's question?

Hon PETER FOSS: In that question, yes. I have questions to ask later.

The DEPUTY CHAIRMAN: I will take one question from each side, particularly if they are all as long as the last question.

[2.20 pm]

Hon GIZ WATSON: Halfway down page 508, one of the significant changes involves legislative changes primarily to the Sentencing Act. What are those changes?

Mr PIPER: The principal matter that has already been announced by the minister is the prescribing of sentences for imprisonment of under six months. As the member would understand, that is a fairly complex matter that involves not only the normal range of criminal offences but also a number of road traffic offences. In the normal way of such things, this spreads across a number of other pieces of legislation that mirror those sorts of provisions. That is the principal legislative change. Some other minor changes are being proposed around suspended sentences, which will make additional space in the armoury of the judiciary and magistracy to allow for the implementation of effective diversion programs.

Hon FRANK HOUGH: Has any legal aid been given to illegal boat people; if so, why and how much?

Mr TURNBULL: The short answer is that we have not given any legal aid to any of the boat people. Funds are made available by the Commonwealth under some fairly strict guidelines. The guidelines in effect preclude us from assisting boat people.

Hon E.R.J. DERMER: On page 507, one of the dot points of the significant issues and trends is the reform of the courts. The first subsection of that dot point refers to the establishment of a civil and administrative review tribunal to be a single review body vested with jurisdiction to deal with adjudicative and administrative review functions presently dealt with by a multitude of different boards and tribunals. Could the minister give specific examples of functions that the review tribunal will take up and which other boards and tribunals will therefore discontinue?

Hon N.D. GRIFFITHS: During the past 20 years a number of reviews have been conducted into the existence and operations of the numerous boards, tribunals and such like, of which there has been a proliferation in Western Australia over the years. Those reviews have chronicled a number of deficiencies in the manner in which administrative boards and tribunals operate in Western Australia. The problem is that there are a large number of bodies to which citizens can go to appeal particular administrative decisions or to resolve disputes. However, there is no coherent, unified and relatively comprehensive appeal system. In April 2001, the Attorney General established a task force to report on ways to implement the policy that the Government seeks to carry out; namely, to establish an independent administrative appeals body that is able to review administrative decisions and give Western Australians the right to be informed of the reasons behind administrative decisions that affect them. The task force is due to deliver a report next month. It is hoped that report will address the establishment, structure, composition and operation of a Western Australian civil and administrative tribunal

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that, in its opinion, would achieve the reform of the administrative review system envisaged by the Government's policy.

Hon PETER FOSS: I am interested to know whether the minister has made any changes in the prison budget in any of the following areas: sex offender programs, violent offender programs, education, the arts and specialist Aboriginal programs.

Mr SIMPSON: There have been general reductions in the financial appropriations of the public prison system as a result of the commissioning of Acacia Prison and the transfer of a substantial number of prisoners from the public system to Acacia Prison. That has resulted in decreases in funding across the board, for not only custodial costs but all other costs, because the formula for funding prisons means that with fewer prisoners, the system has less revenue. It means that there has been some reduction in funding across offender programs, but that is consistent with muster reduction. Similarly, there has been a reduction in funding for education, but priority is given to maintaining literacy and numeracy funding. We have funded an arts coordinator and, together with that position, a range of arts activities that occur in prisons. The funding of that position, and related activities, is approximately the same as for the past financial year. Some development for new programs for indigenous offenders has occurred, including a specialised indigenous program dealing with managing anger and substance use. The priority of offender programs for indigenous offenders is being maintained at the previous rate. Also in this year's budget is a new allocation in the prisons division budget of \$100 000 specifically for the establishment of an elders program in prisons. It has been piloted for a short time in Roebourne Regional Prison. It seems to be considerably beneficial to engage Aboriginal elders in activities with prisoners and reinforce indigenous culture and spirituality. That \$100 000 allocation will be additional to previous funding.

Hon PETER FOSS: May I confirm that Mr Simpson said that there has been no reduction in per capita expenditure in the public system on any of these items?

[2.30 pm]

Mr SIMPSON: There has been a general reduction in per capita expenditure in the public system across all areas, and a significant reduction in funding to the prison system as a result of the reduction in numbers. In addition, within the government budget strategy, there has been a reduction in funding to prisons per capita, just as there have been reductions in funding in a number of areas, which have affected all areas of activity.

Hon PETER FOSS: Has there been a decrease in not only the number of people within the public prison system but also the expenditure per capita?

Mr SIMPSON: That is correct.

Hon PETER FOSS: What is the percentage and impact of that reduction?

Mr SIMPSON: I would have to provide the answer on the percentage of that reduction as supplementary information. However, the impact of that reduction is of the nature of a tight management of resources to ensure that we get the best possible outcome for the resources available; the focus is on a more efficient use of resources. There has been no abandoning of key initiatives in the prison system.

Hon PETER FOSS: That has not really answered my question. I would like some practical illustrations of the impact. For instance, does the department conduct one fewer or even 10 fewer sexual offender courses in a year? Is a queue forming, or are people not getting opportunities? What is the actual impact?

Mr SIMPSON: I do not expect there will be any per capita lessening of access to sex offender treatment and violent offender treatment programs. I also do not expect that, as a result of the budget cuts, there will be any failure to meet parole requirements etc.

Hon PETER FOSS: What is the effect on education programs?

Mr SIMPSON: There has been an across-the-board reduction commensurate with reductions in other areas. As I said, that has meant we need to be more focused on the types of educational opportunities provided; and, particularly, to give preference to education in areas such as numeracy and literacy, which are the areas of greatest need for a large proportion of prisoners. There has been some reduction in our ability to provide tutoring support in areas that are less critical.

Hon PETER FOSS: It may be better if this question could be taken on notice, so that I could get some idea of the percentage reductions and the actual impacts.

Hon N.D. GRIFFITHS: That is appropriate.

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The DEPUTY CHAIRMAN: The question will be taken on notice. I ask members to keep questions succinct. It is difficult for advisers and ministers to answer long questions, which are 10 questions rolled into one.

Hon SUE ELLERY: My question is about court security and prisoner transportation. I refer to the smaller table at the top of page 509. What is the reason for the additional moneys that have been allocated in 2003-04 and 2004-05? What is the performance of the current contractor?

Mr PIPER: The benchmarks for the delivery of court security in custodial services that were included in the contract were set prior to a significant increase in imprisonment in 1998 and 1999. However, when the contract was started the volume of services delivered under the contract had increased in the order of 30 per cent. Obviously that was not factored into the contract price, so a provision needed to be made to include that within the contract. In addition, the contract contains provisions for some price increases.

The performance of the contractor has been mixed. Certainly in the early and start-up periods of the contract there were significant disruptions to court services and missed service delivery. That settled in October to November last year. However, from time to time we face under-resourcing of the Central Law Courts against agreed staffing. We also have concerns about long distance escorts and the ways in which the contractor is allowing comfort stops, heating and ventilation of vehicles and the treatment of some prisoners on those escorts. Those matters have been raised with the contractor, and will also be raised by the Inspector of Custodial Services.

We have also had a significant issue with the contractor, and are in dispute over the quality of its data and reporting. The contract is based on an open provision of data. The audit report that was tabled in Parliament some months ago indicates practices within the management of the contract that give us concern as to the accuracy of the data.

Hon SUE ELLERY: Are time line evaluation points built in, or is the department responding to operational difficulties as they arise? Does the department undertake a regular review?

Mr PIPER: A permanent contract management group undertakes reviews on a periodic basis - like the audit that was tabled in Parliament - as well as day-to-day supervision of the contract. It is fair to say that the amount of effort that the department has had to place into the contract is significantly greater than we would have expected.

Hon B.K. DONALDSON: On page 544 of the *Budget Statements* an item in the net appropriation determination is proceeds from surplus Public Trustee Common Fund interest in the amount of \$2.368 million. What was the percentage paid into that common fund through wills, court-ordered monetary supervision etc? There has always been an amount for common fund interest, but the total amount is not paid to those beneficiaries and a percentage is remitted to consolidated revenue. Will the minister advise what interest rate was achieved during the financial year, and the percentage that is paid back into individual accounts within the office of the Public Trustee?

Hon N.D. GRIFFITHS: I regret that the Public Trustee is not here; I do not know why. However, I ask Mr Piper to comment. In so far as that does not answer the question completely, the matter can be taken on notice.

[2.40 pm]

Mr PIPER: The legislation that governs the operation of the Public Trustee allows for the appropriation of surplus interest. That has been the practice over many years. It is one of those issues that has been commented on in this place by a number of members. Also, the Public Trust Office is aware of and responds to market interest rates in its payments to the fund. Those rates are adjusted on a monthly basis, as is required by the Public Trustee under statute. I would need to provide an answer about returns for the past year, with the minister's agreement, in supplementary information. However, I am aware that the returns have closely followed the market rate for similar investments. I assure the member that the investors in the trust are not disadvantaged by the operation of that provision.

Hon B.K. DONALDSON: I have a supplementary question. I recall that legislation was introduced, but never went through the Parliament, to change the direction of the surplus going to consolidated revenue. Knowing of the comments in the House by the minister and a number of other members, will the Government proceed with legislation to counteract this process that has been in place for many years?

Hon N.D. GRIFFITHS: Yes, legislation was introduced. I understand that it progressed through the other place, was not passed in this House and lapsed on prorogation. The issue is under review and will be addressed by the Attorney.

Hon KATE DOUST: I refer to the first dot point on page 514 under major initiatives which reads -

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Review existing fee structure and develop a cost recovery initiative for presentation to Government.

Can the minister provide details of what is proposed in that initiative?

Hon N.D. GRIFFITHS: It is the Government's position that the existing fee structure must be reviewed to develop a cost-recovery initiative. In that context I advise the committee - and the former Attorney may remember this -

Hon PETER FOSS: I remember it being knocked out in this House.

Hon N.D. GRIFFITHS: So do I. Court fees in the Supreme and District Courts were last increased in 1993 when minimal adjustments were implemented. There is therefore a real need to make adjustments to make the fees in Western Australia reasonable, having regard to fees in comparable jurisdictions. I note the significant differences between the fees in Western Australia and other States, particularly those operating in the federal jurisdiction. Members are looking forward very much to debating this issue in the House. I am sure that the now Opposition will take the same stance that it took when it was on the other side of the House and will be keen to advance the interests of justice by supporting the measures brought into the Parliament by the Attorney in due course.

Hon B.M. SCOTT: My question to the minister is specific to page 518 and refers to the major initiatives for 2000-01, one of which was the pilot program established in the Joondalup domestic violence court. I asked the minister in the House some weeks ago whether funding had been allocated to monitor that pilot project appropriately and whether funding would be available to continue the pilot and fund the project teams that ably assisted the success of the pilot project, particularly for women and families in the domestic violence court in Joondalup. I cannot find a line item on funding for that project.

Hon N.D. GRIFFITHS: The question is in two parts: first, the funding to monitor the project; and, secondly, a decision to continue funding in the event that such a decision is made. The member used the word "appropriate" but that is a question of judgment. I invite Mr Piper to comment.

Mr PIPER: The evaluation of the family violence court is currently under way. We are awaiting that evaluation report, which we expect to receive about the end of this calendar year. Obviously, future funding of the initiative is contingent on the evaluation and whether it proves successful. It is fair to say that the model of the initiative that was implemented was very resource intensive. I will be interested in the evaluation to the extent to which the full model needs to be applied to get all the benefits of the program. I can say that there is a great deal of support for continuing the model in the context of the family violence program. The court resources required are not overly significant in that it is a specialised court with a dedicated magistrate using the Department of Justice's court officers to provide case management coordination. The particular features of the family violence court that make it work are the coordination of resources between community development, the Police Service and the justice service delivery. There is no problem with continuing the model in the department's budget; however, our budget is only part of the funding base. It is an area of significant need and in principle - although it is strongly supported by most people who have examined its operation, and by the department - we will strongly suggest the continuation of the model in a form that is recommended by the evaluation.

Hon B.M. SCOTT: I have a supplementary question. Although I am encouraged by the support, and I know that it is an appropriate program and is supported, I am not encouraged by the answer. The minister has not answered my question: is there any money in this budget to continue the project at the end of the evaluation of the pilot program, which I understand concludes in November?

Hon N.D. GRIFFITHS: In the view of the Department of Justice the program is working and it is valuable. The detailed answer provided by Mr Piper made it clear.

Hon B.M. SCOTT: No, it did not. It was encouraging in that it is supported but supporting is not funding.

[2.50 pm]

Hon N.D. GRIFFITHS: The role of justice in this program is funded -

Hon B.M. SCOTT: - until the end of the pilot program in November! Is there a budget item to continue to fund the project?

Hon N.D. GRIFFITHS: Someone with the same surname as mine used to say that when members ask questions, they may not like the answer but that is the answer that they are provided with, or words to that effect.

Hon B.M. SCOTT: I am not concerned with history; I am concerned with fact.

Hon PETER FOSS: That does not apply here.

Extract from Hansard
[COUNCIL - Wednesday, 17 October 2001]
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The DEPUTY CHAIRMAN: Order!

Hon N.D. GRIFFITHS: The member should note what Mr Piper said. The department's role in the evaluation is funded. If the matter were to proceed after the evaluation - the member heard Mr Piper's positive words about the program - there is funding for the department's role. The member is being very pessimistic.

Hon B.M. SCOTT: I am not being pessimistic. I want to be absolutely crystal clear that the answer to that question assures me that if the evaluation report comes down in the positive, there is funding in this budget to continue the Joondalup domestic violence court project.

The DEPUTY CHAIRMAN: The question has been asked and answered.

Hon LOUISE PRATT: I refer to page 522. One of the major initiatives listed is to introduce new electronic monitoring technology for offenders on home detention. I have heard a little about that program around the traps, but I am unclear about what it entails and I would like some more information.

Hon N.D. GRIFFITHS: The present electronic monitoring equipment is nearing the end of its service life and does not provide for live reporting of infringements as they occur, so new electronic technology is required.

Hon LOUISE PRATT: I would like to know what type of technology it is.

Mr PIPER: I will give a short overview of what we are trying to achieve and then I will refer to Mr Harvey, who has been involved in the detailed assessment. When the original electronic monitoring devices were purchased they were static. Two kinds are in service at the moment: one is a tag device that requires a dial-in and the other is a proximity device; in other words, if someone moves a predetermined distance from a base system, an active alarm is created. In the interim period, there have been all sorts of technology that incorporate global positioning system-type devices that allow for ring fence movement; in other words, the capacity to know when a person is within a prescribed zone and when that person moves out of that zone. That can be done in a couple of ways. We have a tender which is currently closed and under evaluation. We are looking at the competing technologies right now with a prospect of introducing more active technology. The benefit of more active technology is that it then supports a different attitude from that of detention and order supervision and will lead to better and closer monitoring of the offenders involved. That goes hand in hand with the answer we gave earlier about breaching issues by certain offenders. Mr Harvey has been closer to the specifics.

Mr HARVEY: By way of supplementary information, at the heart of this lies the fact that the technology we currently have relies on offenders receiving telephone calls - not manually generated ones, but ones generated by a computer - and requires offenders to place their wrists containing the device against the telephone, which then transmits the signal to indicate their presence. This technology has been around for some time; it is quite dated. In a number of instances, it is highly disruptive to the rest of the family. It has now reached the end of its useful life. The newer active technologies rely on radio signals, which need constant monitoring, not just intermittent telephone calls. If an offender moves out of a predetermined zone, or if an offender wearing a wrist strap were to move into a specific zone, alarms will be set off and attended to immediately. There is a sense of immediacy about it, and less intrusion on the rest of the family, which will allow them to get on with their lives. It opens up opportunities to provide services to victims, which had not hitherto been available to us.

Hon GEORGE CASH: I refer to page 508, in particular the dot point that reads -

Projections of the future prison population show that unless this issue is addressed directly the State can expect a continued growth of 5% or more per annum (160 beds per annum) for the next five to ten years.

It then refers to an overall strategy to reduce the rate and cost of imprisonment, which will be implemented during the year. It then lists a number of issues. Clearly, the department expects the rate of serious crime punishable by a prison sentence to rise at the same time as the Government wants fewer people in jail. The contradiction between a rising crime rate and a target of fewer people in jail apparently will be addressed in part by a mechanism such as abolishing prison sentences of less than six months. Does the department have any estimates or modelling based on recidivism rates, or does it have other information on the potential increase in crime that may occur by keeping petty and not so petty criminals out of jail? Has any modelling been done on this?

Hon N.D. GRIFFITHS: The rate of increase to which the member referred has been a long-term trend. On the issue of modelling, I invite Mr Piper to comment.

Mr PIPER: The issue raised by the member is obviously a valid concern in constructing the policy. One of the previous questions alluded to this issue. If we are not careful, we will be in a double bind with people with short

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sentences in that it is also an area that tends to be highly recidivist. However, the nature of the analysis of recidivism, as was indicated in the previous answer, has been related to administrative breaches to some extent and is somewhat tied up in the way that we manage certain categories of offenders, as opposed to the perception that people avoiding a short jail sentence are at liberty to do other things. The requirement, therefore, is that the community management of offenders be restructured. We have discussed that from several points of view. The increase in the use of managed day work camps, improvements in technology around electronic monitors, and a different attitude to the supervision of breaches will all assist in that area. However, there are also issues that are fundamental to indigenous offenders, for example, which need to be tackled more fundamentally with their communities and elders to assist them not to get embroiled in the justice system at all. The simple answer is that we believe we can implement an effective range of community punishments or measures which will substitute for short terms of imprisonment and which will provide an opportunity for reparation through work and attendance at programs. That will be no less a penalty but will provide a better opportunity to manage the offenders, particularly those who require continued contact with the community to address their offending behaviour. Therefore, although a delicate balance is involved, we are not unmindful of those issues and believe we can make it work.

[3.00 pm]

Hon GIZ WATSON: I refer to output 3 at page 515, enforcement of criminal and civil court orders, and to the issue of fines enforcement at page 516. The forfeiture of drivers licences has led to a high level of imprisonment as a result of people driving without a drivers licence. One of the major initiatives for 2001-02 is to benchmark the fines enforcement system against other enforcement models throughout Australia. Is the Government considering removing the provision for forfeiture of drivers licences in order to address the over-representation in our prison system of people who have been imprisoned as a result of driving without a licence as a result of the forfeiture of their licence - the whole chain of events, basically - which I understand is of particular concern in remote indigenous communities?

Hon N.D. GRIFFITHS: The member would be aware that the legislation was proclaimed earlier this year, and that legislation should work to a degree to deal with the issue that the member has raised. The Attorney General has made it clear that as a matter of principle he does not like the idea of people going to prison for that reason; therefore, that is a matter that is being considered.

Hon DERRICK TOMLINSON: My question is really a question of policy, but it has some budget implications, and it concerns the Pyrtton site. That site was purchased for a minimum security women's release centre, but that is now not being proceeded with. However, I understand that the proceeds of sale of that land will still be transferred to the Disability Services Commission. What is the intended fate of that part of the Pyrtton site that I understand now belongs to the Department of Justice? Does the department have any plans to replace the maximum and medium security women's prison?

Hon N.D. GRIFFITHS: The Estimates Committee is interesting. In last year's Estimate Committee, and also in the year before last, I asked a number of questions about the Pyrtton site. It is now Hon Derrick Tomlinson's turn to ask questions about that site. The member will be aware that the issue of the Pyrtton site was very much alive and was a substantial area of difference between the parties at the last election. We have fulfilled our election promise on that issue.

Mr PIPER: At the time that that land was purchased by the Department of Justice, it was necessary to ensure that the Disability Services Commission, which had been counting into its budget the proceeds of sale of that land, was not disadvantaged and that people with a disability were not deprived of services. I understand that commitment has been met for the Disability Services Commission. I have not checked, but I would be surprised if that was not reflected in its budget.

Hon DERRICK TOMLINSON: It has certainly provided for it in its budget.

Mr PIPER: Now that we do not have an interest in that site, the site will be managed to a satisfactory conclusion by the Department of Housing and Works. The member will be aware that as part of the changed arrangements, housing and works has picked up some of the infrastructure functions that were previously with Treasury. However, cross-government projects of this type, particularly ones that require resolution of this character, are managed by housing and works. Members will note also that this budget contains provisions that deal with women's imprisonment. There are three issues of relevance. A \$14.8 million upgrade of Bandyup Women's Prison was commenced last year. There is provision for a new community-style or open prison for women; and subsequent to his overseas trip, the Attorney tabled a report that comments on some of those issues. In our view, there is an opportunity not only to undertake the pre-release functions that were previously planned but to have a different style of imprisonment for women that reaches further into the population. The budget also provides

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planning funds for a new metropolitan secure facility for women. Over time, the current facilities will be transformed into two facilities: one will be a community-style and rehabilitation-focused facility for minimum and medium security women; the other will be a more secure facility for woman who are either at maximum rating or subject to remand assessment, or who for other reasons need a more secure incarceration environment.

Hon DERRICK TOMLINSON: I am aware of the work that is being done at Bandyup Women's Prison. I am aware also that there are some physical constraints on that site and some problems with the existing infrastructure. What is the minister's time frame for the new women's facility? Will that new facility replace Bandyup or will there still be a function for Bandyup?

Mr PIPER: The member is correct about the Bandyup site, because apart from being on the edge of a flood plain and in a rather difficult location, it is severely constrained; for that reason, the building works that comprise the capital works program have been let in a series of packages. The first package of works involves a crisis care centre, a medical centre upgrade and detention facilities at the eastern end of the site. That package of works is running significantly behind schedule, and the Department of Housing and Works has been strongly engaged with the builder about those works. I must admit that operationally I am most concerned that that package of works is running late.

Hon DERRICK TOMLINSON: The foundations are there.

[3.10 pm]

Mr PIPER: The crisis care centre achieved practical completion last week and will be used, but the remainder of the works is behind schedule, and I can assure the member that is through no lack of urging from the Department of Justice, which is very keen to have this site upgraded. The second package of works has been let to a second builder. It is a group of accommodation works at the northern edge of the site. That is progressing according to schedule. Also as part of phase one, there was a significant new industry facility. One of the problems with Bandyup Women's Prison is the lack of facilities to support constructive activity for the women. That is now in operation, even though it contains some building defects. Further stages involve new visits facilities in particular, more programs and community facilities for the women, plus alterations to the existing 1970s cell quadrangle in the centre of the prison.

Our current view - it is certainly subject to a fair bit of work - is that if we are successful in completing the projects that are now funded, or funded for planning, for women, we will convert Bandyup into a specialist facility for men, probably addressing men with program needs, after the women have been moved from that site. Therefore, Bandyup will continue as a prison. However, that is subject to planning and approval at all sorts of stages. Clearly, given the amount of money we are spending on it, it will have a life beyond its current use.

Hon DERRICK TOMLINSON: However, the department does not even have a wish list for the time in which those changes might be achieved?

Mr PIPER: We have planning money in 2001-02 for a metropolitan female secure facility. Subject to consideration of that planning, we intend that it follow on from the minimum security facility. However, that puts it just outside the current forward estimates. Our intention and the Attorney General's intention, according to his comments in another place, is to move strongly with an integrated program for women in the prison system, and I would not expect delays in that program.

Hon E.R.J. DERMER: I draw attention to page 509 of the *Budget Statements*, where the major policy decisions are listed. That carries over from page 508. The specific item to which I refer comes under the subcategory of decisions taken since the state election. The first item on that list is to maintain state funding for legal aid services in line with the consumer price index. On looking at the budget estimates for 2001-02 and the forward estimates for the three further financial years, I notice that there is a significant increase of more than \$300 000 for each of those three further financial years. Looking at the figures listed, it strikes me that the actual increase in funding for the legal aid services appears to greatly exceed the CPI level that would be expected for each of those years. Am I therefore correct in my interpretation that there is a real increase in the funding for the services, well beyond the CPI increase? I have a couple of other questions on that matter, but could I have an answer to that question first?

Hon N.D. GRIFFITHS: Funding for legal aid has not been cut in real terms. It increases in line with the CPI, according to government policy, and the increase is based on Treasury advice. I do not know whether Mr Turnbull wishes to comment further.

Mr TURNBULL: Perhaps I could clarify the member's question. The base funding for legal aid over those four years is \$11 838 000. In the first year, 1999-2000, the figure is \$13 194 000. That includes some supplementary

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funding for what is known as expensive criminal cases, which occur periodically, are unpredictable, and for which it is impossible to budget. A policy commitment from both Governments maintains the procedure whereby, when these cases arise, the Legal Aid Commission approaches government on a one-off basis. In the next year, on top of the base funding that I mentioned, there is a small additional amount for the pilot Drug Court. The Legal Aid Commission provides duty lawyer services to the pilot Drug Court. The 2000-01 year again includes an amount for the pilot Drug Court, and some additional funding of \$105 000 to match the additional work arising from the appointment of an additional District Court judge. The rather large increase for the current year relates in the main to a new initiative, which is the Government's decision to provide funding for investors who have suffered losses as a result of their dealings with finance brokers. That amounts to \$1.125 million in this financial year.

Hon N.D. GRIFFITHS: Essentially, we have maintained the Government's election promise, but also dealt with a number of demand pressures on the legal aid system.

Hon E.R.J. DERMER: I have another question related to this list of items. I refer to the legal aid funding. Basically, I want to make sure that my understanding is correct. The items listed on page 509 are increases to the base funding, to sustain the value of the base funding with CPI increases. Is that the correct interpretation?

Hon N.D. GRIFFITHS: The member is dealing with the first item on page 509, which is to maintain state funding for legal aid services in line with the CPI. The forward estimate figures on the right-hand side of the page give effect to that. They also deal with the demand pressures on legal aid, to which the director has referred, so that the budget of legal aid is not impacted on, to legal aid's detriment, as a result of those demand pressures. However, the succinct answer to the member's question is yes.

Hon E.R.J. DERMER: Therefore, we are ensuring that the CPI is accounted for to maintain no diminution in the level of access to legal aid services. With the Deputy Chairman's leave, I turn to the next item on that list, which is to increase victims' compensation payments. It appears that that is a substantial increase. Could I get further advice on the rationale behind that increase and what the minister anticipates will be the impact of that increase on victims of crime who seek compensation?

Hon N.D. GRIFFITHS: This is in fulfilment of an election promise to increase the cap on criminal injuries compensation. The maximum current payout under the Criminal Injuries Compensation Act 1985 is set at \$50 000. The election promise was to increase that to \$75 000. This is the provision in the budget to give effect to that election promise.

[3.20 pm]

Hon PETER FOSS: I notice from the newspapers that one prisoner is left in Riverbank Prison, so it would appear to be effectively closed. I have been asking what has happened to the world's best practice program for the mentally disabled prisoners, in particular their separation from mainstream prisoners, their special education and their mentoring by other prisoners. Where have all those prisoners gone? Are they being kept separate from other prisoners? Are they continuing to have special treatment? Is the minister satisfied that world's best practice will be able to be maintained?

Mr PIPER: The member would be aware that the Inspector of Custodial Services brought down a report on Riverbank Prison in the middle of August. In that report he indicated that the facilities at Riverbank were wholly unsatisfactory and that unless they were returned to an effective muster of 30 and substantial funds placed into the upgrading of that facility, he would expect the prison to be closed. That is contained in the final paragraph of his executive summary. Faced with that sort of expectation and recommendation from the Inspector of Custodial Services, it was clearly not economic to convert what was a small juvenile facility, by spending a huge amount of money on it, into a revitalised small prison for the same number of prisoners who were currently there, which was in the order of 60. From that point of view, the decision was made to close the prison.

Mr SIMPSON: Considerable planning has gone into the placement of each of the prisoners from Riverbank. The Riverbank Prison population comprised a number of mainstream prisoners, a number of prisoners who were there by virtue of being protection prisoners and sex offenders, as well as a small population of intellectually disabled prisoners. A great deal of care has gone into providing the best possible placement for each of those prisoners. The department's disability services branch has certainly been closely involved in planning for those prisoners with intellectual disabilities. As to where all the prisoners have gone - and a number of them were mainstream prisoners - 13 have gone to Karnet Prison Farm, 13 to Acacia Prison, eight to Hakea Prison, comprising a group who were about to undertake the sex offender treatment program - the entire program has been transferred to Hakea - three have gone to Bunbury Regional Prison, two have gone to Wooroloo Prison Farm, two have gone to Casuarina Prison and one has gone to Pardelup Prison Farm. Bunbury Regional Prison

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certainly has similar characteristics to those of Riverbank Prison in that it is a low-medium security prison, which has traditionally run a protection-type regime because of the high number of sex offenders in the prison.

The Bunbury administration has certainly been prepared to step forward and carry out a specialised role in dealing with the overall protection environment of intellectually disabled prisoners. We will certainly be targeting that specific area as an option for these prisoners. The needs of each individual prisoner having been taken into account meant that Bunbury was not the appropriate placement for every intellectually disabled prisoner, in some cases because of its distance from Perth, and in other cases because a number of them were suitable for taking the next step to minimum security.

The prisoners have not been kept together as a group, because it was considered that it would not be to their advantage in that other options would be made available to them. We have certainly been very conscious that the good things that happened at Riverbank Prison should be retained, particularly those of providing a safe and appropriate environment for intellectually disabled and other prisoners who could be vulnerable to abuse in a mainstream population, and providing specialised services that are attuned to the needs of this group. To that end, Bunbury Prison is looking at specialised prison industry options as well as educational options to meet the needs of those prisoners.

The DEPUTY CHAIRMAN: Before the member asks a supplementary question, I bring to members' attention that only five minutes remain until the end of this session. More members have indicated they would like to speak than we have time for. I draw members' attention to the fact that if they would like a question to go on notice, they must write it out and deliver it to one of the clerks within 30 minutes of the close of the session.

Hon PETER FOSS: I did not read the Inspector of Custodial Services' report in quite the way the minister did. Of the prisons that were picked, Karnet, Bunbury and Pardelup Prisons are probably worse than Riverbank, which will probably come out when they are reported on. Many other prisons, such as Bunbury, Eastern Goldfields, Roebourne and Broome Regional Prisons, are considerably worse than Riverbank Prison. It will be interesting to know what the minister will do when he gets a report on those prisons. My understanding of the inspector's report is that he was not suggesting that Riverbank Prison be closed but that the matters be dealt with within a reasonable time frame. Has the minister talked to the inspector, and was he surprised at the decision to close it?

Hon N.D. GRIFFITHS: Hon Peter Foss is expressing a point of view. Insofar as Hon Peter Foss is expressing a point of view, perhaps he might wish to reflect on who is responsible for that.

Hon PETER FOSS: I know who has been improving it.

Hon N.D. GRIFFITHS: We know who has been improving it. We have been improving it.

Mr SIMPSON: The inspector certainly is aware, and the closure of Riverbank Prison has been discussed with him; certainly his view is that without significant improvements to the physical infrastructure of Riverbank Prison, it was not viable as a physical facility to continue operating as a prison. He understands that in the view of the department the sort of investment that would be required to bring those physical facilities up to the required standard was not considered economical because of the overall age and state of the facility. To return to single bunking at Riverbank Prison, which would have been an absolute essential to answer one of the inspector's key criticisms of the facility, would have meant reducing the population to about 30 inmates. Riverbank Prison was already the most expensive in the State, catering for a population of almost 60. To reduce the population to 30 prisoners would have made the prison financially unviable. The inspector was certainly aware of and understood those issues.

Hon N.D. GRIFFITHS: Riverbank Prison was inspected by the inspector in March of this year. The report stated that the 1960s architecture of the prison did not reflect modern international standards and required a major upgrade. The inspector recommended that Riverbank be closed if it was not refurbished and redeveloped.

[3.30 pm]

Hon LOUISE PRATT: On page 525 of the *Budget Statements* reference is made to flexible detention options for regional juvenile offenders. For some time I have been particularly concerned about young people who have to serve their sentences long distances from their family and home networks, particularly when they come from places like the Kimberley. I want to know more about that program.

Hon N.D. GRIFFITHS: I am advised that young people are less likely to become entrenched in the justice system if community options are used. Juvenile custodial services will explore regional options for suitable young people who would otherwise be held in custody in the metropolitan area. This is to address the over-representation of Aboriginal young people in custody and reduce the requirements to remove young people from

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the support of their communities. This will include the opening of a second regional bail facility in the east Kimberley at Bell Spring. That has already happened.

The DEPUTY CHAIRMAN: That concludes this session.

Sitting suspended from 3.32 to 3.48 pm