

Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Chairman; Mr Peter Abetz; Ms Eleni Evangel; Mr Murray Cowper

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**Division 58: Corrective Services, \$892 190 000 —**

Ms J.M. Freeman, Chairman.

Mr J.M. Francis, Minister for Corrective Services.

Mr J. McMahon, Commissioner of Corrective Services.

Mr A.D. Kerr, Director, Financial Management.

Mrs N. Kinsella, Senior Business Analyst.

[Witnesses introduced.]

**The CHAIRMAN:** Member for Warnbro.

**Mr P. PAPALIA:** I refer to the service summary on page 636 and the line item “Total Cost of Services”. I have a question about the recruitment of an additional 250 prison officers and the contract that has been given to Beilby Consulting in the order of \$700 000. Why was it not possible to conduct that role in-house?

**Mr J.M. FRANCIS:** The advice I got when this was raised recently was that because it is a one-off large recruitment drive, it was feasible to have someone else do it. I understand that that is the maximum amount the contract will cost; it may well come in way under that. It also includes screening, vetting and recruitment for people to become prison officers. I will ask the commissioner to provide more information.

**Mr J. McMahon:** I thank the minister. There were a couple of reasons. First of all, this is an up-to contract. That means that as we recruit up to the 260, it could potentially come down. We have started doing it, and we have already seen that we might not spend the full amount—I stress “might not”. The second thing is that we have a set number of people in Corrective Services’ headquarters. We wanted to recruit the 260, given the population pressures. In order to do that in a reasonable amount of time, we wanted to bring in a contractor to do that for us. This is not removal of public servants; this is an additional capability to do it in the time frames that we require. As members will appreciate, with issues such as the safety of prisons, safety of staff and safety of prisoners and offenders, that is an important aspect. The third point is the time frame. The analysis we went through found that we did not have the time frame to do it within the current headquarters’ capability. As members know, we are in the process of recruiting up to 260 prison officers, for the reasons I have outlined. That is why we went for a contracted service for a set period to help us and support us in achieving that figure.

**Mr P. PAPALIA:** Why is there a time constraint? Why is it so urgent that the department needs to pay someone \$700 000 to do what the department normally does?

**Mr J.M. FRANCIS:** I guess the question is why we are recruiting so many in a short period.

**Mr P. PAPALIA:** What is the time frame? Why is that different from normal? Recruitment is normally done through the department. Suddenly it is urgent.

**Mr J.M. FRANCIS:** I will ask the commissioner to elaborate, because it is an interesting aspect that we have determined that we need to recruit a large number of prison officers in a short time.

**Mr J. McMahon:** I thank the minister. During a previous estimates hearing—I am not sure whether it was last year or the year before—I spoke about human resources in terms of just-in-time versus risk management. When I came into the role, effectively across the board there were figures of between 10 and up to 20 per cent in some locations that did not have the right staffing models. Last year, our daily average prison population went up by 7.4 per cent, so we are already coming from a position where we were not up to the right mark—it went up, which meant that we needed more staff. Again, in the year to date, the daily average prison population has gone up by between 6.5 and 6.8 per cent. Therefore, to close that gap of between 10 and 20 per cent in our prisons and facilities, we needed to take this action. We call it project 260. If I may, there is another aspect to it. There are two things that support it as well. As members would appreciate, and we know this well, we want to ensure that we have the right staff for the right number of prisoners at each facility. That is really important for the safety of both prison officers and prisoners. The second thing is that members will notice that in previous years, and this year as well, our overtime was getting out of control. We needed to put a mechanism in place that allowed us to reduce that overtime, which we have done this year. That is because we are building up the right prison numbers with the right prison officers. That is why we commenced project 260.

**Mr P. PAPALIA:** What has happened is that the growth of the prison muster has been so exceptional that the department has been compelled, in a very short time frame, to recruit substantially more numbers than the department can cater for. Is that correct?

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**Mr J.M. FRANCIS:** It is not entirely correct, because another prison is coming online in the eastern goldfields as well. That is a publicly-run prison, so it requires prison officers.

**Mr P. PAPALIA:** I refer to what the commissioner said about the growth rate. The commissioner appeared before us last year in estimates at around the same date. At that time, or two weeks before, the prisoner population was 5 490. Today, the prisoner population is 6 228, which is 13 per cent growth. I think the daily average prisoner number that the commissioner refers to is pointless, because it is a historical number that is inaccurate. The actual physical growth of the prison population has been 13 per cent in the last 12 months, which is an exceptional rate. Is that beyond the department's capacity to deal with unless it recruits 260 extra prison officers as a matter of urgency?

**Mr J.M. FRANCIS:** I will ask the commissioner to elaborate, but the bottom line is that if there is a net number of prison officers and there is natural attrition of those prison officers—they leave, retire or whatever it might be—and then there is an increase in the prison population, the only way to maintain the safety ratio of prison officers to prisoners, unless more prison officers are recruited, is to have prison officers come back and do overtime. The required number of prison officers is always going to grow, but part of the recruitment of 260 officers will also result in downward pressure on the amount of the wages budget that is spent on overtime.

**Mr J. McMahon:** The member is absolutely correct about the growth rates and absolutely correct about the figure of 6 228. I think we should look at a number of factors when we look at what has happened with the prison population and what has happened over, quite frankly, 20 years. I think that is instructive. The point is that from point to point, the member is exactly right. The only addition is that the daily average prisoner population accounts for short, medium and long-term stays. Therefore, because it is an average of six months and six months added together, it provides another measure. That is something that is useful and something that I did through the department in the research that I was preparing over the last year or so on what the trends are. It is obviously difficult to predict. In the last 20 years, the daily average prison population, which has an aspect that is corrected to point to point, has on four occasions gone up by between 10 and 19 per cent. The other aspect that I think is also important to note is that over those 20 years, the daily average prison population actually went down on four occasions. So, out of the last 20 years, on four occasions it has gone up by 10 per cent or more, the highest being 19 per cent, and on four other occasions it has gone down. The game of prediction is quite difficult at some point. Granted, the point about the 13 per cent is right. We had 7.4 per cent growth last year, and we are at 6.5 per cent growth on average this year, which accounts for the churn. That is why getting the staffing numbers correct works from the perspective of the safety of the facility and the rehabilitation of offenders, but also ultimately helps us also with the overtime bill.

[12.10 pm]

**Mr P. PAPALIA:** Last year in this place, the commissioner said that it was the second budget in a row that prison muster growth had been identified as a threat to the budget, but there was no money in the budget for a new prison. I asked the commissioner whether he needed a new prison in the new term and, as I recall, he said, "Probably, in the next three years to open", or words to that effect. Noting that there is no new money in the budget for a new prison and the prison muster grew by 13 per cent since the commissioner sat over there and told us that he needed a new prison to open, now in two years' time, what is happening about accommodating this massive growth in the prison muster?

**Mr J.M. FRANCIS:** I thank the member for Warnbro for giving advance notice of this question last week. I think the commissioner was expecting it.

**Mr J. McMahon:** I note that in the *Economic and Fiscal Outlook* the government noted there was a budget risk in regard to what was asked last week.

**Mr P. PAPALIA:** For the third year in a row.

**Mr J. McMahon:** Yes. The actions taken specifically in regard to this is that at the moment we are optimising the public prison estate, and that means short-term contingency planning and things we are putting in. We are putting new facilities in at Karnet, Wooroloo, so that is for things there. We are also doing additional recruiting and we are planning for a range of new facilities. The planning has commenced for those new facilities. We are doing a number of short-term modifications to the estate to cope with the numbers that the member is seeing. As I said, the daily average prison population goes up and down and that has been evidenced by the last 20 years.

**Mr P. PAPALIA:** It does not go down very often, recently.

**Mr J. McMahon:** Actually, if I use the daily average prison population, the average over the last five years is 2.6 per cent. The average over the last —

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**Mr P. PAPALIA:** That is irrelevant. If I want to, I can get that information from the minister at any time. All those factors that the commissioner referred to existed last year. The new prisons to which the commissioner referred were already being built and the changes to use of the current estate were already underway. That was all in place when the commissioner said we need a new prison to open within three years from last year. What has changed?

**Mr J. McMahon:** Last year, I used the words “by nature, I am conservative” and as a director general that is what I need to be in prediction. The second word I used was “potentially”. I cannot not look at the fact that our population is growing. I am just taking the member back to the last 20 years of analysis. In the last five years, our daily prison population average is 2.6 per cent. This is the additional bit: in the last 10 years, it has grown —

**Mr P. PAPALIA:** It is pointless because if I asked the commissioner to make a prediction now, using the last five years’ average would be irrelevant because in the last two years we have had a steep growth in the prison population, and the commissioner does not know what is driving it. Does the minister know what is driving the steep growth in the prison population?

**Mr J.M. FRANCIS:** We can have periods when we have a low increase in the population and we can have periods when there is a sudden spike in the population. We can look at the most recent spike or we can try to average it out over a longer period.

**Mr P. PAPALIA:** Does the minister know what is driving the growth in the prison muster in the last 12 months?

**Mr J.M. FRANCIS:** Sure. The first fact is the increase in remand; we have talked about this before. Over four years, we have gone from 17 per cent of the entire adult prison population being remandees, as opposed to being sentenced, to now 30 per cent, is it not?

**Mr J. McMahon:** It is just under 30 per cent.

**Mr J.M. FRANCIS:** It is about 30 per cent. It has nothing to do with fine defaulters, and we have been through that. The Inspector of Custodial Services has obviously found that. As far as the daily average prison population is concerned, it is not an issue.

We have had almost negligible growth in the sentenced prison population, but we have had a significant increase in the remandee prison population, which is the key thing we have to consider. As to the reason, I can give the member my opinion. I think part of that might be judiciaries’ reluctance following Jill Meagher and Man Monis, and following the more violent nature of crimes that people are fronting judges and magistrates for. I put that down to being largely influenced by the meth issue in society, but that is my anecdotal opinion. I think these things are driving, more than anything else, the increase in the prison population—that is, the significant percentage on remand.

**Mr P. PAPALIA:** Does the minister know what is driving the steep increase in the prison muster over the last 12 months?

**Mr J.M. FRANCIS:** The increase in the number of prisoners who are being remanded.

**Mr P. PAPALIA:** Beyond —

**The CHAIRMAN:** Member for Warnbro, just hold on one second. Further question to the member for Girrawheen.

**Ms M.M. QUIRK:** In this context, can the minister advise us whether he has had any discussions with the Attorney General about increasing the number of judges, because that has been attributed to why trials are taking so long to get on and the long durations of remand periods?

**Mr J.M. FRANCIS:** The answer is yes, I have discussed it with the Attorney General, the Premier and the Minister for Police. We are constantly talking about these particular issues. One of the side effects of the issues of law and order and crime in the community is that the Department of Corrective Services is the receiver of issues that happen way before they get to us.

**Ms M.M. QUIRK:** But no money for judges?

**Mr J.M. FRANCIS:** That is not necessarily the case, but I am not going to speak for the Attorney General. Certainly when it comes to those on remand, a lot of them are remanded for a short time. In fact, I do not have to do it through a supplementary question, but I will get the member for Warnbro some information that I think is an interesting breakdown of the statistics of how long people are remanded for, when bail was granted, how many of them can make bail and how many of them cannot. It paints a picture.

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**Mr P. PAPALIA:** Further to that, how many people within Corrective Services are dedicated to analysing statistics and trends and things like the growth in the muster, what might be driving it and how do we manage that? Does the department have people dedicated to collating and assessing that data?

**Mr J.M. FRANCIS:** Obviously there is someone, because I ask the department from time to time for certain information that requires some kind of statistics to come back to me in a briefing note. No doubt when the member asks questions on notice, someone has to research that particular information. Obviously, the commissioner has someone who looks at the impact of these things.

**Mr J. McMahan:** In giving the member a specific, I need to be a little bit broader because all of us at every level look at data all the time. Even this morning before coming here, I was with my head of adult justice asking about what data he is seeing and what is driving it. That was particularly to do with programs. We were talking yesterday about different things. Coming back to specifics, when we did the change of structure, we set up a whole data area and in recent times we have put more data integrity tools in place. A class 1 runs that for us, and for a time we went back and started checking all that data. We have been reviewing our total offender management solution system and our community business information system and we are starting to produce documents that have real evidence.

**Mr P. PAPALIA:** Can the minister by way of supplementary information tell me the number of people, how many FTE and what levels are in that unit that the commissioner just referred to, whatever the name of it is?

**Mr J.M. FRANCIS:** I agree to provide by way of supplementary information to the member for Warnbro, information as to what resources are allocated within the Department of Corrective Services —

[12.20 pm]

**Mr P. PAPALIA:** Also, is there any funding associated with that role that might be used for consultancy or whatever with regard to that data analysis?

**Mr J.M. FRANCIS:** I will take resources as personnel and funding: what resources are allocated within the Department of Corrective Services to provide and investigate issues that drive the increase in the prison population.

[*Supplementary Information No A13.*]

**The CHAIRMAN:** We need to move on; we have had 11 questions on this.

**Ms M.M. QUIRK:** I refer to “Rate of serious assault per 100 prisoners” under “Outcomes and Key Effectiveness Indicators” on page 637. I have a couple of questions. The rate of serious assaults has increased substantially—in 2013–14 it was 0.48, it is now 0.68, and the estimated actual is one. This represents an increase of over 120 per cent. Is the government failing to provide a safe environment for prisoners? Can the minister tell me what is meant by “serious assault”?

**Mr J.M. FRANCIS:** Obviously, whether it is prisoner on prisoner or prisoner on prison staff, we take the issue of assaults and violence in the prison system exceptionally seriously. As for the performance indicator, I understand it is measured and reported according to national standards. It is not something that Western Australia does by itself. I believe the rate is calculated using the number of victims of serious assaults by prisoner on prisoner and prisoner on prison staff—so it includes both—divided by the daily average prison population over the year concerned and is expressed as a rate per 100 prisoners. A serious assault occurs when a victim is subjected to physical violence resulting in physical injury requiring medical treatment involving overnight hospitalisation in a medical facility—by the way, that could be a prison facility as well, not just a hospital—or ongoing medical treatment. Serious assaults also include all sexual assaults. My understanding is the target remains the same as last year, as a rate per 100 prisoners.

**Ms M.M. QUIRK:** Is the minister able to provide, by way of supplementary information, the actual numbers of serious assaults reported in the last year and break them down to separately include sexual assaults?

**Mr J.M. FRANCIS:** I can probably get the numbers by prison as well.

**Ms M.M. QUIRK:** Yes, and by prison.

**Mr J.M. FRANCIS:** I have not got the information here, but I will provide to the member for Girrawheen, by way of supplementary information, a breakdown of specific numbers of individual assaults, both prisoner on prisoner and prisoner on prison officer, including sexual assaults, and a breakdown by individual prisons within the estate.

**Ms M.M. QUIRK:** Can the minister also break it down to how many officers have reported being assaulted?

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**Mr J.M. FRANCIS:** I agree to provide that in the answer. If the member looks at the “Report on Government Services” that was issued a few months ago, there is some detail in there. My understanding is that prisoner on prison officer assaults are down by half. The increase would be in prisoner on prisoner assaults. Assaults on prison officers are way down. That will be in the supplementary information.

[*Supplementary Information No A14.*]

**Ms M.M. QUIRK:** I understand that the definition of “serious assault” might have changed recently. Is the minister aware of that?

**Mr J.M. FRANCIS:** Commissioner?

**Mr J. McMahon:** Yes, I am aware of that.

**Ms M.M. QUIRK:** Can the minister explain why that has occurred?

**Mr J.M. FRANCIS:** I will have to provide the member with supplementary information about why that is.

**Ms M.M. QUIRK:** The supplementary information to be provided is details of why the serious assault definition has changed —

**Mr J.M. FRANCIS:** I think it came from the national standards.

**Ms M.M. QUIRK:** — and how that makes the comparison between this year and last year possible.

**Mr J.M. FRANCIS:** I will ask the commissioner to speak in a minute, but I agree to provide details to the member for Girrawheen, by way of supplementary information, about why the definition of “serious assault” has changed and what impact that has had on actual numbers. I will ask the commissioner to comment as well.

**Mr J. McMahon:** The only other thing I would like to add for clarity is that the supplementary information will provide specifics about what has changed. The reason for the change is to make sure our data integrity is far better in what we are reporting. That is an important issue. We are actually saying that is an apple with an apple.

**Mr P. PAPALIA:** Does the assaults data include assaults that occur when there has not been an overnight stay within the prison? If someone who is incarcerated for a shorter period is assaulted, is that included in the statistics?

**Mr J.M. FRANCIS:** I would have to find that out.

**Mr P. PAPALIA:** Could the minister find that out as part of his answer?

**Mr J.M. FRANCIS:** I will put that in the answer.

**The CHAIRMAN:** It is agreed that will be included in supplementary information A15.

**Mr J.M. FRANCIS:** Correct.

[*Supplementary Information No A15.*]

**Mr P. ABETZ:** I refer to the second last item on page 637, “Rate of return—offender programs (adult)” under “Outcomes and Key Effectiveness Indicators”. It indicates that Western Australia is hovering around a recidivism rate of 40 per cent. I could not find in the *Budget Statements* what is actually being expended in terms of funding programs to try to reduce recidivism. I understand there has been a major review of the various programs that are conducted in prison. How much funding has been allocated for that?

**Mr J.M. FRANCIS:** I will make a quick comment and then I will ask the commissioner to make a brief comment so that we can move on. The contracting of certain services, both external and in-house delivered services, is deliberately to try to address the issue of reoffending, and it has had varied results in the past. It is obviously important that when we spend taxpayers’ money we get actual results for it, which is why there has been a change in the way the department has managed those specific contracts. The net result of all of that is we are seeing a decrease in the number of adults returning to prison. Although there is still a long way to go and a lot of work to be done, Western Australia still has the lowest rate of recidivism of any Australian state or territory. I will ask the commissioner to make some comments on that.

**Mr J. McMahon:** As the member might know, when we came in, we changed the structure in adult justice. When we changed that structure, we had an assistant commissioner in charge of community, an assistant commissioner in charge of custody under a deputy commissioner, and a third one, which is important, is the one we have added on—an assistant commissioner in charge of rehabilitation and reintegration. That has been done so that we can really focus on getting the results the minister has just outlined. Over the last three years, prison-to-prison, prison-to-corrective services in adult, has been trending down ever so slightly, but around those figures that have been outlined. I have the figures. We put the budget together for rehabilitation and reintegration

services, which is under the Prisons Act. The information I have been given is that in 2014–15, the total spend was \$63.2 million. In 2015-16, the total budget is \$60.9 million. As the member knows, that is a slight decrease, but it needs to be put in the context of a slight decrease there by about five per cent; on the other side, the member will notice the rates of reoffending prison-to-prison and prison-to-corrective services has been coming down over the past two years. The other point I would like to make is that, as we have done with Youth Justice Services, we are now reforming and co-partnering on the way we want our programs and contracted services done. Youth Justice Services is a year advanced; we are now doing that in adult justice. If I could give the member an analogy: we are saying these are the programs and contracted services we want, rather than the sector offering, and we are trying to get people to co-partner to deliver what we need. That makes sense, given that, intuitively, I think for some of our cohort we need other programs to deal with reoffending or reducing reoffending.

[12.30 pm]

**Mr P. ABETZ:** A major review of all contracts is taking place: when will the new contracts begin to be let for the adult side of things?

**Mr J. McMAHON:** We have started that process for adult justice, and it will be happening over the next 12 months. Under the procurement guidelines, some of them will be done earlier and some later. We need to do it in accordance with the procurement guidelines the government sets down and legislates for. As I said, Youth Justice Services has done that, and we have had some reasonably positive feedback about that co-partnering model going forward.

**Mr P. PAPALIA:** I find it difficult to reconcile the massive growth in the prison muster with the claim that there has been a reduction in recidivism.

**Mr J.M. FRANCIS:** They are new people going to jail.

**Mr P. PAPALIA:** That aside, would it not be the case—recidivism begins to be marked across jurisdictions two years post-release—that any reduction in the recidivism rate in the last couple of years has resulted from initiatives and programs implemented prior to the minister’s arrival in late 2013?

**Mr J.M. FRANCIS:** Yes, perhaps some of them would be, but —

**Mr P. PAPALIA:** Further to that: you are now changing everything that might have been working.

**Mr J.M. FRANCIS:** No, but it can always work better.

**Mr P. PAPALIA:** I do not think it was working, by the way, but —

**The CHAIRMAN:** One question at a time.

**Mr J.M. FRANCIS:** As to the first part of the member for Warnbro’s question, the statistics are correct; they do not lie. If the number is down just over 39 per cent, that has come down.

**Mr P. PAPALIA:** Which number has come down 39 per cent?

**Mr J.M. FRANCIS:** The recidivism rate —

**Mr P. PAPALIA:** Which recidivism rate?

**Mr J.M. FRANCIS:** — has come down, although the prison population has gone up. The only thing we can take —

**Mr P. PAPALIA:** Does the minister mean two-year post-release recidivism?

**Mr J.M. FRANCIS:** The only thing that can reflect —

**The CHAIRMAN:** Members! Just remember that Hansard is trying to take this.

**Mr P. PAPALIA:** Yes; sorry.

**Mr J.M. FRANCIS:** The only thing that that can reflect is that a large number of the people contributing to the increase in the prison population are first-time prisoners. So that cannot be reconciled, but that is the way it is. The only net result is that the people coming in are first-timers.

**Mr P. PAPALIA:** That is not reflected in the answers the minister gives me when I ask other questions about how many people have entered prison for the first time, and subsequent times in other questions. It does not matter. Shall we just move on? I have one question on that.

**Mr J.M. FRANCIS:** Just quickly: the Australian average is 44.3 per cent.

**Mr P. PAPALIA:** Where is this data published for the public to assess that information?

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**Mr J.M. FRANCIS:** It is in the “Report on Government Services”. The Australian average is 44.3 per cent. In New South Wales, prisoners released from prison who returned to prison with a new sanction within two years—there is the two years; I will provide this for the member.

**Mr P. PAPALIA:** Where is this data published?

**Mr J.M. FRANCIS:** It is published in the “Report on Government Services”, which compares the states. New South Wales is 48 per cent, Victoria is 44.1 per cent, Queensland is 40.9 per cent and the national average is 44.3 per cent. We are at 36.2 per cent.

**Mr P. PAPALIA:** I have to get on to other stuff.

I refer to the last dot point on page 635 under “Significant Issues Affecting the Agency”. With regard to the Auditor General’s report, in which areas were the issues of invoice splitting identified?

**Mr J.M. FRANCIS:** If the member wants some details of specific examples, I will have to provide them to him as supplementary information. I will ask the commissioner to briefly talk about the issue.

**Mr J. McMahan:** There is not a great deal to add, other than invoice splitting was being done so it would come under the authorisation amount within the department. Case by case on specific examples I cannot recall whether that was done in a fraudulent way as in to deceive; it was done in a way so that they could get what they needed done on site, and the Auditor General in particular picked that up under one of our qualified audits.

**Mr J.M. FRANCIS:** He did not find that there was any —

**Mr P. PAPALIA:** Can the commissioner recall what the Auditor General said about invoice splitting and why it is not an acceptable practice?

**Mr J. McMahan:** I understand it is not an acceptable practice because that is why we have the delegations and so on.

**Mr P. PAPALIA:** Yes, the delegations. Do people do it to break their delegated authority?

**Mr J. McMahan:** Correct.

**Mr J.M. FRANCIS:** Correct.

**Mr P. PAPALIA:** Therefore, they are vulnerable to committing an act that could be corrupt?

**Mr J. McMahan:** Correct.

**Mr J.M. FRANCIS:** My recollection was that he found that there were not any examples of corrupt purchases, other than—but they did breach their delegated limit; that is why they split their invoice.

**Mr P. PAPALIA:** That is not acceptable, is it?

**Mr J.M. FRANCIS:** This will all be addressed with the rollout of the Socrates program, and the new system that will stop that from happening.

**Mr P. PAPALIA:** As I said, I would like to know where those instances occurred.

**Mr J.M. FRANCIS:** Sure. Yes, we can provide that information for the member. I agree to provide to the member for Warnbro, by way of supplementary information, examples or a list of known circumstances in which invoice splitting occurred that were identified by the Auditor General.

[*Supplementary Information No A16.*]

**The CHAIRMAN:** Member for Perth.

**Mr P. PAPALIA:** I am still pursuing this point on the Auditor General’s report.

**The CHAIRMAN:** I know you wanted to move on, and there are a few people on the list.

**Mr P. PAPALIA:** I do not want to move on from this one right now.

**The CHAIRMAN:** Okay.

**Mr P. PAPALIA:** With regard to that issue and the more extensive issues around the Auditor General’s report, can I ask about the work being performed by Mr Phil Hinton and Mr Matthew Negus, and how they came to be engaged by the department?

**Mr J.M. FRANCIS:** I will ask the commissioner to answer that question. I am not aware of them.

**Mr J. McMahan:** How they came to be engaged was obviously through the normal procurement process. I understand they are on the common-user agreement.

**Mr P. PAPALIA:** No, they are not.

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**Mr J. McMahon:** That is my understanding, or they are subcontracted through another company through that. I am not sure how that works. It went through a normal tender process in accordance with the standards and requirements of procurement. They are working on two major pieces of work. The first piece of work is the Socrates program, and they were pretty well at the start of Socrates through to its completion; their part in it will be completed in a couple of months. The second thing they have been involved in is the change program—the restructure of the department—and also some of the human resources associated with that.

**Mr P. PAPALIA:** How did they come to the attention of the department and how they did come to be chosen to perform those tasks?

**Mr J.M. FRANCIS:** I will ask the commissioner to answer that question because I do not know that detail.

**Mr J. McMahon:** As part of a normal procurement process.

[12.40 pm]

**Mr P. PAPALIA:** Does the director general know whether Mr Hinton's company, PHC, is on the common-user agreement?

**Mr J. McMahon:** I do not know exactly whether it is on the common-user agreement—that was my understanding—or whether it is used as a subcontractor to someone on the common-user agreement.

**Mr P. PAPALIA:** Further to the ongoing question about the Auditor General's report, is the minister aware of the use of a common-user agreement contract that had not at that time been let for payment for work to contractors? This relates to questions on notice that I have asked of the minister about the use of an invoice for a common-user agreement that has not even been let. It is covered by the Auditor General's report.

**Mr J.M. FRANCIS:** Has the answer date passed yet?

**Mr P. PAPALIA:** In April, we asked a question about DCS common-user agreement 1/2016. We understood that the contract for that common-user agreement had not yet been let, and yet invoices had been paid with that as a reference. PHC, Mr Hinton's company, had invoices dated 15 February and 22 February this year, all clearly referenced by PHC as DCS common-user agreement 1/2016. I am wondering what that common-user agreement reference is, and how Mr Hinton came to use it twice, when, as I understand it, it had not even been let at that time.

**Mr J.M. FRANCIS:** We would have to take that on notice.

**Mr P. PAPALIA:** Can we get it as a supplementary? Is it true that PHC referenced DCS common-user agreement 1/2016 on invoices for 15 February 2016 and 22 February 2016, and what is that common-user agreement? What does the number refer to?

**Mr J.M. FRANCIS:** I agree to provide supplementary information to the member for Warnbro relating to PHC and common-user agreement 1/2016, and what the common-user agreement is for.

[*Supplementary Information No A17.*]

**Mr P. PAPALIA:** I have one further question on this. Again, under the Auditor General's report and associated fields, what work is being provided by Gel Group and Chandler McLeod, and does their work comply with Treasurer's Instructions on the engagement of contract staff?

**Mr J.M. FRANCIS:** I agree to provide supplementary information to the member for Warnbro relating to the work that Gel Group and Chandler McLeod are undertaking, and whether their contract complies with the Treasurer's Instructions for the engagement of contract staff.

[*Supplementary Information No A18.*]

**Ms E. EVANGEL:** I am concerned about the number of young people on the streets, and the possibility of offences being committed while they are out there. On page 635 of the *Budget Statements*, under significant issues impacting the agency, there is reference to the work of the Youth Justice Board. Can the minister please elaborate on the work that the government is doing to reduce the number of young offenders in our detention system?

**Mr J.M. FRANCIS:** I will keep this answer fairly short. We have spoken every year in estimates about what we are doing about juvenile incarceration, and also in looking after juveniles in the community who are in the justice system. Obviously, we have been very focused on trying to reduce the incarceration rate in particular of Aboriginal juveniles at Banksia Hill. The good news is that the incarceration rate has declined markedly and has stayed fairly low. I think the population today is about 135, so we have managed to maintain it at a fairly low level, which is good. That figure includes both sentenced and remanded juveniles within the detention centres. I will ask the commissioner to make some brief comments about the work of the Youth Justice Board.



Mr Paul Papalia; Mr Joe Francis; Ms Margaret Quirk; Chairman; Mr Peter Abetz; Ms Eleni Evangel; Mr Murray Cowper

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**Mr J. McMahon:** The Youth Justice Board is not the only reason for the decline in the daily average number of young persons in incarceration. That figure has come down significantly, and over the past year we have seen a decline in the year to date of almost 15 per cent. That figure might go back up, but it is good from the perspective that those young children are not coming back into the system. If I can put that into some perspective, the Youth Justice Board is not the only reason that is happening; there are other trending factors that we are seeing across Australia. The Youth Justice Board came in to bring in new initiatives. I will be very quick. It has brought in 10 or so new initiatives, from longitudinal mentoring right through to the use of the Aboriginal Legal Service, and some of those programs seem to be working.

**Mr P. PAPALIA:** Further to that, can the minister explain why the regional Kimberley and Pilbara youth justice initiatives are being cut in two years' time, according to the forward estimates.

**Mr J.M. FRANCIS:** I might have received a question from the member last week in question time on this matter. The bottom line is that royalties for regions funds have a finite lifespan. I believe that the draft of the assessment is still being finalised, but much of the service will now be funded from the consolidated account, so it is not necessarily being cut; there are funding transfer arrangements as well.

**Mr P. PAPALIA:** Will there be a line item for it?

**Mr J. McMahon:** If there is not, I know that the funding will be up to \$7.5 million.

**Mr P. PAPALIA:** For when?

**Mr J. McMahon:** That is for the next financial year.

**Mr P. PAPALIA:** It is the year after that I am concerned about because, as I understand it, there is no money after that.

**Mr J.M. FRANCIS:** The advice I have is that much of the arrangements and the contracts are being transferred from the royalties for regions funding source into the consolidated account. I do not have my question time file in front of me, or I would have had the details.

**Mr M.J. COWPER:** I refer to page 640 and the asset investment program. What are the cost and manpower implications of keeping open Broome Regional Prison—a prison that was described back in 2007 by the then Inspector of Custodial Services, Professor Harding, as “Third World”? I am wondering how the minister is going with his Kimberley plan arrangements, in concert with the new facility in the West Kimberley.

[12.50 pm]

**Mr J.M. FRANCIS:** The bottom line is that that facility will stay open. It is something that we reviewed about three years ago and we looked at the options and the benefits it provides both as a short-term remand facility for Aboriginal people in that area —

**Ms M.M. QUIRK:** Plus it could be linked to native title if it was closed down.

**Mr J.M. FRANCIS:** That was not a consideration at all—not for us. What would happen to it if it was closed down was not a consideration whatsoever; it was the impact it would have on the community. I know that the local member also was very keen that it stay open. She went through a number of the different issues; in fact, I went through that prison with her when she was up there. The commissioner reviewed the future requirements of the facility and, as much as it is a prison, the benefits it provides to the Broome community, and his decision was to maintain that particular prison.

**Mr J. McMahon:** As the member knows, our aim is to keep West Kimberley Regional Prison in Derby as a sentence-based prison predominantly for Aboriginal prisoners; it has that focus. Broome is an important link. We did the review in the first year I was commissioner and got support to keep it more as a remand and reintegration-type facility. It also links with Wyndham Work Camp. We are trying to get the three of those as one package to keep Aboriginal people in particular on country.

**Mr M.J. COWPER:** What are the cost implications?

**Mr J.M. FRANCIS:** I cannot give the member an exact answer on that, but the cost implications of not keeping it there would mean that there would not be a local facility and transport would take a couple of hours each way, whether that be done in-house or by contractor transport. A large number of people who are remanded or complete their sentence at the prison have family in the area, so that would involve visitors travelling for hours each way. All these options would have to be weighed up.

**Mr M.J. COWPER:** The decision was to look at another facility for the remand centre, either adjoining the courthouse or somewhere near the airport. The prison was built over 100 years ago and 10 years ago it was

described as a Third World facility. I can understand the reasons that the local member wanted to keep it, but it is a substandard facility.

**Mr J.M. FRANCIS:** There are probably a lot of substandard facilities across the state, but the commissioner has made the decision —

**Mr M.J. COWPER:** I am asking only about the Broome one.

**Mr J.M. FRANCIS:** The commissioner has made the decision to keep the facility open because of a number of different factors that we have outlined.

**Mr M.J. COWPER:** I suppose the minister will tell me to ask this question a bit later on, but how does that sit with the commissioner when continual reports from the Inspector of Custodial Services show that the facility is not fit for keeping people in?

**Mr J.M. FRANCIS:** The commissioner.

**Mr J. McMahon:** I suppose, with everything, the inspector provides guidance, oversight and, quite frankly, the straight inspection and gives us very clear guidance about what is acceptable and what is not. We appreciate that. Things in our estate do not change quickly and, therefore, if we need to look at alternatives, we will, and if we need to do upgrades, we will. But the balance and the value judgement are about keeping people on country and near to family, and that is based on the rehabilitative side. In the short term, the greater value—the big “V”—is: is it about looking after people on country rather than bringing them all the way to Perth and not being on country? That was the judgement made at that time. Do we need to do more at Broome Regional Prison? Absolutely, and we have some programs to do that at a minor level. Long term, as the member knows, with optimisation of the estate—it is similar to a previous question—all those things are on the table.

**Mr P. PAPALIA:** I refer to the line item “Female Prisons—Women’s Remand and Reintegration Facility” under “Works in Progress” in the asset investment program table on page 640 of the *Budget Statements*. Last year when we asked how much it cost to replace the wall that was knocked down, the minister was not able to tell us the cost because the work had not been completed. Does he now have the cost for the new wall in that facility to replace the one that was knocked down a couple of years before?

**Mr J.M. FRANCIS:** For the actual wall —

**Mr P. PAPALIA:** Yes, for the wall component.

**Mr J.M. FRANCIS:** I would have to take that on notice. There is more to what is being done out there than just building a wall.

**Mr P. PAPALIA:** Could the minister do that? I am interested in the wall.

**Mr J.M. FRANCIS:** I would have to find out the cost for just the wall.

**Mr P. PAPALIA:** Can I ask for that as supplementary information?

**Mr J.M. FRANCIS:** It is a different wall from the other one and there is a lot more to the facility than just the walls.

**Mr P. PAPALIA:** That is fine. I would appreciate all the detail of the wall, but mainly the cost.

**Mr J.M. FRANCIS:** I agree to provide to the member for Warnbro as supplementary information further information on what modifications have been done to establish the women’s remand and reintegration facility at Hakea Prison from the old units 11 and 12, including an estimate of the cost of the wall and also other works that were required. I would hate the member to run with just one little line and not paint the full picture to the media.

[*Supplementary Information No A19.*]

**The appropriation was recommended.**