COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Second Report — "In Safe Custody—Inquiry into Custodial Arrangements in Police Lock-ups" — Tabling

MS M.M. QUIRK (Girrawheen) [10.04 am]: I present for tabling the second report of the Community Development and Justice Standing Committee entitled "In Safe Custody—Inquiry into Custodial Arrangements in Police Lock-ups".

[See papers 1226 and 1227.]

Ms M.M. QUIRK: This inquiry was intended to be an audit into compliance by police with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, which concluded 22 years ago. A compelling catalyst for that royal commission was the infamous death of 16-year-old John Pat in police custody in Roebourne.

The ACTING SPEAKER (Mr P. Abetz): Members, please take your conversations outside. It is very difficult to hear. The member for Girrawheen has the floor, so take conversations outside or keep them in very hushed tones.

Ms M.M. QUIRK: This marks the thirtieth anniversary of this untimely passing, and it seemed apposite to mark that event with this inquiry. It has been more than a decade since any agency in WA examined its compliance with these recommendations. Since no official inventory has been regularly taken, it has been left to voluntary organisations like the Deaths in Custody Watch Committee to remain vigilant and active. Most of the recommendations of the royal commission amounted to little more than good administrative practice. Our inquiry has nevertheless found many have never been implemented, and the implementation of others has flagged due to institutional inertia.

Whenever one engages in any sort of analysis of the involvement of Aboriginal people in the justice system in WA, it is not unusual to be confronted with a complex range of causal factors. These are inextricably linked. So it was in this inquiry. Whilst our terms of reference were deliberately limited to administration, oversight and physical infrastructure, we found that issues relating to transport and contractual arrangements with Serco, sentencing alternatives, police recruit training, the need for safe houses for juveniles, funding of the Aboriginal Legal Service and after-hours conduct of bail hearings in Magistrates Courts all impacted on our deliberations.

From the outset, the committee made it clear that it was anxious that this inquiry not be perceived as a fault-finding exercise or a witch-hunt. We have been conscious throughout this process of the constraints placed on police, particularly in the conflict between the need to resource police lockups and the need to provide urgent front-line policing. In such an environment, there is a naturally strong likelihood that custody arrangements would come under pressure. There was a surprising level of consensus on various issues. For example, the WA Police Union and the Aboriginal Legal Service WA both pointed to a number of cells, especially in remote and regional WA, being in a disgraceful condition. In its written submission, ALSWA notes —

> … the holding cells in police-lock ups throughout Western Australia are generally safe and in a good state of repair, although there are some notable exceptions, including the lock-ups in Collie and Halls Creek.
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> … the most pressing issue is over-crowding and hygiene, particularly in police lock-ups across the Pilbara. ALSWA's South Hedland office reports that there is often significant overcrowding in cells in this region, with it not being unusual to find three or four men sharing one cell. As a result, conditions in these cells become unhygienic over the course of the day with uneaten food and smelly blankets and clothes strewn across the floor. Cell inhabitants must all share one toilet in the corner, and it is not uncommon to find flies and other insects in the cell. Another ALSWA lawyer provided an example of two clients who were held in the Halls Creek lock-up during summer. She described the temperature inside the cells as "stifling hot", and … the two clients—an adult and a juvenile, both with health problems—stayed in what looked like an outdoor cage with concrete floors and dirty mattresses on the ground.
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> With the exception of Kununurra and Halls Creek, ALSWA staff could not advise of any lock-up facilities in Western Australia that have appropriate areas for clients to exercise and access sunlight and fresh air … Of even greater concern, ALSWA's Kununurra office advises that staff have observed hanging points in police cells in Kununurra and Halls Creek:
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> …
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> The lack of temperature control in police lock-ups is a major issue. Throughout the state, ALSWA staff regularly hear complaints from clients about the temperature in police lock-ups, most commonly that it

> is far too cold. Staff from ALSWA's South Hedland office have regularly observed clients from remote communities, unused to cold weather, shivering in the air-conditioned environment … suspected that police officers have intentionally turned up the air-conditioning in police lock-ups to make detainees uncomfortable.

Similarly, the police union was helpful to the committee in identifying sub-optimal lockups to visit. It maintained that front-line police are continually frustrated by having to work in substandard police lockups that are grossly understaffed in most locations across the state. Likewise, all witnesses recommended that the Inspector of Custodial Services should have his jurisdiction extended to police lockups. The methodology deployed in relation to prisons would readily transfer to police lockups to identify and report on systemic problems. The committee is mindful that in order for this to be effective, the Office of the Inspector of Custodial Services needs to be properly funded and resourced. Although the role of the OICS can address systemic problems, the way in which individual allegations of misconduct should be investigated, remains less clear-cut. From the outside, however robust inquiries by internal affairs/professional standards are, they are, by their very nature, seen as lacking independence.

On the other hand, the Corruption and Crime Commission gave evidence to the committee that in the future it intends to focus more on conduct in police lockups. Nevertheless, the manner in which it conducts its inquiries means, by definition, that only a handful of the allegations made will be the subject of comprehensive investigation by the CCC. Concerns were also expressed that the time taken by the CCC is too long and that while its investigations proceed, station morale suffers.

It was also clear that inconsistent practices exist across the state. Given that police operate with set guidelines and standard operating procedures, this is somewhat perplexing. An example of this is the level of access given to visitors. This varies considerably, for no apparent reason other than local custom and the subjective judgment of the local police. Again, this is at odds with one of the underlying themes of the royal commission; namely, ensuring that detainees do not find themselves marginalised, lonely and isolated, which may very well create the conditions for self-harm.

There was general agreement by all witnesses that a high percentage of those held in custody had problems associated with mental illness. Some of these might be masked by drugs or alcohol, but, nevertheless, other than in metropolitan Perth, there is no access to professional help after-hours to address the issue or house the person in a place other than a lockup. The police cell by default houses many people with a mental illness. We heard evidence that even in Perth, access to mental health support was difficult to access after-hours. Similarly, police were conscious that detainees would present with a range of medical problems that they were not trained or qualified to assess or treat. Some detainees had recent injuries acquired in the course of the conduct of their arrest and others presented longstanding pre-existing conditions requiring medication.

In the Aboriginal population generally, there is a range of conditions, such as diabetes, that are prevalent and require regular treatment. It was fundamental to the royal commission that there be ready access to medical services. Evidence was heard that if an injury or condition was readily apparent, police would take the detainee to an emergency department for attention prior to processing. We also heard that on occasions time was expended collecting medication from home before the detainee was placed in the lockup. More frequently, the detainee would go without medication, or, if relatives brought the medication to the lockup, it would be refused in the absence of strong evidence that it was a current prescription for the detainee and that police could not readily verify the substance being handed over. There is no 24/7 medical or nursing presence at lockups anywhere in the state. The committee believes that the volume of detainees through the Perth watch house justifies and warrants 24/7 nursing and medical presence.

We heard that the provision of access to legal advice was inconsistent and often not timely. The Criminal Lawyers' Association of Western Australia said that it was not uncommon to hear of lawyers contacting police lockups to talk to a client only to be given the run-around for many hours. Later it would become apparent that a record of interview was being conducted in the full knowledge that the lawyer was trying to talk to the client prior to that occurring. The report recommends changes to the Criminal Investigation Act to provide that when there is a wilful and deliberate exclusion of a lawyer, evidence obtained in those circumstances should be automatically held inadmissible. Conversely, we heard that the resources of the Aboriginal Legal Service of Western Australia were extremely stretched, especially in rural and remote Western Australia, and therefore after-hours access is limited. Police have confirmed this. The ALS receives no state funding, and its federal funding has been reduced. We consider that there is a cogent argument to improve access to legal advice, especially in the regions, and that the ALS should receive some funding from the state. If there is a genuine commitment to reduce levels of Aboriginal imprisonment, this funding would have an immediate impact. Not to provide funding is a false economy, with the collateral and not insignificant costs of custody, transport and imprisonment far outweighing any supplementary funding that might be provided to the ALS.

Few, if any, lockups had separate areas for lawyers to confer with their client in privacy. In other cases, conferences had to be held at the door of the court. The ALS notes that even in the state-of-the-art Northbridge lockup —

> … while the facilities … are private for interviews, they are uncomfortable and impractical to use as the chairs are too low and fixed to the ground, and the writing surface is too high for many people. From a sitting position, taller lawyers can generally only see the clients' foreheads unless the client is standing up. Shorter lawyers need to take instructions while standing.

A recurring theme, especially in regional WA, concerns the cultural competence of police. We use that term advisedly, because what is required is more than so-called cultural sensitivity. There appears to be a direct correlation between how effectively lockups function and the positive interactions with the local Aboriginal community. It is unfortunate that how functional police–Aboriginal relations are is largely dependent on strong and insightful leadership by the officer in charge. The committee thinks that the system should be sufficiently robust so as not to be dependent on the fortuitous appointment of particular personnel. In some regions, induction packages were given to newcomers that detailed key information about the local Aboriginal community, customs and family relationships. However, this material was adapted from information by other agencies and is not used universally. More attention has been paid in the Kimberley, but a concerted effort needs to be made in the wheatbelt.

Such lack of nuanced cultural understanding has real practical implications. We heard of juveniles in a small Kimberley town who were over-policed instead of being protected, until the situation escalated with those juveniles being taken into detention. It is a simple story. The kids did not feel safe at home so they found an empty house in which to shelter. They were charged with trespass and placed on a curfew, and a condition of their bail was to reside at the very houses at which they felt unsafe and at risk. Needless to say, the condition was breached, resulting in these juveniles being placed in custody. A more refined appreciation of their situation would have avoided this highly unjust outcome.

Although generally juveniles are held in separate cells in most lockups, in the remote regions they remain in communication with adult prisoners. This is undesirable. The committee received positive feedback on the bail hostels for juveniles established in a number of regional towns, and this initiative needs to be made available more widely. We were told that the requirement that police contact a responsible adult when a juvenile is taken into custody is highly problematic. Often it is extremely difficult to locate anyone, and this tends to prolong stays by juveniles in police lockups.

Another cause of significant grievance was the current contractual arrangements with Serco. These create inefficiencies, and the committee recommends that consideration be given to contractual variation of certain provisions. In regional WA, Serco operates from hubs, so even though Serco drivers might drive through a town, they will not stop to pick up detainees. Instead, the police have to transport the detainee to the nearest hub town. An even greater cause of complaint in the regions is that the Serco contract does not cover supervision of those transported to court while they appear before a magistrate. The ludicrous situation exists that although Serco transports a person to the court, police have to abandon whatever they are doing to supervise the detainee while in court, while the Serco officers are hanging around the police station, usually in the crib room having a cuppa.

Another structural issue relates to persons who have a warrant of commitment and who elect to serve out their fine in custody. Police have a policy that this can done in police lockups only for a maximum of two days. If the period is any longer, the detainee is sent to the nearest prison. In Kununurra, that means being transported to Broome, usually by air, to serve out time in the prison there. But the cost of this is met by the Department of Corrective Services rather than police. The absurdity of this situation is obvious, with persons serving out their fines in prison, which costs the government far more than the quantum of the fines owed. Incredibly, the Department of Corrective Services is simply not able to identify the true cost of this practice.

We had conflicting evidence on the need for interpreters. Police contend that very few Aboriginals they encounter do not understand English, whilst the Aboriginal Legal Service of Western Australia contends that there is a need. It represents many Aboriginal people for whom English is a second or third language, particularly in remote areas. These people are more likely to live traditionally and lack a detailed understanding of their legal rights, and are clearly vulnerable when engaging with the criminal justice system. This issue brings into sharp relief the need for a properly funded and resourced Aboriginal interpreter service in Western Australia. The Kimberley Interpreting Service is the only interpreter service in Aboriginal languages in Western Australia. The irony and injustice is that interpreters are always provided to non-English speaking individuals charged with criminal offences; for example, an Indonesian-speaking accused charged with people-smuggling offences will always be provided access to an Indonesian interpreter, but a Martu-speaking Aboriginal accused from Jigalong will never have access to a properly accredited and experienced Martu interpreter.

The report covers a number of other matters, including the need for closed-circuit television systems in lockups to be urgently upgraded, the practice of welfare checks and the danger of an individual officer supervising lockups.

The final substantive issue that I want to draw attention to relates to findings of the State Coroner. Over the years, the coroner has made numerous recommendations in numerous inquests into deaths in custody. These recommendations are not consolidated or monitored from time to time to see whether the recommendations have in fact been implemented. It must be a source of frustration to the coroner that the same recommendations made over and again over a number of years go unheeded. Inquest decisions were not available electronically until recently, and it is still not possible to search for keywords on common themes emerging from inquests.

It has to be said that the committee understands that many people facing detention are affected by drugs or alcohol, exhibit signs of aggression or difficult behaviour and use obscene language; likewise, the conduct of police may serve to escalate the situation in a lockup. The committee has sought to make practical recommendations that recognise that the police lockup is a confronting and challenging environment. The implementation of recommendations is attainable and can markedly improve conditions in lockups in WA.

I wish to record my heartfelt thanks to the hardworking and professional committee staff: Ms Dawn Dickinson, principal research officer, and Dr Sarah Palmer, research officer. I also acknowledge the counsel and assistance of the "air worthy" Clerk (Assistant), Ms Liz Kerr. Their task was compounded by a mid-inquiry change of personnel. I also acknowledge Mr John King, who commenced the inquiry with the committee.

The enthusiastic participation and commitment of the committee, comprising the deputy chair and member for Morley, Mr Ian Britza, MLA; the member for Armadale, Dr Tony Buti, MLA; the member for Balcatta, Mr Chris Hatton, MLA; and the member for Collie–Preston, Mr Mick Murray, MLA, was very much appreciated. Collectively, as proud Western Australians, we were all concerned about some of what we witnessed and heard in this inquiry. I am confident that we will share a determination to work within this Parliament for much-needed change.

The last words should go to former Prime Minister Paul Keating in his Redfern speech in December 1992, in which he noted —

> The Report of the Royal Commission into Aboriginal Deaths in Custody showed with devastating clarity that the past lives on in inequality, racism and injustice.
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> In the prejudice and ignorance of non-Aboriginal Australians, and in the demoralisation and desperation, the fractured identity, of so many Aborigines and Torres Strait Islanders.
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> For all this, I do not believe that the Report should fill us with guilt.
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> Down the years, there has been no shortage of guilt, but it has not produced the responses we need.
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> Guilt is not a very constructive emotion.
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> I think what we need to do is open our hearts a bit.
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> All of us.
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> Perhaps when we recognise what we have in common we will see the things which must be done—the practical things.

MR I.M. BRITZA (Morley) [10.24 am]: Before I begin, I concur with the chairman's report. It was excellently presented and I agree with it in its entirety. I stand briefly today in support of this very tender, sensitive, insightful and, in many ways, confronting report dealing with the response to the Royal Commission into Aboriginal Deaths in Custody completed in 1991. Committee members went to several police lockups in the state with the genuine desire to see whether any changes had in fact occurred. In some cases, we were greatly encouraged; however, I must declare to the house that in some other situations, there appeared to have been no change at all or, at the very least, minimal change. I am not here to defend law-breakers, and I do not desire to be seen as such, but I must say that there appear to have been pockets of misunderstandings in the incarceration of Aboriginal offenders.

Although the report has been excellently arranged and compiled, and is excellent and exceptional reading for anyone who genuinely desires to know what has occurred since the royal commission report was made public, I would like to highlight two areas of concern to me. First, finding 26 refers to the inadequacies in the court security and custodial services contract between Serco Australia and the Department of Corrective Services. I will not spend a lot of time on this issue, except to highlight the frustration of many police with the lack of cooperation from Serco in the transportation of offenders. Future contracts need to be done with the express input of the officers who work at the coalface. The frustration of officers with the lack of cooperation by Serco

was obvious. The second issue, and probably the most important one for me, is the training of custodial officers in cultural issues. There are two findings. Finding 37 in the report states —

> Lack of cultural competence leads to misunderstanding and escalation of incidents, contributing to the high rate of Aboriginal incarceration.

Finding 38 states —

> Aboriginal cultural competency training for police recruits is insufficient. Similarly, ongoing training and standardised cultural induction programs for sworn officers are severely lacking.

It would be wrong and certainly wide of the mark if it appears that the committee did not think that the officers cared for the Aboriginal offenders in their custody. In fact, I personally felt that the police do everything within their power, knowledge, understanding and awareness to show due diligence in looking after those in their custody. However, this did not completely excuse and justify some of the mystifying judgement responses to particular offences by Aboriginal people, no matter their age. Our chairman referred to an incident in the northern part of Australia in which officers took off the street juveniles who had escaped from incidents in the very homes that they were put back into. It would not be correct or fair to assume that there is no cooperation at all among police officers and Aboriginal community workers. We saw a great deal of evidence of well-sought-after cooperation from police officers, and there was a genuine desire by the vast majority of officers to make a difference with Aboriginal offenders. In many situations, it depended entirely on to whom a person spoke as to whether or not cooperation was evident. The accusation that police often victimise and over-police the Aboriginal community could not be completely and absolutely denied, as the many anecdotal accounts simply could not be entirely ignored. This is an obvious challenge for the police department. However, I am in no doubt of the genuine motivation of the senior officers we spoke to that they desire to have this particular matter dealt with by themselves and their officers, especially in regional areas. There is concrete evidence that officers need to be properly and appropriately trained and educated in the delicate area of Aboriginal cultural awareness.

The committee's two recommendations that deal with this particular theme and subject matter are self-evident and patently obvious. Recommendation 19 states —

> That Western Australia Police expands the diversity training module for recruits which deals with Aboriginal culture, and ensures that Aboriginal people are involved in its delivery. Recruits should be able to demonstrate cultural competency—that is, a well-developed understanding of Aboriginal issues and the skills to deal effectively with Aboriginal communities.

Recommendation 20 states —

> That Western Australia Police ensures: (1) that sworn police officers receive ongoing cultural competency training, and (2) that it is standard procedure for officers transferred to a location with a significant Aboriginal population to receive a comprehensive induction program, tailored to reflect the issues and challenges of the location, and involving members of the local Aboriginal community.

In conclusion, I want to acknowledge and recognise the exceptional and excellent leadership of our chair, the member for Girrawheen, in guiding and leading us through this particular inquiry and to my colleagues the members for Balcatta, Armadale and Collie–Preston. Finally, I would like to take this opportunity to thank and acknowledge our principal research officers Ms Dawn Dickinson and Mr John King, and I thank Dr Sarah Palmer, who assisted us in navigating this very tender and sensitive inquiry. The preparation and presentation of this particular report is a testimony to their professionalism and excellent due diligence. I sincerely and genuinely thank them and I commend this report to the house.

MR C.D. HATTON (Balcatta) [10.30 am]: I rise to speak as a member of the Community Development and Justice Standing Committee. It has been a privilege to be a member of this committee and to contribute to the inquiry into custodial arrangements in police lockups. I would like to acknowledge and congratulate my fellow committee members and the competent chair of the committee, Ms Margaret Quirk, MLA; deputy chair, Mr Ian Britza, MLA; Mr Tony Buti, MLA; and Mr Mick Murray, MLA. I also acknowledge the support and assistance of the committee staff, principal research officers Mr John King and Ms Dawn Dickinson and research officer Dr Sarah Palmer. The professionalism of the staff is commendable.

Firstly, I would like to reiterate that this inquiry stems historically from the tragic incident of the death in custody of John Pat. It was the catalyst for the Royal Commission into Aboriginal Deaths in Custody, which led to a final report in 1991. It also resulted in 339 recommendations, which I have read. When I read the 339 recommendations, and through scrutiny with the committee, it became apparent that over time, quite a time and possibly too long a time, a number of recommendations have been attended to in a systemic manner, but there has also been a level of inconsistency. Certainly, a number of recommendations are still to be effectively addressed. There are gaps and there is still room for improvement, and it may be appropriate to say that

complacency is possibly the enemy, or a major problem. Complacency can often be the enemy of human endeavour. However, I believe this inquiry, although identifying gaps and complacency, has demonstrated the depth of work that WA Police devotes to custodial responsibilities in police lockups. I understand that Western Australia has the largest police jurisdiction in the world and policing to best practice can be problematic.

As part of the inquiry, the committee travelled to the Kimberley region to the towns of Kununurra and Halls Creek, and to the wheatbelt region to the towns of Narrogin, Katanning and Boddington, to tour police and magistrates facilities, to meet police personnel and to meet local community members. We also visited the old Perth police lockup and the new lockup. We attended to our terms of reference and obtained data and perspectives. Generally, I believe it must be acknowledged that police personnel do a commendable job in sometimes very difficult situations, and there is a level of professional duty applied to ensuring a safe and appropriate environment for detainees. This may be evidenced by a decline in Aboriginal deaths in custody over past decades. Obviously, better practices are being employed, although best practice can still be achieved with greater commitment of government, the police force, community leaders and service providers, and specifically relating to the detainment of Aboriginals, best practice needs to incorporate greater cultural competency. It is interesting to note that the term "cultural competency" elevates above the term "cultural awareness" in that competency requires a set of skills that can be applied. I point out that the committee noted a perceived deficiency in Indigenous cultural training of police officers and that competency training, induction programs, standard procedural training and in-service refresher training needs enhancing and attention as in recommendations 20 and 21 of the report.

It is encouraging to note that after engaging in this inquiry into custodial arrangements in police lockups, with specificity to Aboriginal detention, that the committee findings and resulting recommendations were narrowed to 22. The following specific areas were identified to be addressed. One, medical coverage; two, mental health issues; three, timely access to legal services and the right legal access; four, funding of the Aboriginal Legal Service of Western Australia; five, access to family and support; six, greater engagement of local Aboriginal communities; seven, provision for adult representation for juveniles; eight, need for Indigenous interpreters; nine, provision of operational closed-circuit television systems; 10, provision of adequate consultation rooms; 11, adequate rest facilities; 12, upgrading police lockups to minimum standards; 13, provision of two officers for detention or custodial delivery; 14, employment of more Aboriginal community officers; 15, abolition of maximum tenure periods of four years and creating great trust with Aboriginal communities; 16, the review of court security and custodial service contracts between Serco and the Department of Corrective Services; 17, amendments that will enable the Inspector of Custodial Services to assume oversight responsibilities; 18, greater public reporting of investigations; 19, diversified training with cultural competency frameworks and expectations; 20, comprehensive induction programs; 21, training to meet demands; and 22, the Attorney General to maintain a list of coronial recommendations showing status and publishing and tabling information in Parliament. Essentially, that is the content of the 22 recommendations.

In conclusion, it is clear that in many ways detention practices in Western Australia have improved, but also in many ways there is room for improvement. There are still areas in which work needs to be done such as deficiencies in lockup design and detainee transport; deficiencies in access to medical, legal and third-party support; deficiencies in training and cultural competency; and lastly, deficiencies in oversight mechanisms. I believe that this inquiry has been necessary and beneficial to promote better practices of custodial arrangements in police lockups and for the welfare of Aboriginal detainees and detainees in general.

The ACTING SPEAKER: Before I give the call to the member for Armadale, can I just ask the members for Butler and West Swan to keep their voices down if they need to communicate.

DR A.D. BUTI (Armadale) [10.37 pm]: Thank you, Mr Acting Speaker, for providing me protection!

I rise to add my comments to the report being handed down today by Community Development and Justice Standing Committee called "In Safe Custody". This is the first committee I have had the experience of being a member of and I must say to all new members that it is a really good educational tool to learn more about the processes and worth of Parliament. Other speakers before me have addressed many aspects of the report and the rationale for calling this inquiry. At the outset I say that I have been very fortunate to work with the chair of the committee, the member for Girrawheen, and the other members of the committee on the Liberal and Labor side. I also acknowledge the support of the committee staff, Mr John King in the early stages, Ms Dawn Dickinson and Dr Sarah Palmer.

As members know, not so long ago a motion was put before the house in regards to the death of John Pat in police custody, and that motion was passed with support from all sides of this house. This year is the thirtieth anniversary of the death of John Pat in police custody, so it is really timely that this committee should hold an inquiry into the state of police lockups in Western Australia. As we know, after the death of John Pat there was the Royal Commission into Aboriginal Deaths in Custody. As a former solicitor of the Aboriginal Legal Service

of Western Australia, I know that custodial issues, especially with police lockups, have always been a very important matter for the Aboriginal community. One of our findings, which led to recommendations, relates to the whole issue of overseeing the conditions, arrangements and functioning of police lockups. The office of the Inspector of Custodial Services has the mandate to oversee the functioning of prisons but unfortunately that office does not have the ability or the authority to deal with police lockups. It has a minor role that is basically a "ticking of the box" role. One of the recommendations in this report is that the Inspector of Custodial Services be given a mandate to provide an oversight role in police custody. All the submissions, including those from the police, the Aboriginal Legal Service, private criminal lawyers et cetera, were very supportive of the office of the Inspector of Custodial Services having an oversight role in police lockups. One of the strongest recommendations to come through this report is that the office of the Inspector of Custodial Services should be given the resources and the authority to provide that oversight role. At the moment there is basically an arrangement between police internal affairs and the Corruption and Crime Commission for complaints about police lockups. That would remain if our recommendation was taken up by the government, but the oversight role would be given to the office of the Inspector of Custodial Services. The CCC does not have an oversight view of police lockups; it just deals with complaints that are referred to it. We dearly hope the government will take up that recommendation.

As a former lawyer, I found the whole issue of whether there is compliance with the Criminal Investigation Act 2006 quite interesting. As we all know, the Criminal Investigation Act 2006 requires that arrested persons are to be informed of their right to legal representation. From the submissions that we received, it would appear that this right is not always afforded in a timely fashion. This finding was very alarming. We found that people in police lockups are not always afforded legal representation in a timely fashion. This is a very important finding and the recommendations that we made as a result need to be carefully considered by the Attorney General and the government, and hopefully put in place.

Of even more alarm was the issue relating to juveniles. There is a provision in the Young Offenders Act 1994 relating to the notification of a responsible adult. We are very concerned that even juveniles are sometimes questioned by police in a police lockup without the presence of a responsible adult. Granted, one thing about this committee that I am a member of is that we did not have unrealistic expectations throughout this inquiry. We understand that especially in some remote areas it can be difficult to access legal representation in a timely fashion or even contacting a responsible adult, but we firmly believe that this is really a threshold issue. The committee's recommendations regarding the Young Offenders Act need to be put in place to ensure that unless a responsible adult is present, evidence obtained from a juvenile should be inadmissible in a court of law. Some would argue that we should recommend that all reasonable steps be taken to have a responsible adult present when police are questioning a juvenile. The problem with that is how we measure what is meant by "reasonable". We think it should be much more clear-cut, hence our recommendation relating to the inadmissibility of evidence obtained by a juvenile in a police lockup when a responsible adult is not present.

Another issue that we looked at was the transportation of people to and from police lockups. At the moment the contract between various parties and Serco means that Serco controls the transportation of people in lockups to their hearings in various courts. We have a very good new police lockup in Northbridge. The complex is state-of-the-art. It is understaffed but, overall, the facilities are very good. It has a court that is not utilised in the way it should be utilised. It is absurd that this courthouse within the police lockup complex in Northbridge is not utilised on most days and even over most of the weekend. The cost to the government and the taxpayer of having to transport people to courthouses in Armadale, Fremantle et cetera is absurd. The contract with Serco needs to be looked at carefully. Hopefully, the government will see that these are important reforms and that the recommendations we made in that respect should be put in place. We recommended —

> That the Minister for Corrective Services reviews the Court Security and Custodial Services contract between Serco and the Department of Corrective Services, with attention to:
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> - Collection of people in custody by Serco from police lock-ups that are not hubs;
> - Provision of custodial care by Serco for people in custody before, during and after their court appearances;
> - Variation of the requirement for Serco to collect people in custody from police lock-ups within a 24-hour period, so that detainees are collected in the early part of that period rather than the latter part.

In my last minute I wish to make two points. The committee visited the Perth lockup on a Friday or Saturday night. The influence of alcohol and drugs on people in custodial situations is amazing. That needs to be addressed, but that is a different matter for another day. The rights and protection afforded to people in custodial police lockups seems to be less than afforded people in prisons. That is why the office of the Inspector of

Custodial Services should have an oversight role of detainees in police lockups. Once again, hopefully the government will take up this report.