

MINISTER FOR CORRECTIVE SERVICES

Standing Orders Suspension — Motion

MR Z.R.F. KIRKUP (Dawesville) [2.59 pm] — without notice: I move —

That so much of standing orders be suspended to enable the following motion to be moved forthwith —

That this house condemns the Minister for Corrective Services for being weak on law and order and allowing convicted paedophiles to be left unsupervised in public places frequented by children, for failing to notify the community after losing paedophiles who were being electronically tracked, for allowing illegal drugs to pour into our prison system and for adopting a policy of releasing criminals instead of building a new prison.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [2.59 pm]: I rise to add to the motion. I move —

To insert after “forthwith” the following —

, subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government members

In doing so, I highlight to the house that during this debate, several members of this side of the house will be attending a function with victims of crime and sexual abuse as we believe that is more important at this point in time given today’s significant statement and debate in the place earlier today.

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR Z.R.F. KIRKUP (Dawesville) [3.01 pm]: I move the motion.

The opposition is moving this suspension of standing orders not without recognition of the serious nature of what is occurring in our state’s criminal justice system. Time and again we have seen exceptional and concerning developments in our state’s justice system, in particular, what is occurring in our state’s prisons.

As part of the minister’s response, we expect and I hope to find out exactly what he is doing to ensure that he rights the multitude of wrongs that continue to occur under his watch. I note that in question time he stated that he intends to refer a number of the officers identified in one of the CCC reports released yesterday to the Western Australia Police Force or prosecuting authorities, but this is a systemic and embedded issue in our state’s prison system. I expect a minority of prison officers is involved in corruption in the system, but we need a very clear plan and indication from this minister of exactly what he intends to do to, for once, take responsibility and deal with what I think is a very serious issue.

When we say that it is a serious issue, we are not talking about just what has come to light over the last two days, but what has come to light over the last couple of months. Exposé after exposé, report after report, question after question—the minister has been lacking. Prisoners have been completely inadequately supervised whilst out in the community. They include murderers, criminals with organised crime links and paedophiles. They were out and about in public with basically no oversight or supervision. In fact, it was lacking so much that they got up to some fairly horrendous acts in public that would be illegal all over again.

Through the parliamentary estimates process we found that corrective services lost contact with offenders who were meant to be monitored around the clock via GPS bracelets. Reports released by the CCC today found that there was inappropriate use of force at Hakea Prison, Eastern Goldfields Regional Prison and Bunbury Regional Prison. From my and the opposition’s perspective, the most damning and concerning report was the report released yesterday into corrupt prison officers who smuggle contraband and drugs into our state’s prisons.

Time and again these issues crop up and the minister fails to take full responsibility and deal with them. On this side, we want the minister to take action and deal with what the CCC and we have found to be very serious issues. For some bizarre reason the government does not appear to have any willingness to address these systemic issues.

I am increasingly disappointed by the minister’s flippancy about issues that we in the opposition continue to raise. When we asked a question about GPS tracking in budget estimates the minister simply did not know about it. It seems he had not been well briefed by his agency or was completely ignorant that the issue had happened in other jurisdictions —

Mr F.M. Logan: Stop misleading the house!

Mr Z.R.F. KIRKUP: It is not misleading the house at all, minister. When you suggest that you had no information at all —

Mr F.M. Logan: You asked the question of the director general as well, you idiot!

Withdrawal of Remark

The ACTING SPEAKER (Mr I.C. Blayney): Minister, I have to ask you to withdraw that, please—the comment pertaining to the member who is on his feet.

Mr F.M. Logan: To the member being an idiot?

The ACTING SPEAKER: Yes.

Mr F.M. Logan: I withdraw.

The ACTING SPEAKER: Members, can we just keep it down so we can get through this, please?

Debate Resumed

Mr Z.R.F. KIRKUP: Flippancy and arrogance is once again on display by this minister. It happened with the GPS tracking of offenders. It happened in question time when I asked about unsupervised prisoners. The minister made a personal explanation, I think, similar to what just happened with the member for Carine under the similar standing order. He said it was not paedophiles who were out and about in public places and, in particular, Hungry Jack's. It was organised criminals and murderers, as if that was somehow better. I do not think that is better than the situation raised in question time.

Mr F.M. Logan: I was correcting your fabrication!

Mr Z.R.F. KIRKUP: The way the minister approached that was flippant and completely disregarded the serious nature of what this house has to deal with and the problems the CCC has found exist within the state's prison system.

Today the Corruption and Crime Commissioner added more weight. In Gareth Parker's segment on 6PR he spoke about the CCC reports that were tabled today and yesterday. I would like to read some highlights to the house today. He said that the CCC did not know how many prison officers might be part of the corrupt minority. He highlighted a systemic lack of processes, transparency and accountability in relation to the screening and testing of officers. He said that he did not know how many prison officers were vulnerable to being corrupted by prisoners. I was most concerned that he suggested that there were no worthwhile checks in place at prisons across Western Australia, which now allow drugs to be smuggled in. He also said that there was no fortitude whatsoever to tackle this issue. The commissioner stated that this was an urgent problem. Former Justice McKechnie stated that this is an urgent problem that needs to be dealt with here and now. He said that actions speak louder than words, and that he would like to see some action on this matter urgently—proper action and proper resourcing.

That is the Corruption and Crime Commissioner, a third party who has investigated this issue quite extensively. He is saying that this government needs to be doing more and to act. It needs to not just talk about this, but take actual action and give it proper resourcing.

The opposition does not have enough time this afternoon, in the 10 minutes we have left, to go through all the significant issues that have been uncovered, not just by the CCC, but by the opposition's own work as well, but I will summarise very quickly what we have found out to date and leads us to stand here today and condemn this minister for his absolute inaction on this matter.

Several members interjected.

The ACTING SPEAKER: Members!

Mr Z.R.F. KIRKUP: If members opposite want to deal with this so loosely and if there is no problem here at all and they want to continue to throw barbs at me, that is fine. However, the opposition chooses to deal with this very significant issue seriously and go through this as much as we can in the 10 minutes we have. It is an urgent matter for us and this house.

Firstly, there was a CCC report into the supervision of prisoners while they were out in the community. Attached to that CCC report was harrowing vision from CCTV in a Hungry Jack's restaurant of prisoners free to do whatever they wanted. That CCC report, which was tabled on 11 May 2018 stated —

- [1] When a prison officer delivering supplies stops off at a Hungry Jacks restaurant to buy ice creams for 'his boys', and allows a prisoner serving a lengthy sentence for drug offences to disappear into the toilet for a few minutes on a pre-arranged visit with an associate, the security risks to the public and the prison system are obvious.

[2] Or they should have been to the Department of Justice ... which continues without the most basic precautions to allow lone prison officers to be accompanied on deliveries by prisoners.

...

[11] The prisoners who accompanied ...

The prison officer —

... were, in the main, nearing the end of substantial prison sentences. Many had been convicted of the most serious criminal offences, including wilful murder and child sex offences.

The vision shows a parent's worst nightmare—prisoners who might be paedophiles or others out in public without any adequate supervision whatsoever. When this report came out I expected a lengthy statement specifically updating the house and the people of Western Australia on what the government would do to ensure that this did not happen again. We saw none of that! Further, there was no responsibility taken for the fact that this happened entirely under this government and this minister's watch.

The second issue is what we found out during parliamentary estimates. We have gone over this and canvassed it in this place a number of times, but we still do not know the exact number of prisoners who are meant to be monitored around the clock. We still do not know the specifics of what happened when we lost track of them during a telecommunications blackout. We do not know what happened, because the department, unlike other jurisdictions across the nation, has not updated us. Unlike in other jurisdictions across the nation, the minister has not updated us specifically about what happened. If I were a minister in his position, I would table a statement in the house. At the very least I would read in a brief ministerial statement outlining specifically what happened, how many offenders we lost contact with and the nature of the loss of contact. We still do not know, and there is no sense of transparency or accountability from this minister or this government. Once again, the minister completely lacks any sliver of responsibility for the actions undertaken by his agency. I find it fascinating when, in budget estimates or in question time, the minister says that he did not know, the director general did not know, the commissioner of prisons did not know, but someone down the line did. That in itself is a problem. The person who monitors those prisoners and is responsible for community-based offender management did not let the commissioner, the director general or the minister know. That in itself is a problem—the government, even in a bureaucratic and departmental sense, cannot get that structure right, when we lose contact with prisoners in the community who are meant to be monitored.

I move to the Corruption and Crime Commission report released yesterday on corrupt prison officers who, as we found, were unfortunately part of a scheme to smuggle drugs into the state's prisons. The CCC report also found that our state's prison system is now considered to be a corruption hotspot. A hotspot of corruption and unethical behaviour exists in Western Australia, and what do we see from this minister? Nothing. We see that the referral was raised as a result of parliamentary questions today, but there is no statement out there suggesting exactly what action or recourse the minister will be taking to assure himself that there will not be any criminal, corrupt or unethical behaviour in our state's prison system. The CCC report is incredibly concerning. It is concerning to see what happens from a prison officer's perspective, and what prison officers are able to do. The report reads, in part —

With assistance from Acacia prison management, the Commission uncovered multiple incidences of custodial officers associating with criminals and members of organised crime syndicates, using prohibited drugs, smuggling prohibited drugs into prison and taking bribes in the form of cash and drugs. The investigation also uncovered one instance of custodial officers illegally importing prohibited drugs into Australia.

None of these custodial officers had a history of criminality. Rather, this report highlights how prisoners and organised crime syndicates can exploit an officer's weaknesses in order to corrupt them.

I find it fascinating, as I have spoken to the minister about, that prison officers might be groomed, and prisoners seek to do that in order to corrupt our prison system. That is all there is. There does not seem to be any systematic review of what is occurring. I would think that the minister would want to make sure that he is absolutely certain that each prison officer in our state's prison system is acting absolutely aboveboard, with the highest level of ethics, accountability and transparency, but once again we do not see this minister taking any responsibility for any course of action to make sure of that accountability to the state and people of Western Australia. The member for Hillarys is about to jump up and, in the final moments, go through some of the concerns the opposition has in this place. The lack of transparency and accountability, and flourishing corruption in our state's prison system are the reasons we are debating this motion today. This is a minister with a lack of accountability and transparency. We have seen very little action from this minister to correct this behaviour. The minister needs to stop hiding. He needs to pull his head out of the sand and provide a clear response to this house on these concerning findings by the CCC in these multiple reports and, if he refuses to do so, the Premier should stand him down.

MR P.A. KATSAMBANIS (Hillarys) [3.15 pm]: I rise to associate myself with this motion. The lead speaker, the member for Dawesville, has highlighted the concerns. In the past six weeks we have seen two completely and utterly damning reports into the management of our prison system under the watch of the Minister for Corrective Services. On 11 May we received a report on inadequate supervision of prisoners in the community. We saw that vision. We saw how prison officers were facilitating dangerous criminals, not only hanging around in public restaurants, but also going off and having prearranged assignations in the toilets of those restaurants. Any law-abiding member of the community would be extraordinarily concerned that these dangerous criminals were allowed to wander around in public places when they should have been locked up in jail. Yesterday, we saw the report about our prisons being awash with drugs. The report highlighted the fact that prison officers were being corrupted and were acting corruptly. I sometimes worry about saying they were being corrupted they were being groomed. No—they are corrupt prison officers. They have chosen to go down that path, and they have done so to the detriment of our state. Our prisons are awash with drugs as a result of these corrupt prison officers acting in concert with organised criminals. It should be alarming that the CCC has made a series of recommendations. It has questioned the reliability and the effectiveness of the current search and screening procedures for entry into prisons, and whether the current drug testing regime is effective, and it has called for a review. In response, the government says, “Don’t worry about it; we’re dealing with it.” The CCC says it is not, and that the government should be reviewing what it is doing to see how it can be done better. Instead, this minister and the government stick their heads in the sand and say, “Nothing to see here; we move on.” It is not good enough. The public of Western Australia expects that dangerous prisoners should be in prison, not out at a Hungry Jack’s restaurant and having assignations in public toilets when they should be in prison. The public of Western Australia expects that our prisons should be drug free.

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [3.18 pm]: In all the statements made by the member for Hillarys and the member for Dawesville, one thing seems to have been overlooked. There is one thing the member for Dawesville seems to have overlooked. He can make claims about my failure over the past 18 months to respond to Corruption and Crime Commission reports, or be outraged by the CCC reports, but he has overlooked one thing. The CCC media release states —

The CCC’s work into corruption risks in the State’s prison system is part of an ongoing joint investigation with the Department of Justice.

I have said that before in this house, and the member has simply not listened. We are undertaking this investigation jointly, member for Dawesville. The CCC is putting out these reports because of action we are taking with the CCC and the Department of Justice. The actions being taken by this government are resulting in corrupt officers being caught. The CCC reports that the member uses to try to nail me as being not responsible for, resulted from the government asking the CCC to do that work.

Mr Z.R.F. Kirkup: They did not start before you were in power. Is that what you’re saying?

Mr F.M. LOGAN: I will take that point as well. Does the member know what happened in 2012, when he was advising the Premier? The then government closed down the drug strategy. In 2015 the previous government got rid of the joint drug task force, on the member for Dawesville’s watch—the joint drug task force that involved the CCC. That is what happened. Why is the CCC now back investigating matters in the prison system? It is because we asked it to.

Mr Z.R.F. Kirkup: So it doesn’t predate you then.

Mr F.M. LOGAN: It predates our government; all these problems predate our government, as the member for Dawesville well knows. Not only that, these issues predate even the former Liberal–National government, the Labor government before that, and the Court government before that, because these are issues that every single prison system in Australia and the world has to deal with. These issues are internationally recognised by every corrections body, including in Singapore. I was there only last week and I will give a report on that tomorrow. Even Singapore, with its tight security, has the same problems. These are ongoing issues that impact on corrections—that is, the continued attempt by criminals to smuggle drugs and contraband into prisons.

These CCC reports are coming hard and fast because of the work we are doing and because of the hammer we are putting down in the area of contraband security. The member for Dawesville might laugh; he should go and get a briefing from the Department of Justice. Instead of sitting there being smart, he should go and get a briefing from the Department of Justice and listen to it. I will arrange it for him; he should go and get a briefing from the intelligence area of the Department of Justice and he might learn something.

There is a significant difference between what we are doing as a government and what the previous government failed to do. The Liberal–National government got rid of the drug strategy in 2012. The Liberal–National government got rid of the drug coordination unit in 2015. Surprise, surprise; as the member for Dawesville puts it, the jails are awash with drugs. How did that happen? Because his government allowed it to happen.

Mr Z.R.F. Kirkup: Take some responsibility!

The ACTING SPEAKER (Mr I.C. Blayney): Thank you, member.

Mr F.M. LOGAN: I think it is trite for the member for Dawesville to say, “Take some responsibility” in this house, after the absolute disaster the previous Liberal–National government left for this state in the areas of both finance and corrections. Corrections was a disaster. The previous government left me to pick up a portfolio that had a prison system bulging at the seams and no money. The previous government left me to pick up a portfolio in which overtime was out of control, by 150 per cent. It left me to pick up a portfolio in which security was lax because the previous government had got rid of the various bodies that were set up to try to catch contraband. Not only that, it left me with a portfolio with overcrowded prisons and no money to deal with them on a year-to-year basis. The current Leader of the Opposition as then Treasurer went to the people in the 2017 election campaign promising a new prison that was fully funded, but there was no money for it. Now the member for Dawesville has the hide to say to me, “Take some responsibility” after —

Mr Z.R.F. Kirkup interjected.

Mr F.M. LOGAN: Mr Acting Speaker, I am not asking for those interjections.

The ACTING SPEAKER: Minister, if you direct your comments to me, I am sure the member for Dawesville will assist.

Mr F.M. LOGAN: I am speaking through you, Mr Acting Speaker.

This comes after the previous government left me with an absolute basket case of a portfolio. It now expects me, 18 months later, to wave a magic wand and fix all the problems it left me. It does not work like that. I repeat: the issues that are coming up now, the matters that are being released now by the CCC, come as a result of me taking a very, very hard line in the area of contraband and smuggling. Members will find that that will tighten up even further under my leadership as minister.

Can I now respond to the questions put by the member for Dawesville about what is going on. It is all there in the CCC report. There are five recommendations on the area of drugs as they relate to those two officers at the privately operated Serco prison, Acacia. Those five recommendations are being picked up and are currently being implemented by the Department of Justice, in line—as I indicated earlier today—with all the recommendations that came out of the Auditor General’s report.

Mr Z.R.F. Kirkup interjected.

Mr F.M. LOGAN: Mr Acting Speaker.

The ACTING SPEAKER: Thank you, member. I think the minister does not want to take any more interjections.

Mr F.M. LOGAN: We are implementing all the recommendations of the Auditor General’s report and the five recommendations of the CCC report. I note that the private operator of the prison, Serco, has also acknowledged that it is implementing those recommendations.

With regard to Acacia Prison and its private operator, I have had three meetings with Serco about drugs, allegations of drugs going into Acacia Prison, and allegations that have been put to me about the smuggling and use of drugs into Acacia—so much so that I asked to meet with the head of Serco. He flew over from the eastern states to meet with me. I expressed my clear displeasure at the rumours and allegations that have been made about drug smuggling into Acacia Prison and demanded to know what Serco was doing about it.

At my second meeting with Serco, when I asked about processes for contraband and drug testing in prisons, such as testing drainage waters in each of the units, I was informed that it could not be done at Acacia. I am not a plumber but I am a tradesperson, and I know that that is not true. When I put that to the head of Serco when he came to see me, there was a completely different position. He said, “Oh, no, it can be done.” That is good. I made it very clear to him that I expected that to be done, and a damn sight more, given what I have heard.

The concerns and allegations about those matters that were put to me have now quite rightly been confirmed through investigations that were underway through the Department of Justice, the police and the CCC, and that resulted in the catching of those two particular officers, and there will probably be more. But that came about as a result of the tightening up of security arrangements across all prisons, and I hope Serco tightens up its security structures —

Mr Z.R.F. Kirkup: Every prison, not just Serco.

Mr F.M. LOGAN: We are dealing with two criminals from Acacia.

Mr Z.R.F. Kirkup: That’s one report, though, minister. There are all these other issues.

Mr F.M. LOGAN: Member for Dawesville, do not laugh. This is serious. You are not taking this seriously. You are not taking this seriously at all. You are acting the fool, as usual. We are dealing with two serious criminals from Acacia, along with—as I have let this house and you into my confidence—the other allegations that have been made and other information I have about that prison. I have made it clear to this house, to you and to Serco, the private operator of that prison, that we expect to see significant change. The CCC has identified only a minimal amount of change. We expect to see a damn sight more than that from that operator. Of course, there may well be other issues in other prisons. That is obvious to anybody. It happens in every single prison across the whole of Australia and across the world, but there have been significant problems at Acacia. That is the point I am making, and it has been confirmed by the CCC. Acacia is operated by Serco—it is not operated by the Department of Justice—and it has to play its role as well, exactly as we are doing.

Now that I have addressed the issue of why we are doing what we are doing and why these reports have come out, I want to go to the motion. It states —

That this house condemns the Minister for Corrective Services for being weak on law and order and allowing convicted paedophiles to be left unsupervised ...

Where in the report that was handed down in May this year does it say that we left convicted paedophiles unsupervised in public places, member for Dawesville? A fabrication is a fabrication. No matter how many times the member says it, it is still a fabrication.

Mr Z.R.F. Kirkup: I would actually reference it, but they took it for Hansard.

Mr F.M. LOGAN: It is not in there, member for Dawesville.

Mr Z.R.F. Kirkup: It is, though!

Mr F.M. LOGAN: When I made an explanation to this house —

Mr Z.R.F. Kirkup: It is, though!

Mr F.M. LOGAN: Where? Where is it!

Mr Z.R.F. Kirkup: I just said that they have taken my copy of the report.

Mr F.M. LOGAN: Where is it?

The ACTING SPEAKER: Thank you, minister.

Mr F.M. LOGAN: Mr Acting Speaker, it is a fabrication and the member knows it. The reason he said it is that it uses the word “paedophile”, which he expects will upset and excite the public. That is why he said it. This is wrong. We are dealing with security issues and corrections. This is a serious portfolio, member for Dawesville. It is not the Young Liberal conference—okay? Take it seriously. Deal with things factually. Do not try to make things up.

Mr Z.R.F. Kirkup: I’m not going to be lectured on this by you.

Mr F.M. LOGAN: You will be lectured by me and you will be lectured by me for years if you are still in that portfolio, because I am trying to get you to be a bit more sensible!

Mr Z.R.F. Kirkup interjected.

The ACTING SPEAKER: Thank you, members.

Mr F.M. LOGAN: I am trying to get the member to be a bit more sensible. This is not a Young Liberal conference; it is Parliament.

Several members interjected.

The ACTING SPEAKER: Thank you, members.

Mr F.M. LOGAN: Mr Acting Speaker, I will leave it at that. In dealing with the member for Dawesville, always go back to check the facts because he fabricates a significant amount, just as we have heard here today.

Division

Question put and a division taken, the Acting Speaker (Mr I.C. Blayney) casting his vote with the ayes, with the following result —

Extract from *Hansard*
[ASSEMBLY — Wednesday, 27 June 2018]
p4017b-4023a

Mr Zak Kirkup; Mr David Templeman; Mr Peter Katsambanis; Hon Fran Logan

Ayes (15)

Mr I.C. Blayney
Mr V.A. Catania
Dr D.J. Honey
Mr P. Katsambanis

Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr S.K. L'Estrange
Mr R.S. Love

Mr W.R. Marmion
Mr J.E. McGrath
Dr M.D. Nahan
Mr D.C. Nalder

Mr D.T. Redman
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Noes (31)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E. Hamilton

Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr S.A. Millman

Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti

Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr R.R. Whitby
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negated.