

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2018–19 BUDGET ESTIMATES



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 20 JUNE 2018**

**SESSION THREE
DEPARTMENT OF JUSTICE**

Members

**Hon Alanna Clohesy (Chair)
Hon Tjorn Sibma (Deputy Chair)
Hon Diane Evers
Hon Aaron Stonehouse
Hon Colin Tincknell**

Hearing commenced at 11.30 am

Hon STEPHEN DAWSON

Minister representing the Minister for Justice, examined:

Dr ADAM TOMISON

Director General, examined:

Mr TONY HASSALL

Commissioner, Corrective Services, examined:

Mr GREG ITALIANO

Acting Executive Director, Corporate Services, examined:

Mr ALEXANDER (Sandy) KERR

Director, Financial Management, examined:

Mr SHAYNE MAINES

Deputy Commissioner, Adult and Youth Justice Services, examined:

Mr THOMAS PALMER

Chief of Staff, Minister for Corrective Services, examined:

The CHAIR: Good morning, everyone. This is the 2018–19 budget estimates hearing with the Department of Justice. On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I welcome you to today's hearings. Can the witnesses each confirm that you have read, understood and signed the document headed "Information for Witnesses"?

The WITNESSES: Yes.

The CHAIR: It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. It is also being broadcast live on the Parliament's website. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private. If for some reason you wish to make a confidential statement during today's hearing, you should request that the evidence be taken in closed session before you answer the question. Agencies have an important role and duty in assisting the committee to scrutinise the budget papers. The committee values your assistance with this.

Minister, do you have a brief opening statement?

Hon STEPHEN DAWSON: I do not.

The CHAIR: Okay; we will go straight into questions, starting with Hon Diane Evers.

Hon DIANE EVERS: I refer to the balance sheet on page 359 and the item "Borrowings". As the Department of Justice is a department of the state government, firstly, why does it have a line item for borrowings; and, secondly, is it the intention to pay off these loans and not borrow further directly by the department? The other part is: are the interest payments for these borrowings shown in other expenses, or where else on the income statement?

Hon STEPHEN DAWSON: That line item represents the non-current portion of the liability for finance leases in relation to the District Court and Fremantle court buildings and the Eastern Goldfields Regional Prison. The decrease is explained mainly by the principal repayments taking place during the financial year. I will hand over to Mr Kerr, who can provide an answer to the rest of that question.

Mr KERR: The interest repayments—the interest components—are in the other expenses line of the income statement contained in there.

Hon DIANE EVERS: I refer to page 357 and the final statement on that page about forecast growth in the adult prisoner population. When I look at page 349, in the service summary at number 7, “Adult Corrective Services”, there is a peak in the estimated actual in 2017–18 of nearly \$860 million. It is falling down to \$805 million in 2021–22, so I am wondering why is that figure dropping at a time when there is a forecast growth in the adult prisoner population?

Hon STEPHEN DAWSON: Thank you, member. Again I will hand over to Mr Kerr to provide a response to that one, please.

Mr KERR: Thank you, minister. The downturn in the estimates reflects the impact of the savings measures, mainly the agency expenditure review savings, which peaks at \$65 million per annum in the final year of the forward estimates.

Hon DIANE EVERS: How will that meet the expectation of a rising adult prisoner population?

Hon STEPHEN DAWSON: Again, Mr Kerr.

Mr KERR: That is the challenge for the agency. We have a justice reform program across the whole justice portfolio basically looking at ways how the agency can be more efficient and be able to meet increased demand with a lower expenditure base.

Hon TJORN SIBMA: Minister, I draw your attention to page 346, and in particular the line item in the table concerning the voluntary targeted separation scheme, which shows savings in the order of \$12.5 million for each of the out years. I want to understand how those figures correspond to a document you tabled last night concerning VTSS separations by agency. In particular, could I seek some clarification, please, about the 216 separations from the Department of Justice recorded as at 15 June and seek to understand how many came from corrective services or like functions?

Hon STEPHEN DAWSON: I will ask Mr Italiano to reply to that. I do not have that information I tabled last night with me here today; it was a different agency. I will note that for those figures on that line item on page 346, there is a note underneath that says that data was current as of the 9 April budget cut-off date. I have been given the page and it lists 9 April. I will ask Mr Italiano whether he can provide an answer in relation to the rest of the question, please.

Mr ITALIANO: If we deal with VTSS numbers, that is the most direct way to answer the question in the first instance. The reason that different numbers are provided at different times is that the scheme has not yet officially closed. It is open until 30 June and a given number on a given day reflects the number of exits at that point in time. As of today, we have had 218 actual exits and we are anticipating that we may see another 10 people depart by the close of the scheme. Of that, at the moment, 113 have come from corrective services.

Hon TJORN SIBMA: Might I inquire a bit more into the 113 who have departed? Are any more envisaged? I think you said another 10, and that is a whole-of-department target. Is that just for the next financial year was at a cost estimates?

Hon STEPHEN DAWSON: I might just point out that there is no target as such. In terms of the numbers this agency is working towards, I ask Mr Italiano to comment.

Mr ITALIANO: The previous number I have provided is the anticipated outcome as at 30 June, and the scheme is completed at that time. This particular scheme will complete the department's participation in it.

Hon TJORN SIBMA: Minister, through you, but maybe Mr Italiano can satisfy my curiosity, in the 113 departures, could I get an indication of the roles and responsibilities those individuals discharged and what the operational impact has been on corrective services as a consequence of their departure?

Hon STEPHEN DAWSON: We can certainly provide some information on the roles; let us try with that. In terms of operational impacts and stuff, I am not sure that we are able to provide anything. But let us see what Mr Italiano can give you in relation to the roles of those who have departed.

Mr ITALIANO: The roles comprising the 113 are a variety and they span both administration roles and some service delivery roles. They do not include prison officers. Just to add to that for the benefit of the member, it is not always the case that the position occupied at the time of departure by the person who leaves is the position that the organisation abolishes. There is a possibility of substitution under the manner in which the scheme operates. We have a combination of both person and position departures, and in some cases we have person-only departures, with finding a substitute position to cater for the financial impact of that departure. I believe we provided a response to a question in advance of the hearing today. You will see some roles—for example, we have had some prison superintendents depart under the scheme and that is an obvious example of where we would be not be doing away with that particular role. The end objective of the scheme is, obviously, the headcount of departures and that the ongoing salary impact of that headcount is reflected in our salary budget moving forward.

Hon STEPHEN DAWSON: In relation to the second part of the question that the honourable member asked, the director general will provide a response.

Dr TOMISON: Thank you, minister. I think it is important to note that the department worked long and hard to try to minimise any operational issues for the department as a result of the VTSS. All the executive directors and the commissioner for corrections, to speak of a specific example, were all consulted and did quite a lot of work behind the scenes to work out what positions were able to be put up for the VTSS. As Mr Italiano says, it was also a matter of sometimes a particular individual being able to go, but the position had to be substituted, so we did not actually lose key operational roles. That took quite a lot of time and I think overall I am quite confident that we worked to effect to achieve what government wanted, but at same time minimise the operational risks for ourselves.

Hon COLIN TINCKNELL: My questions are on page 350 of budget paper No 2. They regard the serious assaults that have happened recently. What does the department define as "serious assault" when it refers to the rate of serious assaults per 100 prisoners indicator? Apparently, it is not expected to reach the key effectiveness indicator this year, so that is my first question. My second one is: what is the department doing to reduce the rate of serious assaults?

Dr TOMISON: I might start off and I might then bring in the commissioner, if that is okay. A serious assault occurs when a victim is subject to physical violence that results in physical injuries requiring medical treatment involving overnight hospitalisation in a medical facility, such as a prison clinic, an infirmary or a public hospital, or ongoing medical treatment related to injuries sustained during the assault. Serious assaults also include sexual assaults. Overall—I note the point that the member made—when looking at the data for the last six years in terms of assaults and serious assaults at a time when the Western Australian prisoner population is at an all-time high, in fact, we reached our highest figure ever in April this year, 6 957 I think it was, we are actually doing okay. We are also doing okay—better than average—across the nation as well.

That does not mean that we accept assaults, serious or otherwise, and we are working to prevent those assaults. If you look at the data around prisoner-on-prisoner assaults, and there is also one for prisoner-on-staff assaults, overall, in terms of the last six years, this last year saw us doing usually in the top three years for reduction of assaults. So whilst we have work to do, I think we are actually achieving quite well. But as I said, we do not actually accept any assaults as being appropriate.

I will hand over to the commissioner to talk about what corrective services are doing to further mitigate that risk.

[11.45 am]

Mr HASSALL: Thank you, Dr Tomison. As the director general said, we take assaults very seriously. We do inquire into the reasons for assaults. Following each incident we will have a look at the factors and what we can learn and what we can change in that. Most of the assaults in the prisons are trending in the right direction. There is a spike in a couple of prisons. We have put more effort into monitoring and compliance of those jails and we are having a look at how we manage the individual cohorts.

Hon COLIN TINCKNELL: I refer to page 354 of budget paper No 2. My question is on adult corrective services. How does the department intend to reduce the cost per day of keeping offenders in custody? We are trying to get the cost down to \$279 per day in 2018–19 compared to \$297 as it is now. How do you plan to reduce those costs?

Hon STEPHEN DAWSON: Member, thank you for the question. I will ask Dr Tomison to begin to reply to that and we might then throw over to the commissioner to supplement that answer.

Dr TOMISON: Thank you, member, for the question. As well as the costs listed in the budget paper, there is also another version of those costs, which are produced at a national level in the *Report on Government Services*. In both cases we are showing quite significant drops in the cost of prisoner per day. That is partly due to the fact that we have, again, very high numbers, which means that the cost of services divided per prisoner will of course reduce down. In terms of the RoGS data, what it shows is that the prisoner cost per day in WA is \$237 compared to a national average, excluding New South Wales, which is a special case, of \$235, so we are actually tracking pretty well in terms of national figures. That said, there is further work to be done. As the budget papers show, at the moment we have a budget target of \$279 and we still have to bring those costs down further. I might hand over to the commissioner to talk about how that will be achieved.

Mr HASSALL: Thank you for the question. We have a range of savings measures that we are currently implementing. The biggest one at the moment is adaptive regimes, which is in effect the management of overtime, so that is controls around prisoner activity in prison. The second significant one we have got going on at the moment is looking at the conversion of a number of prison officer positions to VSO positions. We have gone around the whole state—I think we have got three prisons left to do. That will throw up some efficiencies. Later this year we are looking at our network design—that is, looking at what services are provided in what prisons, what interventions and what health. We expect some efficiencies to fall out of that in the latter forward estimates period.

Hon COLIN TINCKNELL: How does the department intend to reduce the cost per day in juvenile detention?

Mr HASSALL: At the moment, we take a similar approach to the adult estate. At the back end of this year we will have a look at a staffing review at Banksia Hill. Obviously, some of it will be tied up in machinery-of-government changes, which is why we have delayed doing some of that work.

Hon MICHAEL MISCHIN: My interest emerges out of a reference on page 346 regarding the department's development of a managing drugs and alcohol in prisons strategy, but goes more broadly into the corrective services investigation services branch—previously a directorate, I believe—which I think is also responsible for professional standards within the corrective services portfolio, if I understand that correctly. I would like to be reassured as to whether it has the capacity to deal with the problems that seem to be endemic in the corrective services department, more than perhaps most departments, because of the close proximity of prison officers to criminals and the risks of getting too close to the underworld. I would like to know: What are the current staffing levels and current duties in that particular branch? Are any positions vacant or being held vacant, and why? What are the responsibilities of each of those FTEs, and has that been maintained since the last period of government or has it been depleted?

Hon STEPHEN DAWSON: Member, can I stop you there for a second? There is a fair bit of information. If you do not mind, let us answer some of it and then you can ask your further questions.

Hon MICHAEL MISCHIN: Sure. I just want to give you the scope of the sort of things that I am interested in so that I can get a comprehensive answer, rather than having to keep coming back.

Hon STEPHEN DAWSON: I am fearful that we will miss out some of those things. Let us give it a go. If we miss things, obviously, you will have a second bite of the cherry to ask the things that we missed out on. I will start by asking Dr Tomison if he can commence the answer and then we might hand over to some other advisers after that.

Dr TOMISON: The Western Australian Auditor General's report "Minimising Drugs and Alcohol in Prisons" was tabled in Parliament on 8 November last year. The Auditor General found that considerable improvement was needed to minimise the supply and use of drugs and alcohol in WA prisons and to help treat prisoner addictions. I would probably add, as you said as well, member, that this is not unusual; it is in the prison services across the country, but it is a major issue that has to be addressed. The department accepted all 11 recommendations that the Auditor General made and we are working to implement those. I will talk a bit about what the drug strategy is going to cover and then I will hand over, if that is okay, to the commissioner for further work. I will also make a comment about the investigations area and some of the work we wish to do there.

One of the key recommendations of the Auditor General was the development of a new drug and alcohol strategy that includes targets and measures of success. This is currently being drafted. It includes the three standard pillars of supply control, demand reduction and harm reduction, and introduces monitoring and innovation as a fourth pillar. The strategy is currently undergoing internal consultation, but key elements will include the creation of our male and female alcohol and other drug rehabilitation services, which are obviously key government election commitments; strengthening of the department's drug prevalence testing program—the commissioner or one of his staff can talk to you about that in more detail if needed; increasing the drug detection unit coverage—you might know that we actually graduated three dogs and their handlers on Friday last week with Minister Logan; the trial of new drug detection technologies funded within the government's methamphetamine action plan; and a trial of wastewater analysis to get a clear picture of drug use within prisons. We have already started rolling that out. We are testing the wastewater coming out of particular sites and working out what trace elements of particular drugs are present. Over time, the intent is to assess that and see whether particular drugs are prevalent, increasing in prevalence or reducing in prevalence. That is more difficult in facilities that have a high use by remand prisoners, because of course they are coming off the streets and they still obviously have things in their system.

We are also reviewing the department's search policies and procedures—that can be spoken about if need be later as well—providing additional training and e-learning programs for frontline staff on the risks and how to mitigate those risks; developing a search activity strategy to bring about consistent and sustainable improvements over the longer term; enhancing data integrity and reporting; and improving the use of intelligence generally in better targeted searches, so rather than just doing randomised searches, actually moving to a targeted search based on intelligence received. We are also looking at reviewing offender programs and reinstatement of the department's program evaluation function. We have captured most of the recommendations or key elements of the Auditor General's report and we are moving to actually implement that.

We also have things already underway, such as Operation Contra, which is a drug-searching operation, which can be spoken about, too, and described. That was a three-month search program which will become normal business for the department. That is in addition to preventing contraband from entering custodial facilities. It is also assisting in the identification of the best ways to enhance searching. It is a training tool for us, plus, if you like, informing our future work.

I will make one comment about the investigations intelligence branch before I hand over to the commissioner. That is an area that the department feels needs to be reviewed. We are looking at undertaking that review. At the moment, a number of positions have not been filled on a permanent basis. That is only right and proper until the review is done. The intention is to make the best use of our resources and also to triage matters more carefully when there are misconduct or criminal misconduct matters. Obviously, that would involve the police and the CCC at different points, but also how we triage non-misconduct matters but performance matters to actually mitigate the risk of officers, in particular, or other people entering prisons from being groomed by prisoners or being put in a situation where they may start to bring in contraband of varying sorts. I might hand over to the commissioner to give more information.

Mr HASSALL: Just to supplement what the director general said, when we had the Auditor General's report in, the then Department of Corrective Services had not had a drug strategy in place for a number of years. We took some immediate action. We introduced what we called Operation Contra, which was frontline searching, if you like, of entry search into prisons. Between 11 December 2017 and 4 March we did 223 000 searches across the state. We have supplemented that since the beginning of January with another operation, where we work closely with colleagues in the police and the Corruption and Crime Commission. We have a number of operations going on in most of our jails, where we do planned searching and unplanned searching. That has thrown up some issues for us, which we are dealing with. On the back of those issues, we are looking at, as the director general has said, some new technology. We are looking at how we do our drug prevalence testing. We are trialling new swab testing. We have certainly got some new technology going into Wandoo prison. In terms of intelligence and investigations, as the director general said, we have put a significant investment into intelligence over the last couple of years. I think it was about 300 per cent.

Hon MICHAEL MISCHIN: Sorry, what was that figure?

Mr HASSALL: It was about 300 per cent. We have gone to 32 people in that area from four.

Hon MICHAEL MISCHIN: This is intelligence?

Mr HASSALL: Yes. There are two branches, if you like. There is the intelligence branch, which does collection and collation and dissemination.

The second part to your question I think was about corruption prevention and stuff, which is more in the investigation space. As the director general has said, we looked at some process re-

engineering in that space. Some of the investigations did take too long. That was not necessarily a resource issue; it was just about how we manage the triaging of investigations and how we manage the process. I can hand over to Deputy Commissioner Maines to explain the work he is doing in that space, because he has led that work. Again, as the director general has said, it is right that we hold some of those positions vacant in case we have to change some of the work in the department.

Hon MICHAEL MISCHIN: Before Mr Maines gets on to that, you mentioned the intelligence branch having been increased significantly in personnel. I would like to know what has been happening with the professional standards and the investigation branch with respect to looking at the conduct of prison staff, and whether that has been maintained or allowed to deplete in numbers. I would also like to know when this review was initiated and how closely that is related to the depletion in numbers, because I would be concerned, having regard to what became apparent was resistance from prison officers about being the subject of scrutiny, that there has been a bias towards looking at prisoner misconduct rather than enhancing or ensuring the integrity of prison staff themselves. I would like to know: What are the manning levels in the professional standards and investigation branch? When was this review instituted in relation to that staffing? When is it going to be completed? I want to ensure that the integrity process is being maintained. You also mentioned that there had not been in place for a number of years a drug-testing regime. Are you talking about a drug-testing regime for prison officers or prisoners? What drug-testing regime is around prison officers; and, if there was one, when was that discontinued, what were the reasons for its discontinuance, and is it being revived?

Mr HASSALL: I did not actually say there was no drug-testing regime; I said there was no drug strategy, so there was no planned, coordinated approach. There has been drug prevalence testing for prisoners and drug testing for prison officers in place for quite a while. Before I hand over to Mr Maines, who can go through the detail of the structure of the review, I would just say that we do not discriminate on staff or prisoner wrongdoing if it is brought to our attention or if we discover it. It can come to our attention in a number of ways; we can discover it ourselves, staff sometimes report it or the CCC will advise us. We do not discriminate at all. Everyone gets treated equally in that respect. But I will hand over to Mr Maines to give you a bit more detail about the review.

[12 noon]

Mr MAINES: I was requested on 12 March to take responsibility for the investigations and intelligence areas and to examine business practices, primarily to identify how we could examine our reporting practices, our assessment and evaluation processes, reducing time frames—we had some inordinate time frames for conducting investigations—recordkeeping and trying to manage investigations at the lowest possible level. Issues which related to performance, behaviour and conduct were regularly being reported to investigations, which actually should have been dealt with at a local managerial level. Also, we are looking at trying to introduce an early intervention model to identify at-risk employees and to take more positive action to remediate things before they actually involve misconduct.

The investigations works proactively with intelligence and leads security operations on a number of details and statistics, which it might be better to provide on notice, because it would take quite a while to read them out. We are involved in cooperative investigations with the Corruption and Crime Commission and the WA police. We regularly meet with both of those agencies to discuss how we are actually managing investigations. I can report that they have noticed an improvement in the way the investigations are currently being conducted. Yes, there are some staff vacancies, but until we establish the business practices and how we are going to deliver those, I think the director general and commissioner have both indicated that it would not be wise to fill those. I have the capacity to

bring in additional resources as required depending on operations and investigations. I have recently placed a very experienced person in the acting director of investigations role. I had a very experienced person brought in recently to look at how we do assessments. I do not have an end date for the current process, but, as I said, we continue to work with our partners and to improving practices.

Hon MICHAEL MISCHIN: Thank you for that, but I would still also like to know the manning levels in that particular branch over the last couple of years and the FTE positions, their responsibilities and how they have been filled over that time, and which ones have been left vacant. Have those positions been vacant since 12 March or had they been vacant, for example, for a period of time before 12 March, and the reasons why? If the branch has had to sacrifice its work for the purposes of finding money for the department in other areas, I would be most concerned at that. I would like to know also when this inquiry will end. It is one thing to have a review and say, “We’re going to leave positions vacant until we come up with a business plan”, but surely there has to be some kind of an end date to it, rather than a rolling review, open-ended, where something as important as professional standards within the Corrective Services portfolio and the investigation of misconduct of prison officers is left in limbo.

Hon STEPHEN DAWSON: Madam Chair, that is a great deal of information. The more you say and the more questions you ask, the more information you are asking for, so I am going to —

Hon MICHAEL MISCHIN: I am happy to have it all on notice, but I would like it comprehensive.

Hon STEPHEN DAWSON: For some of those questions, the director general will provide an answer now, but for others we will attempt to provide as much of that information as is possible.

The CHAIR: I heard Mr Maines talk about particularly the staffing levels, so we will take all that component as supplementary information and then we will ask through the minister for the director general to answer some of the other questions.

[Supplementary Information No C1.]

Dr TOMISON: I will tackle one of the key questions the member asked around the nature of the review, why we are doing it and I guess how long it will go on for. I think that is an important point, which I can cover off on. As part of the machinery-of-government changes in creating the Department of Justice, there was a recognition that one of the structural areas we have to look at is the creation of a professional standards branch, if you like, and an area that handles investigations of misconduct for the entire department. Within the department we have prison officers and we also have, obviously, public service staff. That was one of the reasons why we considered having the review. As people would be aware, there have been reports into the agency, which have indicated that some staff have done the wrong thing and have committed criminal offences or professional misconduct offences around contraband, drug use, et cetera and we are trying to work through those with the CCC and also with Western Australia Police. I undertook, with the commissioner—again, back in February we started having Deputy Commissioner Maines come up with a plan to look at it. Our initial focus was on the actual triaging and investigation process for individual cases. He has made some very good gains there in ensuring our processes are more professional and will meet the needs of the department.

The second phase, which again we got into probably around April, I actually asked him to come up with a plan to review the function as to how that would look structurally, how we would fill it and what tasks we need to do differently or better in a more broader, I guess, level. As part of that, I also indicated that I would wish an advisory group to help oversight that process. That will involve, I expect, representation from the Department of Education, Western Australia Police, the

Public Sector Commission and probably the CCC, because those groups have some good experience that we wish to draw upon. The intention is not to draw this out for the next two years or year. My intention would be that Deputy Commissioner Maines will report back to myself and the commission within a couple of months and we will then actually start making the changes needed to ensure our service is the most professional it can be. Although the department as a whole has quite significant savings targets to meet, at no point has it been raised that we want to save money through our investigations or intelligence arms at all. I guess I will just put that on the record.

Hon MICHAEL MISCHIN: Commissioner, you mentioned that drug testing of prisoner officers has been continuing and it has not been interrupted. Can you give us some figures as to how many officers have been tested for each of the last several years, how many of them have been positive results and what has happened to those officers?

Hon STEPHEN DAWSON: We are happy to provide that information, but we will have to do it by way of supplementary information because we do not have that level of detail with us today.

The CHAIR: Can I just clarify that that is separate from the information that the minister has already indicated will be provided?

Hon STEPHEN DAWSON: Yes.

[Supplementary Information No C2.]

Hon ALISON XAMON: I refer to page 355 and youth justice services. Noting that the funding figure for youth justice services is falling next year and over the forward estimates, I would like to know, other than the voluntary targeted separation scheme, where are these savings being made? Specifically, I would like to know whether there are any particular programs which are being discontinued.

Hon STEPHEN DAWSON: I might ask Mr Kerr if he can respond to that question, please.

Mr KERR: Outside of the VTSS, there are a range of savings measures built into our forward estimates. They include the one per cent efficiency dividend that is cumulative across the out years. It also includes the workforce renewal savings as well. Where those savings have not been identified in the forward estimates per service, then we have pro rata, at this stage, those savings across each of the services relatively equally. In answer to your question, that would be youth justice's anticipated contribution towards those other savings measures at this time.

Hon ALISON XAMON: Could you please identify whether there are any particular programs which are being discontinued?

Hon STEPHEN DAWSON: I will ask Dr Tomison if he can provide an answer to that one, please.

Dr TOMISON: The previous Liberal–National government established the former youth justice board and also the innovation fund. The fund was established in 2014 with a total of nine programs providing grants intermittently from 2014–15 onwards, ranging from one to three years. Of the eight remaining grant agreements, four grants are currently funded by the Department of Communities. As you know, there are potentially machinery-of-government changes around youth justice and a pending transition, and therefore the Department of Communities and the Department of Justice had some negotiations and four of those programs transferred across. There are four grants that are still being funded by the Department of Justice at this point. Two of the four grants that we are funding at present have current expiration dates in the 2018–19 financial year. I can give details if I need to on the nature of those programs.

Hon ALISON XAMON: Yes, minister; I would appreciate the detail. I would appreciate knowing the four programs which are anticipated to be potentially transferred to Communities as well as the two programs with the expiry dates, and what they are.

Dr TOMISON: In November 2017, the Department of Communities confirmed interim funding for four grants that expire in 2017–18—that is, the WISDOM in Your Life program, the Aboriginal Legal Service of WA Youth Engagement Program, the Wirrpanda Foundation's Moorditj Ngoorndiak program and FASTRACK Clinical Services. The department is currently funding the remaining four grants programs until their expiry—that is, the Life Without Barriers Multisystemic Therapy program and the Horsepower Training Station jobs program that both expire on 30 June 2018, the Aswan knitting Koolunga dreaming and Welich knitting program that expires on 20 September, and the Kimberley Aboriginal Law and Culture Centre Yiraman program that expires on 1 February 2019. The programs are being extended partly to allow more time to evaluate the outcomes of those programs. I would also make the point that these programs will have the opportunity to apply for further funding through the Department of Communities' youth support scheme. One of those programs, which I cannot name at this point, is in negotiations with the department to be funded through another mechanism.

Hon ALISON XAMON: I want to confirm that there is no money in the forward estimates for those particular programs with Corrective Services.

Hon STEPHEN DAWSON: With the Department of Justice, at this stage, no.

Hon ALISON XAMON: So there is potential that those programs will cease?

Dr TOMISON: Yes.

Hon ALISON XAMON: I refer to the notes under "Explanation of Significant Movements", which states —

The increase in the Cost per Day of Keeping a Juvenile in Detention in the 2017–18 Estimated Actual, compared to the 2017–18 Budget and the 2018–19 Budget Target, reflects a lower than estimated number of juveniles in detention.

I was under the impression that there were more young people in Banksia Hill last year than the year before, so how many young people did you estimate would be in Banksia Hill in 2017–18 and how many young people do you estimate will be in Banksia Hill in the 2018–19 financial year? What are the numbers you are working from?

Hon STEPHEN DAWSON: I will ask Mr Kerr to provide a response to those questions, please.

Mr KERR: The estimate for the 2017–18 budget was predicated on having a population of 160. The average daily population to 30 April 2018 was 148. So, the budget was projecting a population to grow to 160, and whilst there has been growth on a daily average from 142 to 148, it was not as great as was projected. That is why the cost per day was lower in the 2017–18 budget figure compared with the estimated actual figure, which has been revised downwards.

Hon ALISON XAMON: How many are you anticipating will be in Banksia Hill in the 2018–19 financial year? What figures are you working from?

Mr KERR: The projection that we have used for the budget papers is 165.

Hon ALISON XAMON: So you are anticipating that you will have an increased number of people in Banksia Hill next year at the same time as you have the money going into youth justice diminishing. I am just confirming that.

Mr KERR: The projection provided by the area in question is 165. I should note that the population in Banksia Hill is very volatile on a day-to-day basis and even that affects the average as well. The 165 is based on a long-term historical population. In recent years that has been a lot lower. I guess it is something that maybe we need to look at—whether we need to revise our ongoing projections. At a time, going back over five years, the population at Banksia Hill was much higher than it has been in, say, the last five years, and it is probably something we need to look at.

Hon STEPHEN DAWSON: I will asked Dr Tomison to supplement that answer, please.

Dr TOMISON: It is actually a good news story having less people in Banksia Hill, which we are quite happy with. I will probably just recognise, as Mr Kerr has said, the Banksia Hill population fluctuates quite a lot. But that said, in terms of our overall offender population over time, there is a fairly significant increase of up to 10 per cent a year at the moment, which is unsustainable, and that is why, obviously, governments are trying to take steps to divert people when it is safe to do so and also invest in prison infrastructure to allow us to try to house people effectively and safely. It really is, to some extent, I would not say guesswork, but there is an attempt to try to estimate what happens each year. We also get paid per prisoner so the fewer prisoners in the system, the amount we get goes down because we do not need as much money. If we have more prisoners coming in, we get a top up, which goes to looking after those individuals, whether they be young people or adults.

[12.15 pm]

Hon ALISON XAMON: How much funding has been allocated to education services in Banksia Hill next year and into the forward estimates?

Hon STEPHEN DAWSON: I am sorry; we do not have that information available.

Hon ALISON XAMON: I am specifically wanting to know how much is allocated for education and, as part of that question, I wanted to know whether there is any money coming from the Department of Education towards education services at Banksia Hill.

Hon STEPHEN DAWSON: I am advised that we do receive a grant from the Department of Education. I might ask Mr Italiano to comment. Before we do, though, what we are providing is the amount spent on education at Banksia Hill this year and in the forward estimates. We are happy to provide that.

[*Supplementary Information No C3.*]

Mr ITALIANO: I fear I may not add greatly to the previous response other than to say that we do receive moneys from the Department of Education. We can include that in the supplementary information to make it clear what that amount is.

The CHAIR: We will include that in C3.

Hon ALISON XAMON: Could I also please have, as part of that supplementary information, how much went into education services for the previous year as well, so we have a comparison. Thank you very much.

The CHAIR: We will include that in C3 as well.

Hon ALISON XAMON: Still on youth justice, has any specific funding been allocated to the project which is looking at alternative accommodation for girls and for younger children?

Hon STEPHEN DAWSON: I will ask Dr Tomison if he can provide an answer to that one, please.

Dr TOMISON: At the moment, no funding has been allocated to come up with alternative accommodation. The reason being that at the moment we are trying to scope out the best

alternative accommodation options that there are. We have to take into account where populations are coming from in Western Australia—which regions. We also have to take into account how we will service young people in particular institutions. We have been looking at removing females from Banksia. We have looked at removing the very young from Banksia. We have also looked alternatively at whether we just take the oldest males from the facility and put them somewhere else as a young adult unit. We are looking at all these options. We are also looking at regional options in terms of whether we create a new facility in the Kimberley, which is where some of our demand is coming from. These things are being scoped out. We do not have a particular project that has been agreed yet by government to go forward, so no money has been allocated at this point.

Hon ALISON XAMON: Minister, I am aware that this was considered to be a priority piece of work by the Minister for Corrective Services when we had a change of government. I wanted to clarify—there is no money in the forward estimates for any of this activity; is that what I am hearing?

Hon STEPHEN DAWSON: There is certainly work going on across government in this area. Ministers have to provide business cases and work up projects before they can take those to ERC and to cabinet. I understand that some of that work is happening at the moment. Not everything is funded purely on an idea. There is quite a laborious process that we need to go through as part of the ERC process. We work up our cases and seek to find additional resources. That is where we are at at this stage. It is still a priority for the minister but the work continues. Our commitments when we went to last election were to deliver certain things. The commitment is to deliver those over the period of government. You would be aware, member, from conversations in this place that not everything is funded every year. This proposal is being worked up and, hopefully, funding will be provided by ERC into the future.

Madam Chair, I want to take this opportunity. Some further information has been provided to me in relation to those trial programs that Dr Tomison spoke about earlier. Those programs were part of a time-limited funding scheme. They were funded by the previous government for two years and, in effect, we chose to extend the funding for some of those into the future. The Kimberley Aboriginal Law and Culture Centre's Yiriman project was one of those that we funded to next year. Some of those projects are too small to be evaluated. It is not the case that we have taken money away from them. The money was there for two years as part of this innovation fund and it was not funded in the out years by the previous government. For some of them we have said that we would like them to go a bit longer. We are doing what we can but it was never intended that they be funded forever. It was not intended by the last government. As I said, this was a time-limited funding program. I want to place it on the record because that information has been handed to me during the course of the session.

The CHAIR: Member, this will be your last question.

Hon ALISON XAMON: In that case, I would like to know how much funding has been allocated to the youth transitional accommodation program next year and into the forward estimates.

Hon STEPHEN DAWSON: We do not have that level of detail with us. I am advised that we can break down the figure. It might take a bit of work, but we can provide it. We will provide it to you by way of supplementary information.

[Supplementary Information No C4.]

Hon ALISON XAMON: In that case, can I go back and revisit something? In relation to the project looking at alternative accommodation for girls and younger children, when is it anticipated that that work will be completed and, potentially, a business case will be available? Has any time frame been put on that?

Mr ITALIANO: The ordinary course of events in framing infrastructure proposals to government is that they are considered as part of the annual budgeting process. We would see those inputs into our strategic asset plan. That will be submitted to government later this calendar year as an input into next year's budget process. Prioritised asset investment proposals will be part of that strategic asset plan which will be considered by government.

Hon ALISON XAMON: So you are hoping to have completed that initial work by the end of the year?

Mr ITALIANO: That is the case.

Hon Dr SALLY TALBOT: My questions all relate to page 346. The first one is to the ninth dot point under significant issues impacting the agency. It relates to the department's continued work in reducing the overrepresentation of Aboriginal people in custody. Can the minister please go into the background of the introduction of the custody notification service? How is that going to work and what work is the department doing in that area?

Hon STEPHEN DAWSON: Your question relates to the overrepresentation of Aboriginal people in custody and the introduction of the custody notification service and how that will help the department in the work that it is doing. I might ask the director general, given that he is living it on a daily basis, if he might be able to provide a response to that one, please.

Dr TOMISON: Western Australia has been negotiating with the commonwealth for some time to try to introduce the custody notification service. I think the minister has announced that will be happening. Essentially, the aim of the service is to ensure that when someone is brought into police custody, they are afforded a phone conversation with the custody notification service. The intent is to check on their wellbeing and perhaps provide some legal advice and to do so early in the process, rather than have someone sitting in custody without representation or without access to an external body for some period of time. The intention is to increase the person in custody's safety and also to provide an early approach to getting representation for that person. My understanding is that negotiations are occurring between the commonwealth government and the Aboriginal Legal Service of Western Australia, who are likely to be contracted to provide that service. They are looking at procedures of how it will all work, but the expectation is that through police regulations and subsequently through legislation, police will be obligated to ensure that those phone calls happen for everyone who comes into their custody.

Hon STEPHEN DAWSON: I can provide a bit of extra detail in relation to the customer notification service. Key elements of the model include that it would trigger an immediate and mandatory process that ensures that Aboriginal detainees receive independent culturally appropriate legal and welfare support when they are taken into police custody. It would also include that police are required to phone the CNS within half an hour of taking an Aboriginal person into custody, that the CNS is provided by an independent Aboriginal-controlled organisation that is able to offer immediate assistance—again, that is an important element—and that every Aboriginal person taken into custody has legal advice prior to a police interview. Member, you will be aware of the Aboriginal visitor service that currently exists. This CNS would operate alongside and complement the Aboriginal visitor scheme. The Aboriginal visitor scheme's current operations require that when an Aboriginal person is detained in police custody, if that person requires welfare or support or WA police determine that person requires welfare or support, the scheme is available 24 hours, seven days a week to make phone contact with that person. With regard to metropolitan and certain regional areas across the state, the Aboriginal visitor scheme may refer for an Aboriginal visitor to make a face-to-face welfare check with the person. We have that scheme in operation. This is an extra program. The government did acknowledge the recommendations that were handed down by the State Coroner resulting from the inquest into the tragic case of Ms Dhu. We have learnt from

that and we hope that that does not happen again. We are very confident and we are proud of this new CNS service and I think it will make a difference.

The CHAIR: Member, this will be your last question.

Hon Dr SALLY TALBOT: If this is my last question, I will go to the chart at the top of page 346. The fourth line item from the bottom is regional youth justice services. I know that Hon Alison Xamon has already asked you about that service, but can you talk specifically about the Kimberley and Pilbara in that budget allocation? Just an update on the status and what the money is being spent on.

Hon STEPHEN DAWSON: This is obviously an area that I have a keen interest in watching, even though it is not my portfolio, given I represent the Kimberley and Pilbara in the Parliament. I will ask the director general if he can give a response to this one, please.

Dr TOMISON: The department will spend \$21.5 million over the period 2018–19 to 2021–22 from the royalties for regions fund to deliver regional youth justice services in the Kimberley and Pilbara regions. The expenditure will enable the department to continue improving diversion services and reducing the overrepresentation of Aboriginal young people in custody, resulting in both social and financial benefits for local communities. The RYJS was established in 2010 to divert young people away from the criminal justice system by providing supervision of young people on community-based orders, management of young people on juvenile justice team referrals, and enhanced access to bail and programs and services including counselling. As part of the 2017–18 budget, the government approved \$5.5 million for 2017–18 only from the royalties for regions fund for the continuation of the RYJS in the Kimberley and Pilbara regions for a single year. This ongoing funding commitment is recognition that the continuation of RYJS to the Kimberley and the Pilbara at current levels is a worthwhile and viable investment that is capable of delivering an ongoing, sustainable, positive return to the local regions in the state consistent with the economic and social objectives of the government's plan for the Kimberley. The expenditure includes staffing costs—the current contractual commitments of \$2 million per annum with the external service providers we use. The overall expenditure has reduced from the 2017–18 budget, primarily due to lower regional housing costs. It is a good-news story.

Hon STEPHEN DAWSON: It is a good news story. The other point to make is that under the RYJS program, bail services are made available in the Kimberley and Pilbara. That plays a really important role in the diversion of these young people away from custody where appropriate and provides them with the opportunity to remain on country. It is an issue that I take an interest in because far too often we send young people from the Kimberley down to Perth who have done minor things and they get to consort with kids who have been bad and, occasionally, they bring skills and trades back to regional communities. Having this bail option is really good because it enables some of these young people to be diverted and to stay on country and, hopefully, it will stop them reoffending.

Hon MICHAEL MISCHIN: Perhaps I will start off at page 345, “Enhanced Fines Enforcement Team”. I note that in the 2018–19 budget just over \$2 million has been allocated, but there is nothing into the forward estimates. What is all that about? What is the enhanced fines enforcement team? Why does it need \$2 million and why has it not been funded into the future?

Hon STEPHEN DAWSON: Member, it is a very good question, but it is also a question that needs to be asked of the Attorney General. It is not part of this session today.

The CHAIR: Minister, will you undertake to take that on notice and see if we can direct that too?

Hon STEPHEN DAWSON: All right. I can take it on notice and provide that.

Hon MICHAEL MISCHIN: It was not clear as to which portfolio it fell under. I have another question though, if that is possible.

[Supplementary Information No C5.]

Hon MICHAEL MISCHIN: My question touches on the subject that you have just been addressing regarding the diversion of Aboriginal people out of custody and the like. How will the success of that program be gauged? Will it be gauged simply by the reduced number of Aboriginal people that are held in custody when alleged to have committed crimes that have warranted arrest and remand, or will it be measured by some other success factor? What would that be? How do you know whether this is a worthwhile strategy and working effectively?

Hon STEPHEN DAWSON: Conscious of the time, I will ask the director general if he can provide a fairly brief response to that one.

Dr TOMISON: The member raises a good question. In terms of measuring outcomes it will not just be around recidivism or the number of individuals from the Kimberley or Pilbara who are incarcerated in Banksia Hill. It will have to also be about other matters which we hope to affect and enhance through these programs. Related to the programs, whilst the money is assigned, in some ways, to bail services but also to other matters that the department provides, we want to link that up with a greater use of community corrections orders and community-based programming. What we hope to get out of those is a greater engagement by young people, for example in schooling, or with health services or addressing their particular needs. We would like to measure that as well as broader things like recidivism and the nature of offending and whether there is any change in that. Partly, it will be basic numbers as the member has suggested, but it will also be around some of the qualitative but important elements such as engagement with school, keeping in school, engaging in training, completion of programs and also some management of health and wellbeing. That is as yet being developed and will also go into the work being done by the office of crime statistics and research, which will come online over the next year.

The CHAIR: Thanks, members. That concludes our hearing with the Department of Justice.

On behalf of the committee, I thank you for your attendance today. The committee will forward the transcript of evidence, which includes the questions you have taken on notice highlighted on the transcript, within seven days of the hearing. If members have any unasked questions, I ask them to submit these via the electronic lodgement system on the POWAnet site by 5.00 pm on Wednesday, 27 June. Responses to these questions and any questions taken on notice are due by 12 noon on Friday, 13 July. Should you be unable to meet this due date, please advise the committee in writing as soon as possible before the due date. The advice is to include specific reasons as to why the due date cannot be met. Once again, I thank you for your attendance and participation today.

Hearing concluded at 12.33 pm
