

**Division 45: Office of the Inspector of Custodial Services, \$1 745 000 -**

Mr A.P. O’Gorman, Chairman.

Mrs M.H. Roberts, Minister for Justice.

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

Mr D. Summers, Manager, Business Services.

Mr S.R. HILL: I refer to significant issues and trends on page 730 of the *Budget Statements*. How has the independent prison visitors scheme developed since it became the responsibility of the Office of the Inspector of Custodial Services?

Mrs M.H. ROBERTS: In 2001 the administrative responsibility for the mostly older male prison visitors, now known as independent prison visitors, was transferred to the office. It adopted a group that had little clarity and purpose, inadequate management and support, and an inconsistent reporting framework. Since then, the member will be pleased to know that 47 independent prison visitors have been appointed, comprising an equal gender balance with a broad age range and including three Aboriginal people. Within months of taking on this responsibility, a one-day training session was held for all visitors from across the State. This clarified the group’s role and established an operational methodology with a clear support mechanism from the office that conducts training and consultation for all the visitors at least once a year. Reports now follow a consistent form, showing issue details, actions taken and suggested action or comments. Relevant inspectorate staff maintain regular contact with the prison visitors, thereby maintaining ongoing support and providing advice on matters that may pose a difficulty for the visitors. Evaluation of the annual consultation forums and support is provided by and gathered from the visitors. The result is that they are now much more confident in their role and purpose. They are obviously being supported to a much greater extent. They report that they are feeling more supported. They make a very valuable and significant contribution to the prisons.

Ms S.E. WALKER: I refer to the mission statement on page 730 of the *Budget Statements* to establish and maintain an independent, expert and fair inspection service to provide Parliament, the minister, stakeholders, the media and the general public with up-to-date information and analyses about prison operations. The prison muster today is about 3 100 prisoners, possibly more. It is virtually the same number as when the Labor Party took office in February 2001. Will the minister tell me whether the increase in the prison muster has resulted in any serious concern about accommodation at prisons?

[7.50 pm]

Mrs M.H. ROBERTS: Yes, I suppose there are some concerns about accommodation at the prisons, particularly in relation to the Eastern Goldfields Regional Prison and Broome Regional Prison. Those issues are being addressed.

Ms S.E. WALKER: Can the minister tell me what the prison muster is?

Mrs M.H. ROBERTS: I would have to have a look at the up-to-date Department of Justice figures on the muster, which can be done in the next division, if the member likes. I am told that the current prison muster is 3 149.

Ms S.E. WALKER: Is that today?

Mrs M.H. ROBERTS: As of today, that is the figure. I understand that there are some 110 spare beds in the system.

Ms S.E. WALKER: How far over the accommodation ratings are the Eastern Goldfields and Broome Regional Prisons?

Mrs M.H. ROBERTS: I understand that Broome is 12 per cent over capacity, and Eastern Goldfields is three per cent over capacity.

Ms S.E. WALKER: How does that translate into numbers?

Mrs M.H. ROBERTS: Broome Regional Prison’s designed capacity is 110. I understand that there are currently 123 prisoners in that facility. The Eastern Goldfields Regional Prison’s designed capacity is 96, and there are currently 99 prisoners there.

Ms S.E. WALKER: Minister -

The CHAIRMAN (Mr A.P. O’Gorman): The member for Nedlands needs to seek the call before asking further questions.

Ms S.E. WALKER: Thank you, Mr Chairman; I have a further question. Can the minister tell me what proportion of the 123 prisoners in Broome Regional Prison are women?

Mrs M.H. ROBERTS: Eight prisoners in Broome are females; not eight per cent of the population, but eight prisoners.

Ms M.M. QUIRK: I refer the minister to the mission statement on page 730, in particular the reference to the Office of the Inspector of Custodial Services being independent. From her observations, is the minister able to say how independent the Office of the Inspector of Custodial Services is from the Department of Justice?

Mrs M.H. ROBERTS: I apologise for his not being here, but the inspector, as everyone here will know, is Professor Richard Harding. He undertakes his role with the utmost independence. I am certainly very pleased with the reports he has provided. At a more strategic level, I find his advice very valuable, in that I am able to consult with the inspector and receive advice independent of the Department of Justice on matters that affect prisons and prisoners. Now, of course, that has been extended to juvenile detention centres. He provides a very important and independent viewpoint for looking at these matters.

Mr M.P. MURRAY: I refer to the mission statement on page 730. What happens to the complaints from the custodial facilities received by the office?

Mrs M.H. ROBERTS: Complaints can be received at the office by a variety of means. Letters come from prisoners and their families, and indeed from Department of Justice officers - people working within the system. Sometimes there are telephone calls and there can also be detailed or less detailed reports from the prison visitors, including those people who may provide services to the prisons or to prisoners. It is important to note that the inspector does not deal with individual complaints as such; that is not what he is supposed to do under the legislation. That is not to say that information that is gathered by way of these complaints is not used in an informative way by the prisons inspector, but he does not directly investigate individual complaints. I am sure any complaints would enhance his knowledge of particular facilities and he may want to take things into account when he makes his inspections, but I understand that when those individual complaints are received, they are referred by the inspector to the agency that he considers most appropriate. In some cases that no doubt includes the Ombudsman's office, the Aboriginal Visitors Scheme, the Office of Health Review, the police, the Corruption and Crime Commission or a number of other agencies that are more appropriate to deal with that individual complaint.

Ms S.E. WALKER: I refer to the mission statement on page 730. The inspector inspects and then makes recommendations. His report contains a graph showing a percentage number of recommendations that the department accepts, but nothing shows the public what recommendations the minister implements. Does the inspector have a document showing what recommendations he has recommended and that the department has implemented in percentage terms?

Mrs M.H. ROBERTS: Each annual report provides that information. For example, the inspector's 2002-03 annual report shows that 185 out of 196 recommendations made to date have been accepted in whole or in part by the Department of Justice or, where relevant, AIMS Corporation. The broad acceptance of these recommendations is very pleasing. It is critical for the inspectorate, as it shows that, in essence, the department has accepted the rationale and the appropriateness behind those recommendations. I think that is an excellent report: 185 out of 196 have been adopted, either in part or in full. As I understand it, they are clearly reported on in the latest annual report and I think in earlier annual reports.

Ms S.E. WALKER: I understand that 185 out of 196 were accepted, but how many have been implemented and where is the evidence of what has been implemented?

Mrs M.H. ROBERTS: As the member would be aware - I suppose this is relatively new legislation - the inspector started off with a cycle of inspections of prisons and made that series of recommendations as a result of those inspections. As he goes through the second cycle of inspections of prisons he will report further on the implementation of those recommendations. As each of those reports is compiled and as he inspects each of the prisons for the second time, I expect that he will fully and openly report on the implementation of those recommendations.

Ms S.E. WALKER: Does the ministry keep a list of what it is implementing, or does it work in a vacuum?

Mrs M.H. ROBERTS: That is right. I do not think those gratuitous, negative remarks assist the debate. The fact is that the Department of Justice does have an action plan; that is monitored. However, if the member wants an entirely independent review and advice on whether the recommendations have been fully or partly implemented, she can get that advice after the inspector does his second round of reports.

[8.00 pm]

Mr Shane Hill; Mrs Michelle Roberts; Ms Sue Walker; Chairman; Ms Margaret Quirk; Mr Mick Murray

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Ms S.E. WALKER: Will the minister provide me with a list from the ministry of all the recommendations that it has implemented with regard to the recommendations made by the minister for each prison?

Mrs M.H. ROBERTS: We are not dealing with the Department of Justice at the moment; we are dealing with the Office of the Inspector of Custodial Services, which does not have that information. Can the member ask the question at the appropriate time?

Ms S.E. WALKER: Again, with regard to the mission statement, an inspection was done of Wooroloo Prison Farm by the inspector, and the minister made an announcement about that prison today. Is it more appropriate that I ask a question about the ankle bracelets in the part of the budget dealing with justice or now?

Mrs M.H. ROBERTS: That comes under the justice part of the budget. However, the inspector's report on Wooroloo Prison Farm was largely favourable.

**The appropriation was recommended.**