

**STANDING COMMITTEE ON  
ENVIRONMENT AND PUBLIC AFFAIRS**

**TRANSPORTATION OF DETAINED PERSONS**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 26 JULY 2010**

**SESSION ONE**

**Members**

**Hon Brian Ellis (Chairman)  
Hon Kate Doust (Deputy Chairman)  
Hon Phil Edman  
Hon Colin Holt  
Hon Lynn MacLaren**

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**Hearing commenced at 10.09 am**

**JOHNSON, MR IAN**  
**Commissioner, Department of Corrective Services,**  
**sworn and examined:**

**DOYLE, MR GRAEME**  
**Assistant Commissioner, Corporate Support, Department of Corrective Services,**  
**sworn and examined:**

**LAWRENCE, MR BRIAN**  
**Director, Public Private Partnerships, Department of Corrective Services,**  
**sworn and examined:**

**The DEPUTY CHAIRMAN:** Thank you very much for coming this morning. Unfortunately, our Chair, Hon Brian Ellis, is unable to be with us today so I am acting on his behalf as Deputy Chair. On behalf of the committee I welcome you to the meeting. Before we begin I ask you to take the oath or the affirmation.

[Witnesses took the oath.]

**The DEPUTY CHAIRMAN:** You will all have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**The Witnesses:** Yes.

**The DEPUTY CHAIRMAN:** These proceedings are being recorded by Hansard, and a transcript of your evidence will be provided to you. To assist both the committee and Hansard please quote the full title of any document you refer to during the course of this hearing for the record and please be aware of the microphones and try to talk into them. Ensure you do not cover them with papers or make noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as a transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

We assume you are happy to have a public hearing.

**Mr Johnson:** Correct.

**The DEPUTY CHAIRMAN:** If at any point you decide that you want to change that we are happy to discuss that. We have a long list of questions, which I know have been sent to your office. We will move through those but before we get to them, do you want to make an opening statement to the committee?

**Mr Johnson:** Just a very brief opening statement to say thank you for the opportunity to come along and state the case for the department in terms of what has been done since the tragic death of Mr Ward back in January 2008. I think it is fair to say that we think we have made significant improvements to the prisoner transport system in Western Australia and also made significant improvements on a national basis as a result of this tragic incident. That is not to say there are not further improvements that could be made. I want to make it very, very clear that as a department we are very willing to take on board other opportunities and comments very much on that continuous

improvement process. Again, we look forward to the report from the committee and if there is something we can do more than what we are currently doing, we are absolutely committed to doing that. Thank you.

**The DEPUTY CHAIRMAN:** Thank you for that. The inquiry is framed around four specific terms of reference. We acknowledge that perhaps the fourth term of reference probably does not relate to you as much as it does to other agencies or organisations. We thought we might start out with the area dealing with term of reference 3 which deals with the scope and efficiency of government action to reduce Indigenous incarceration and recidivism rates to prevent further Indigenous deaths in custody. That is the term of reference we will start with. I know that questions have been provided around that term of reference so we might just kick off with that and go back into a couple of the other areas. Members have a range of other questions other than set ones that were provided to you. The first question we might raise in relation to this term of reference links back to your department's monthly graphical report dated July 2010. In that report it notes an increase in Indigenous prisoners and the total prison population since early 2009. What factors are driving this increase in Indigenous prisoners? You might be able to give us some information about that.

**Mr Johnson:** Certainly there has been a 10-year increase in Indigenous imprisonment in Western Australia. We feel there are numerous socioeconomic and criminogenic factors that contribute to that increase and the high representation of Indigenous people in the justice system. There has been a relatively low increase since 31 January 2009 to 30 June 2010 compared with non-Indigenous prisoner population. The Aboriginal population increased by 12.29 per cent, whereas the non-Indigenous population increased by 25.87 per cent. That is a point of interest. Certainly in relation to the drivers of Indigenous imprisonment and the range of factors we consider are very relevant are that many of the communities are dysfunctional communities and, of course, do not have the range of services that are typically available to people within the metropolitan area or the areas of greater population—substandard housing, unemployment, substance abuse, alcohol abuse in particular and, I suppose to a certainly extent, police practices in terms of the number of Indigenous people being arrested and put through the justice system eventually ending up with us. There are so many different factors—health, education, employment, upbringing, the family unit, the community unit—that it is difficult to isolate one particular aspect as the one that drives up the rate of Indigenous incarceration.

**Hon COL HOLT:** When you talk about dysfunctional communities are you talking about remote communities? In terms of your numbers increasing, where are most of them coming from?

**Mr Johnson:** That is a good point. The remote communities tend to be a bit more isolated by their very location, but also isolated from the mainstream type services. They are a source of concern, particularly for prisoners leaving the jail. If a prisoner leaves and goes back to a community that is still dysfunctional, the chances of his coming back to us are obviously greatly increased. They are the main areas of concern. You also get people who for whatever reason are displaced from these communities. They may have committed a crime that is so heinous that the community wants nothing to do with them. Of course, they then become relocated to a regional centre where they are away from family and support and their community, so of course they become quite isolated even in the larger centres.

[10.20 am]

**Hon COL HOLT:** Can I follow up on this a little bit? Obviously, change has happened in those communities that is causing dysfunctionality, unemployment or substance abuse. It is a pretty hard question, but are there any specific, perhaps, government policies that may have not hit the mark and actually caused some more dysfunctionality or unemployment?

**Mr Johnson:** Certainly not that I am aware of; no, no specific government policy. That is not to say that there are no opportunities here for corrective services. If I may give the example of the proposed Warburton work camp, which is currently under construction—it is certainly our intention

to house 30 offenders at that work camp, so these would be minimum-security-classified offenders who will actually be from the Warburton community. We have sat down with the community and said that we want to work together with the community in looking at the accommodation housing in that community, and with their community members who are incarcerated we will work through a system of priority in relation to fixing up some of these premises, along with the community members themselves and also people on non-custodial orders—those people subject to probation and parole-type orders. So we feel that will be an interesting pilot to move forward in that the community is working with both offenders in custody and offenders in the community to actually do something meaningful for that particular community and to start to move forward.

**The DEPUTY CHAIRMAN:** Is that type of program part of the new model of program service review that was outlined in the budget papers this year, or is that something separate?

**Mr Johnson:** Something different. I guess it depends how you classify a program; I suppose most people tend to think of a program as being a specific intervention that deals with the offending behaviour. One of the things I would like to touch on a little bit later in the presentation is what we think we do with offenders in terms of making a positive difference to their outcomes, and that ranges from employment and health to culture, supervision, program-specific education and the like. The Warburton work camp is really an opportunity. We feel that in the past you typically did not have custodial-based offenders working with community-based offenders; typically, there has always been that separation. We feel, particularly with a remote community that clearly has some issues, that this is just a great opportunity for those people who are from that community to actually do something meaningful for that community working with both the community members themselves and also non-custodial offenders. That then improves the living accommodation for the community itself. Importantly, it teaches skills for the offenders actually taking part in that work, but also, too, you would think that if you have taken part in that work and you have actually contributed something, your self-esteem, professionalism and teamwork are going to lift and it will be far less likely for that particular premises to return to a poor condition because you have actually got some ownership in that; you have actually had a buy-in.

**Hon LYNN MacLAREN:** I just want to continue on this theme of remote communities. The media has had reports on this and I am sure you are aware in your research of the New South Wales Yetta Dhinnakkal program, which was actually established 10 years ago, and they have had really good results. Over that long time period they have been able to measure and refine that program. I am not going to go into detail about it, but it is definitely a successful program. Other states in Australia have remote Indigenous communities and have managed to not have such incredibly high rates of incarceration. So, can I get a view from you about what is the difference in Western Australia? Why did we not 10 years ago implement something along the lines of this program so that we can reduce our incarceration rates and the recidivism? I think you are drawing that really good point that if people are released into a community that is dysfunctional, the likelihood of them returning to custody is high. These programs are in place to, actually in the communities, impact the health and wellbeing and the functionality of communities. So in your experience, what can be done in Western Australia to grasp some of these opportunities for better programs?

**Mr Johnson:** I think very much there is a starting point that really has to do with the young people in the Indigenous communities because, just from a practical sense when you are on the ground and you go to many of these communities, people go to school until they finish primary school and there is nothing else for them, so obviously once that sets in, the boredom sets in, there is nothing to do, then typically they get up to mischief and it just leads to a life of crime and disadvantage. Just coming back to the youth side of things, one of the things that you may well be aware of is the regional youth justice strategy, which is up to date and has been rolled out into Geraldton and Kalgoorlie. We were fortunate enough to get some further funding in this year's budget to roll it out to the Pilbara, and the east and west Kimberley. That will have a significant impact on the figures we have available for you a little bit later—it will demonstrate that—both in terms of diverting

people away from the justice system at an early as possible stage, but also, too, in providing that emergency-type support so that they do not end up in detention which then leads to other things. So there is a raft of things that have been done on a positive note in relation to the juvenile population, and particularly the Indigenous population of that cohort.

In relation to the level of incarceration in Western Australia, the figures—I can read the figures out to you in relation to how we compare with other states —

**The DEPUTY CHAIRMAN:** Actually, that would be appreciated.

**Mr Johnson:** Okay. This is an Indigenous imprisonment rate per 100 000 population, so it is a percentage. This relates to adults for 2008–09 for each jurisdiction, as reported in the report on government services. Western Australia imprisons 2 952.2—I do not know how our statisticians come up with the 0.2—per 100 000; South Australia is at 1 937; New South Wales 1 911.8; Northern Territory 1 595.7; Queensland 1 322; Victoria 961.6; ACT 703.3; and Tasmania 481. Across Australia the average is 1 720.3. Some of these comparisons have to be taken with some care because small numbers can end up with quite a large jump.

**The DEPUTY CHAIRMAN:** Sorry, what did you say it was out of a population of?

**Mr Johnson:** It is per 100 000, so Western Australia imprisons nearly 3 000 Indigenous people per 100 000 of that population. So we, as you can see by these figures, imprison far higher and greater than anywhere else in this country.

**The DEPUTY CHAIRMAN:** Just following up on that, I think one of our questions we put to you requested a summary of offences committed by both Indigenous adults and juveniles and asked, for example, how many Indigenous people are imprisoned for things like driving offences, because we know that that is a real issue, particularly in the northern part of WA.

**Mr Johnson:** Sure, I do have those figures available for you. This material that I am reading out will obviously be available to the committee. When looking at the number of sentenced and unsentenced Indigenous prisoners in adult prisons as of 30 June 2010 by their most serious offence and charge type—when I say that, this is the thing that they are imprisoned for; for example, 639 Indigenous people are in there for assault. A secondary offence to that may well be a driving offence, so the figures I am about to read out to you are where the primary offence is the offence that they are in prison for, which is the matter that you are getting to—the traffic. For driving licence offences, there are 58; for driving under the influence of alcohol or drugs, there are 82. If you consider theft or illegal use of a vehicle is really a criminal matter—it is a theft, it is not really a driving matter. Dangerous, reckless or negligent driving is four, making a total of 144.

**The DEPUTY CHAIRMAN:** Out of that 2009?

**Mr Johnson:** As of 30 June 2010 that is a breakdown of the Indigenous population as to what they are in jail for. There is a whole raft of other offences here that will be available for you to give you a bit of a comparison.

**Hon LYNN MacLAREN:** Have you got comparisons with the other states as far as the type of offence?

**Mr Johnson:** We can certainly undertake to try to get that information for you, if it is available.

**Hon LYNN MacLAREN:** Also just following on from Hon Col Holt's question about remote communities, what comparisons can be made with the incarceration of Indigenous persons who live in remote communities as a comparison state by state? Are we incarcerating people who live in remote communities at a higher rate than other states?

[10.30 am]

**Mr Johnson:** Can I say, if I take Victoria as being an example, their idea of what is remote is for us a drive in the afternoon. I spoke to my counterpart who was the commissioner of corrective services

in Victoria, who in recent times took on the position in Queensland. The last time we had a conversation about remote locations, he now comes forward and says, “I know exactly what you talk about when you talk about remoteness.” Queensland compared to Victoria is just a different ballpark.

**The DEPUTY CHAIRMAN:** We have had a range of submissions which have picked up on the issue of tackling this issue across the whole of government. I am just wondering, in light of the events leading up to Mr Ward’s death, since then what sort of appetite has there been in government to work together or to work across all the agencies to do this better? Has any formal structure been set up?

**Mr Johnson:** There are a couple of points to my answer. One would be: after the death of Mr Ward and in August 2008, the department initiated a transport forum that involved senior representation from across Australia and New Zealand—we had some representatives from the United Kingdom as well—both in terms of correctional administrators and police administrators. That was focused on looking at what happened and what can we do to prevent it happening in the future, of course; looked at vehicle specifications and standards, duty of care, emergency actions and training; and a whole raft of other activities involved with the transportation of prisoners. I think that, more broadly coming to the point that you are leading to, in relation to what we are doing across other government agencies—not necessarily as a result of this but certainly this was very much a strong influence—we have executive meetings with police, with disability services, with child protection and other agencies both to understand what strategies they are looking at for the future and to understand what the impact is going to be on us.

**The DEPUTY CHAIRMAN:** And that is in terms of reducing Indigenous incarceration and recidivism?

**Mr Johnson:** It is right across the board. The problem for us is we are at the end of the stream; we cannot put up the “we’re full” sign.

**The DEPUTY CHAIRMAN:** Who becomes the lead agency in moving that forward?

**Mr Johnson:** On those types of meetings that I talked about, you have the respective commissioners or directors general with their executive teams. Typically, we have a number of projects that we have agreed to work together on, whether it be sharing information, collaborating with each other, or sharing training with each other. We then set up projects which are then monitored by that group to make sure they are implemented. The other aspect is in relation to the Department of Indigenous Affairs. The name of the committee escapes me under the act of the Department of Indigenous Affairs. Health are there, education are there, police are there, obviously DIA are there and there are a couple of other agencies. We have appeared before that committee on a couple of occasions now to present as to what we are doing and to receive questions from the committee. It is my understanding in discussions with the director general of that committee that they are looking to actually legislate to have corrective services actually on that committee because the bottom line is if we have got 40 per cent of Indigenous people in our prisons, that is a committee we need to be on because it is across government. I certainly see that as being a positive step. I am sorry I cannot recall the name of the committee, but it is under their act. They are just some brief examples of what is happening across government. The other thing is that I should be at a meeting this morning that is in relation to the human services directors general. That involves disability services, child protection, police, education, health and corrective services. That is part of an ongoing number of meetings that we have had that was established initially under Premier and cabinet and has continued on. That meeting today is actually being held at Boronia to give people an understanding of what we do.

**The DEPUTY CHAIRMAN:** Which is an excellent model, is it not?

**Mr Johnson:** Yes. You would like to be able to replicate Boronia throughout.

**Hon LYNN MacLAREN:** Can I go back to the number of juveniles that are in detention and particularly the number that are not sentenced? The Commissioner for Children and Young People expressed concerns about the rate in comparison with Victoria in particular, and you mentioned Victoria earlier. Looking at the graphical report before us, which is the monthly report for July, it notes that 70 per cent of juveniles in detention are Indigenous. The weekly offender statistics note that 35.9 per cent of them were not sentenced. Could you comment on why the percentage of juveniles in custody that are not sentenced is so high?

**Mr Johnson:** Thank you for your question. If I could just give an update in relation to the number. Currently, as of last week, as of Thursday 22 July, in juvenile, 63.6 per cent of the population was Aboriginal; unsentenced was 44.5 per cent. That is just to give you a recent snapshot. I think the question that came from the Commissioner for Children and Young People was about 35.9 per cent of youth in custody are on remand awaiting sentencing. The simple answer, without trying to oversimplify my response, is that they are awaiting a court outcome. They are at various stages of the court process, whether it be on remand or the gathering of witnesses or setting a hearing and the like. Those people are just awaiting the court outcome. It is fair to say that a lot of juvenile people have been sent to the detention centre where bail was not available for them. That is where the impact of the Kalgoorlie and the Geraldton regional youth justice has had a significant impact. In fact, no person who has been eligible for bail from those two places has then been subsequently remanded in custody, because bail has been found in terms of emergency accommodation and emergency-type support. What we are certainly looking to achieve when we roll this out across the Pilbara and the east and west Kimberley is a similar result. For us it makes no sense whatsoever, particularly transporting juveniles. To transport someone from the far north of this state over 3 000 kilometres, for them to come back into remand and then subsequently receive bail and have to be transported all the way back, with any transport for us there is a risk. The fewer people we can actually have making the journey, the far better off we are going to be.

**Hon COL HOLT:** I am just following up on what you are talking about there. On the Kalgoorlie and the Geraldton one, it is about finding a safe release site for those offenders. Is that the general gist of it?

**Mr Johnson:** Basically, it is the number of interventions both with the family at an early stage and with the juvenile justice team. A police officer is housed at the same location that we are housed at, so you get that sort of understanding and, I suppose, a willingness to have some sort of diversion project in situ. Obviously, though, there are psychologists and psychiatrists in relation to the program. Importantly, it is about where a court has decided that, if appropriate bail can be found, the person can be bailed. It is about having that accommodation which is supervised and so the community can feel that, yes, the offender or the young person is actually in accommodation and are not going to be running rampant. I think that was the gap before. There was nowhere to put these young people, so the only place to put them was in detention in Perth. Now we have some private service providers. Drug ARM provide accommodation in Kalgoorlie, which is in the community itself, so it means the young person is actually staying within their general community, which is a good outcome for us. Typically, if they come to Perth, they end up getting bailed at some stage and then head straight back to where they come from. The supervised bail and the emergency supported accommodation is an important part of that.

**Hon COL HOLT:** And based on a team approach in each of those locations, is it not?

**Mr Johnson:** There is a very strong team approach in terms of having all of the services in a one-stop shop, if you like, for a young offender as they come in. Again, expanding that out, one of your questions related to the report from the Auditor General. That has been further expanded in Perth and we have separated out the youth justice services from the adult. Typically, there are a lot more adults; they tend to overpower. We have now got an assistant commissioner for youth justice. We have got hubs around the metropolitan area that have brought all the youth services together, so

when an offender goes there—that use of the term “one-stop shop” is not the correct term, but that is what it is about.

**Hon COL HOLT:** I just want to work on the process. Let us say a young man comes from Warburton enters the Kalgoorlie youth justice system and you find emergency accommodation for him. His court case comes up and he is acquitted. Does he get returned to Warburton?

**Mr Johnson:** Yes. We return people to where they come from, particularly with young offenders. There are a number of iterations to the response. For some communities, they have unfortunately had enough of the individual, depending on what types of crimes they have committed. First and foremost for us is the risk of putting someone back into a location. If Judge Reynolds is going to make a decision about the placement of a young person, he will ask us for a report and our recommendations. If we were to think that that person would be at risk by returning to a particular community, we would put that forward to the judge and he would then make a decision accordingly. It is never easy.

**The DEPUTY CHAIRMAN:** The budget papers this year indicate the department has an estimated budget of \$771 million for 2010–11, an increase of around \$130 million from 2009–10. What percentage of the department’s budget is spent on offender programs, and how does this compare to other states?

**Mr Johnson:** I cannot tell you about the other states; I do not think I have that information. But what I can say is, first of all, the \$771 million figure in the budget papers also included \$176.8 million of capital appropriation, so the actual budget figure we based my response on is \$594.6 million. We allocate 6.3 per cent of the operating budget for the provision of community and prison-based programs and detention centre-based programs, education, re-entry and vocational services. I do not have the figure across other jurisdictions; it is just going to take me some time to get that, but I will get that for you. Could I just add that that is in relation to what a program is. It comes back to my earlier point where people typically associate a program with a specific intervention dealing with a person’s criminal behaviour. We very much feel across the department that there are so many different things that we are doing to make a positive difference for offenders right from the very first day they are inducted. Some anecdotal information that we get from many offenders is that when they do come to prison—this is particularly relevant to Indigenous people—they say if it was not for the fact they have come to prison, they would die. At the end of the day, their health is in such a poor state and they have got themselves into such a sense of despair in terms of substance abuse that when they come there, they get three squares a day and they are back into safe accommodation, are getting their health looked at and are getting back to some sort of semblance of constructive activity. When they leave, they are in far better physical condition as well as emotional condition than when they come to us. There is a whole range of interventions that are in addition to what are specifically allocated in the budget papers. We feel that everything—just the daily interaction between people and officers and staff with prisoners—is all part of moving them forward to when they leave. We know we are not going to make them perfect.

**The DEPUTY CHAIRMAN:** And, hopefully, not get them to your front door in the first place.

**Mr Johnson:** We would love to have less coming to our front door, but, like I say, many of the factors there are well and truly outside our control.

**The DEPUTY CHAIRMAN:** I see that in the budget papers it was flagged that they are going to be rolling out a new model of program service delivery, and I did touch on that briefly before. Can you just explain to us what that is about?

**Mr Johnson:** One of the areas of concern was that we acknowledge that we were not delivering enough programs both in community and in custody and certainly wanted to turn that around. We looked at developing a new business model to increase interventions for all offenders through a number of trained facilitators throughout the state, but really looking to combine the resources of



both community-based offenders and adult-based offenders in the prisons in the one hub. So we have a collection of people there that can deliver programs either in custody or in the community. We looked at improving the accreditation of the programs and the evaluation of the programs in terms of the clinical governance to make sure they are appropriate, they do work and, if they do not work, should we continue with them, should we improve them or should we get rid of them totally. I know one of your questions later relates to the actual governance. The priority is very much on foundation programs, cognitive skills and generic offending—stuff that actually makes prisoners think about their behaviour and what they can do differently to actually not get themselves in the position where they are reoffending.

[10.45 am]

But we are also looking at the intensive and resource-heavy programs being restricted or, if you like, reserved for those who really needed those programs. One of the challenges is that we get some offenders coming into our care who are only there for a short while—six months or just over, which is the minimum, basically—and during that time they present with a whole range of issues, as I have previously outlined. Before you can get them to start taking a program you have actually got to sort out their health concerns and you have actually got to get them back onto stable ground. For many of the ones who are coming in for brief stays there is not that much time available to actually get them on a program. Really, we are looking to increase the number of those short-term-type programs, such as cognitive skills, so that we can get more people through that.

It is also a fact that when you have people coming into the system, it is quite easy to think: “What kind of programs does this person need?” If you have a checklist of 10, you can typically say: “Every one of them. We will tick the box; they should be doing all of these things.” But if you do that, you are never going to have enough people to be able to deliver the programs, or the locations to deliver it to. Not every program is available in every prison in the state, and there are numerous reasons as to why that cannot be the case. Really, looking at the new model, it is very much about working in partnership with other service providers, so not just saying we are going to do it ourselves. We found out, during the resource boom, that getting trained, qualified people and retaining them is very, very difficult, so we are looking for not-for-profit-type organisations and other service providers in other parts of the state. But we are really looking to target Aboriginal people and women offenders, and we have formed an Aboriginal facilitation unit that delivers programs, again, throughout the state that specifically target Indigenous people. The benefits of this new model that we see are a greater capacity to deliver programs; a defined process for referring and scheduling programs for offenders in prison and the community, and really being disciplined about that; increased integration in each location with local prisons and community and youth justice; increased through care of offenders and a focus on the community delivery of programs; and, stronger links with the adult community justice services. If I could say that in the past two years there has been an increase in programs, coming from a low base. In 2008-09 there was an increase of 45 per cent; in 2009-10 there was an increase of 65 per cent. We have also increased in terms of the delivery of education. It is on the right track, but I am not going to sit here and say it is there yet because it has still got a way to go. There is not one single reason why these things are happening; as normal, a whole combination of factors come into it.

Coming back again to remote and regional locations and the fact that we cover 2.5 million square kilometres, it is very difficult to get some programs operating in certain parts of the state. You cannot get people to go there and you cannot get the numbers that make the delivery of such a program a meaningful outcome. There is not much point if you need a group session and there are only two people in the group; it does not quite work.

**The DEPUTY CHAIRMAN:** Given our time constraint, we might just come back and talk about some of the issues relating to terms of reference 2, which focuses on the feasibility of air transport or videoconferencing instead of long-haul transport. Your submission advised that the department

had introduced commercial coach transportation on the Perth to Albany, Perth to Kalgoorlie, and Perth to Greenough, Roebourne and Broome routes and return all routes, and a one-year trial of charter flights from Broome that commenced in October 2009. Approximately how many prisoners have been transported by air?

**Mr Johnson:** Broome Air Services has moved 355 persons in custody during the first nine months of the trial of the charter flights from Broome, across the Kimberley. In the first two months of the six-month contract we recently awarded, Skippers Aviation has moved 239 prisoners between prisons on the inter-prison flights between Perth, Geraldton, Roebourne and Broome. We certainly see it as being a very successful initiative at this stage.

**The DEPUTY CHAIRMAN:** Are Broome, Roebourne and Greenough being serviced by charter flights as well as commercial flights?

**Mr Johnson:** The movements are primarily done under a contracted arrangement, with charter flights and commercial flights used as a back-up. There are occasions of having an unplanned movement—that is, again, a typical challenge we face in this department—because there are some movements that are ad hoc and at short notice, and we use charter and commercial flights as a back-up then, but they are primarily done by the contracted arrangements.

**The DEPUTY CHAIRMAN:** Where air transportation is being used on those routes that we have already discussed, is vehicle transportation still being used as well?

**Mr Johnson:** It is. There are times when a prisoner just does not want to fly. Some people have never flown in a plane and they say, “There’s no way I’m getting on a plane.” There are other reasons, for security reasons, that it may not be appropriate to be on a plane, or for health reasons that it may not be appropriate to be on a plane. On those occasions, we have no alternative but to transport people by road.

**The DEPUTY CHAIRMAN:** Will air transportation on the routes be ongoing, or is it subject to review; and, is it anticipated that further routes will be added in the future?

**Mr Johnson:** We have been very pleased with the outcome of the trials; it really cuts down what was a three-day journey to a four-hour journey. We have contracted air services for the Kimberley, Pilbara and Goldfields, as well as northern inter-prison escorts. We have evaluated it and the services are going through til October 2010, through to July 2011. That is when the current CSCS contract expires and the new contract will be in place. We very much see that as them being part of that new contract. We are very much committed to the ongoing use of aircraft and the other improvements, such as the use of coaches, to transport prisoners.

**The DEPUTY CHAIRMAN:** Are prisoners still being transported by vehicle over long-haul routes; and, if so, which routes are still being serviced by vehicles?

**Mr Johnson:** The only time they are transferred over what you would call a long haul is as I have outlined—if there is a medical issue or a security issue, or the prisoner just flat-out refuses to get on the plane. Anything from Perth to Broome and in between there—if we do it from Kalgoorlie to Albany, then we are using the coach-type transfers, and that is obviously a far, far better service.

**The DEPUTY CHAIRMAN:** How many prisoner transportations occur in WA each year; approximately how many of those are considered long haul; and how does the department define long haul?

**Mr Johnson:** Over the past three years it has averaged out at 44 500 movements per annum. If I could just say about that, that different states count it different ways. We count a movement, say, for example, from prison to court and back to prison again as one movement; some states count that as two movements. Of the 44 500 movements, an average of 5 500 were long haul, and a long-haul trip is one that takes longer than four hours to complete.

**Hon COL HOLT:** I am just talking about transportation between the major prisons, if you like: what are some of the reasons why you move people?

**Mr Johnson:** It could be a combination of reasons. You may have prisoners who initially get sentenced from up in the far north of the state whose classification is such that they require maximum security. They will initially come to Casuarina or Albany or Hakea. They then move through the system so they settle—in terms of the some of the treatments they are provided with—and they work through the system to become medium or minimum security prisoners. Then they can be transported back up to where they came from, back to family. We also move people for family reasons, so if people are down in the south of the state and they are not getting visits, then they get transported back to the nearest prison to their community so that they can have visits facilitated. There are many times we transport people for funerals, because, as you can imagine, there is that requirement throughout the state, so people have been transferred backwards and forwards for funerals. It may well be that people are transported from up in the north of the state, or other locations, for a specific program that may just be available at a couple of prisons in the metro areas and so they get transported there. There are probably multiple other factors. People will be transported for specialist medical care and the like.

**Hon COL HOLT:** Are you confident in the rigour of your decision making about people transport? If someone rocks up at Broome prison, because they are maximum security, before you even move them I would have thought there would be a whole decision-making process that goes into what is best for these people.

**Mr Johnson:** There is.

**Hon COL HOLT:** How confident are you in the rigour of that decision-making process?

**Mr Johnson:** The classification and assessment of prisoners was certainly a key part of the Mahoney review, which was a key review, undertaken back in 2005, of the corrections system. The assessment is both rigorous and, I think, appropriate, and it is constantly being worked on to make sure that we are confident it is contemporary and meets the needs of prisoners. If I could come back to, say, if someone gets locked up in Broome, they do go through an assessment process before they get whisked off down to Perth, but the Broome prison is really built to hold 66 people so there is not much space available. The Derby prison is currently being constructed and will have 150 beds, which will include maximum and medium and minimum, both male and female, and there is more opportunity there to reduce transportation because it will be right on your doorstep. There is a 350-bed facility being built in Kalgoorlie, again covering all classifications, which will be replacing a 100-bed facility, so there will be a net gain of 250 beds. Again, that will make sure that prisoners are back in country and there will not be the need to transport them all over the state. We would prefer not to transport anybody, let me tell you. For us there is just nothing but risk associated with transport, whether it be risk to the individual, risk to security, or risk to community, and just driving on the road is a risky business. We would prefer not to transport.

**Hon LYNN MacLAREN:** The committee has been informed that the Queensland government actually has a fleet of aircraft. Do you support that model for Western Australia?

**Mr Johnson:** Interestingly with the Queensland model, they are the Queensland Police Service air wing, not dissimilar to our WA Police air wing. My understanding is that Queensland police use that to transport police prisoners, not prisoners per se across the corrective system. WA Police has the frontline first philosophy, which does not see it inclined to be in the business of transporting prisoners, apart from their own prisoners. But having said that, Karl and I have sat down and spoken about the opportunities that may present should there be another plane provided to police—they have currently got two PC-12 Pilatus aircraft. It would be a joint business case, because we would certainly have a use for using it, particularly for those flights that are not planned, such as the ad hoc-type flights, and juveniles in particular, where you may have just one here and two there, and

we would see some real potential there. The benefit for us is that you have also got a couple of police officers on board as well.

**Hon LYNN MacLAREN:** Have you looked into the detail of that joint business case yet?

**Mr Johnson:** Sure; I know that discussions have been underway with police. I am not sure where they are at with the submission of that in terms of whether that has gone through.

**Hon LYNN MacLAREN:** The costing and needs assessment—how many planes we would need—has that been done?

**Mr Johnson:** We know the number of prisoners that we transport. One of the outcomes we need to await, to be fair, is that in July 2011 there will be a new CSCS contract in place, and part of that we very much want to be an air transport service, so whoever the new provider is of that will be linked into that.

**Hon LYNN MacLAREN:** Presumably that is not the government owning planes for this purpose?

**Mr Johnson:** No.

**The DEPUTY CHAIRMAN:** Does the department have a very clear policy on prisoner transportation?

**Mr Johnson:** Yes, we do.

**The DEPUTY CHAIRMAN:** I would imagine that is provided in all of your training to staff as well.

**Mr Johnson:** Yes, and also I think, above that, and after the death of Mr Ward, then clearly the minimum guidelines for the transportation of prisoners needed to be improved significantly, so we have done that as well. But, importantly, on a national basis, we undertook to develop and improve national standards for the transportation of prisoners. We then put that through the correctional services ministers' council and got agreement from all of the jurisdictions about what the minimum standards need to be to safely transport people in a humane fashion. That covers duty of care, vehicle specifications, emergency provisions, and a whole raft of other benefits. That has been signed off by all jurisdictions and it has been signed off by the ministers and has been implemented, so we have done a state-based policy, plus a national policy.

**The DEPUTY CHAIRMAN:** Are you able to provide copies of those documents to the committee?

**Mr Johnson:** Certainly; I have not got them with me now, but I can certainly provide that.

**The DEPUTY CHAIRMAN:** That would be appreciated.

**Hon LYNN MacLAREN:** The department's submission states that you support video conferences as a feasible option to transportation, and you have made it clear that you prefer not to transport. In what instances do you support videoconferencing?

**Mr Johnson:** We support it 100 per cent, but there are others that maybe do not support it. It happens, typically, when there are times when, for various reasons, the legal counsel or the members of the judiciary want the person in the court before them. We do as we are told; if we get told that the judge requires a person in court, or a magistrate does, then we convey that person under the proper paperwork. There are occasions when the judiciary or legal counsel may well want the person in court, and there are good and valid reasons for that. Sometimes you have an accused who is not represented, so the judge will, typically, want the person before them so that they can have that dialogue. There are also other instances. Some medical procedures obviously cannot be done through videoconferencing. We do a lot of health care procedures over the video as well, but obviously that has limitations. I suppose, as a rule, we support it 100 per cent, but, at the end of the day, if the court says, "We want the person here," then we do as we are told.

[11.00 am]

**Hon PHIL EDMAN:** Commissioner, do you know how the prisoners respond to videoconferencing? Do you know what the pros and cons are for them?

**Mr Johnson:** I think, like everything, no one size fits all. Some prisoners respond very comfortably to it; for others, it is obviously a completely new experience and there is a degree of uncertainty. Coming back to the question about transporting people, we will transport people for visits, for example, to the north of the state, and we are looking to introduce technology along the lines of Skype—it is not Skype that we are going to put in, but something along those lines—where people can sit down in front of a computer and have an interaction with a family member, legal counsel or others. I think, when we roll that out a bit more across the system, and coming back to the question about how prisoners react, they will become far more used to that sort of medium and far more comfortable with it. But it is fair to say that for a person from a remote location who has never come across this before—not just for those people, but also for others—it is going to be a bit confronting to start with.

**Hon PHIL EDMAN:** Sure.

**The DEPUTY CHAIRMAN:** It has been put to the committee that the video link facilities in some of the custodial institutions are impeding the capacity for courts to use video link. We are just wondering how many prisons and remand centres have video link capacity. In your view, is a lack of facilities at these locations indeed impeding video linking court appearances?

**Mr Johnson:** All prison detention centres and community justice centres have access to audiovisual technology.

**The DEPUTY CHAIRMAN:** Either on location or on site?

**Mr Johnson:** On location at the site, yes. The use of the technology has increased from 38 per cent in 2007–08 to 52 per cent in 2009–10. The demand will, I think, continue to grow, and I think it is fair to say that we certainly need, in some locations, to upgrade not only the actual infrastructure but also the resources that go with that—the staff that obviously must accompany the video links. There is also an opportunity or a need to be able to support multiple sites because lawyers need that access to their clients, and a court may have a number of different courts operating on a day. We are restricted in that sense; if it is just a smaller location and our room is tied up, then it is tied up, and it is not available for other courts.

**The DEPUTY CHAIRMAN:** An issue that was raised with us at an earlier stage was interpreters—that a number of people may need access to an interpreter, and that that may cause issues with using video link.

**Mr Johnson:** If the use of it continues to grow, and depending upon what the prisoner population ends up being in terms of the mix of that population, the use of interpreters will certainly be on the increase and a challenge for us. You only have to look at the population demographics to see certain groups.

**The DEPUTY CHAIRMAN:** In terms of the types of facilities that you have in these various institutions, how often is it upgraded, and what sort of allocation is there in the budget to provide for a regular upgrading? As we know, technology changes so swiftly. Who would have thought, five or six years ago, that we would have been talking about Skype or its successor? Whilst we have one system in place now, who is to say that in 12 or 18 months' time there will not be a better one? How do you accommodate that in the budget?

**Mr Johnson:** I might ask Mr Doyle to comment on that. The deputy chair is right; five years ago, who would have thought about Skype? It took me five years to get my head across a fax machine!

**The DEPUTY CHAIRMAN:** Yes, some of my colleagues still have not got that!

**Mr Doyle:** The equipment itself, the audiovisual technology equipment, is relatively low cost in terms of capital expenditure, so when that is required to be replaced, it is replaced from within either the prisons, the community justice centre or the detention centre—whatever the location is, it is replaced from within their budget. If it is operating effectively, then there is no need to replace it; if it requires replacing, then it is replaced. It is typically less than \$10 000—much less, in some cases—to replace that particular equipment. The other issue is around infrastructure—buildings and rooms, for example—and whilst we have them all, as the commissioner said, if there is an expansion of the need for this, then we will need to provide some more infrastructure, and that will require a submission as part of our annual budget process in our strategic asset plan, and that is a submission that we have in draft. In the event that the need does come about for more videoconferencing, we have done work on preparing that submission to say, “Okay; well, we’ll need additional rooms or buildings in these particular locations.” That is a matter of a submission to government for that level of expenditure, because our estimates could be up to \$5 million across the system to increase the buildings and rooms if we are going to expand videoconferencing. The recurrent costs, again, of actually running that—having people do bookings so it actually happens in a coordinated manner, so you have got to have at least one person dedicated at each facility for that—we are talking about \$1 million per annum on a recurrent basis to actually operate audiovisual across the state.

**The DEPUTY CHAIRMAN:** I would imagine that in some of these more remote locations that getting net access would be an issue as well to enable video link?

**Mr Johnson:** I am not sure that it is, actually. Not that I am an IT guru, but if there is not a land line there, then the use of satellites is very conducive to using video links, because it is big chunks of data.

**Hon PHIL EDMAN:** So there have been no issues with it?

**Mr Johnson:** Not that I am aware of. I think the issue has been where the actual facility is available for the community. I know, for example, coming back to Warburton, the police station has an agreement with the Kalgoorlie Prison, where the committee members go to the police station to interact with their family members in the prison. But can I just make it clear, coming back to the question you asked about our facilities: if the committee were to ask me whether the videoconferencing room in Kalgoorlie, for example, is sufficient, no, it is not. It is just not sufficient; it is not fit for purpose. Obviously we have a new prison that is about to be constructed there, so the facilities there will be greatly increased, but for the current facilities, we are trying to grab the room to make the best we can do with a facility that needs to be blown up.

**Hon PHIL EDMAN:** How do the officers go in terms of using the equipment and maintaining it? Is there any support for them as well? That probably follows on from what Hon Kate Doust asked in relation to the budget.

**Mr Johnson:** Sure, we have quite a comprehensive IT section in terms of support. I am not sure whether they specifically do the AV.

**Mr Doyle:** If they need support, there is support through our shared information services directorate. That is a directorate that we share with the Department of the Attorney General. It goes back to the split of the Department of Justice back in 2006, so that sort of support, cross-system support, is provided through that directorate.

**Hon PHIL EDMAN:** Commissioner, when we had the terrible death of Mr Ward, I just want to know how old were the vehicles, the vans, at that point? I have a few questions here.

**Mr Johnson:** I might ask Mr Lawrence whether he has that information.

**Mr Doyle:** I can answer that. The original fleet goes back to 2000, when the contract first started, so most of those vehicles at that time were seven to eight years old.

**Hon PHIL EDMAN:** Those vehicles, were they prone to breakdown and engine rebuilds? Did they have major maintenance over that period?

**Mr Doyle:** It is fair to say that there was significant maintenance of those vehicles, and that is why we were in progress, at that time, of replacing the entire fleet.

**Hon PHIL EDMAN:** So when was funding requested for the vehicle replacement? What year?

**Mr Doyle:** Going back, the first year that a budget submission was actually put to government for replacement of the fleet was for the 2006–07 budget, so that was a submission prepared late in 2005.

**Hon PHIL EDMAN:** So it was the 2006–07 budget? Why was that not approved or granted?

**Mr Doyle:** They are decisions that government takes in a budget process.

**Hon PHIL EDMAN:** Thank you.

**Hon LYNN MacLAREN:** What vehicle type and model is replacing the existing fleet? You have reported that 27 of the 40 new vehicles are on target for delivery, or you have received 27 of the 40 new vehicles, and you are on target for delivery by the end of 2010. I guess the question that we all have is: how many vehicles are in the fleet and what are you replacing the old ones with?

**Mr Doyle:** In terms of the fleet used by the contractor, there are currently 37 vehicles in the fleet, and that is a mix of the new vehicles and some of the existing fleet vehicles. As we have said, we are partway through and getting very close to completion of that full vehicle replacement program.

**Hon LYNN MacLAREN:** So you are waiting for 10?

**Mr Doyle:** We have taken delivery of 27. There are also some in the state—a further four, I think. There are 31, in total, in the state, out of the full replacement program. Some four of those are still having the electrical fit-outs et cetera put on them, so they are not actually operational yet, but they are here. There is a mix of the types of vehicles. There are 14-seaters; they are the inter-prison transport vehicles. They have long-range fuel tanks, GPS tracking, temperature monitoring in each cell, duress alarms, CCTV and audiovisual recording. There are 12-seaters, which also have all of those features. The 14-seaters also have two toilets in them as well. There are eight-seaters with toilets as well, and all the other safety features. There are eight-seater dual cabs and some four-wheel-drive vehicles, which are also eight-seaters. Once we complete that replacement program, there will be 43 vehicles in the fleet, from the full replacement program.

**Hon COL HOLT:** Just carrying on from that, I was going to ask what changes you have made to vehicles since the coroner's report into Mr Ward's death. Do eight-seaters have two bench seats, or are there actually eight seats? You may not be able to give me those sorts of details verbally, but I am interested to know what sorts of changes you have made to the fleet in terms of the coroner's recommendations. If you could provide that information, it would be great. At the moment, are any of those older vehicles still operating in remote areas or in regional Western Australia?

**Mr Johnson:** I will come back to the first question. There were some immediate improvements made to the fleet prior to the coroner's recommendations in relation to CCTV, duress alarms, monitoring of the temperature in the back and the intercom between the back and the driver. They were installed basically as soon as possible after the death of Mr Ward. I suppose one of the big changes to the vehicles is that there is the vehicle itself, but then there is a pod that sits on the vehicle, so you can actually change the vehicle without actually changing the pod. The vehicle will be changed every five years, but the actual pod would be then transferred to a new vehicle and every 10 years would be replaced. The things that Graeme has outlined in terms of CCTV and all of the enhanced monitoring is all part of that new fleet as well. The other part, I suppose, with the fleet of vehicles is that we have introduced the use of long-haul coaches. They are the coaches that any member of the public would typically use—a Greyhound-type coach to transport prisoners from Kalgoorlie to Perth or Albany to Perth. For the long-distance hauls, we are now using aeroplanes in

terms of transportation. One thing that gets overlooked, and one thing that we are really pushing, comes back to the classification of prisoners. If a prisoner is appropriately classified in minimum security, for example, there is nothing wrong with using a commercial vehicle to transport that prisoner. If we are using a Commodore, we use a Commodore; that way, all the issues about air-conditioning and everything else—we are sitting next to the person, so we just get on with it, but we have to make sure that we properly assess that. Sorry; what the member's second question relate to?

**Hon COL HOLT:** How many vehicles of the older fleet are still operating in regional or remote Western Australia?

[11.15 am]

**Mr Doyle:** We have 27 operational from the new fleet. We have 37 in the fleet; so there are 10 from the original fleet still being used.

**Hon LYNN MacLAREN:** In remote areas?

**Mr Doyle:** No; mostly in the metropolitan area and the south west.

**Mr Johnson:** But not doing long-haul transport.

**The DEPUTY CHAIRMAN:** The coroner's report made a series of recommendations, and we just want to go through some of the responses from your department to those recommendations. Recommendation 11—I will not go through exactly what they are, because I am sure that you are fully aware of them—refers to the policies and procedures of G4S. I want to know what action the department has taken to implement recommendation 11.

**Mr Johnson:** Okay. The duty of care policies and procedures for the contract were reviewed as a priority following the death of Mr Ward, and this was completed by mid-2008. We reviewed all G4S policies and procedures between July 2008 and April 2010. We do an annual review of all G4S policies and procedures to make sure they are contemporary.

**The DEPUTY CHAIRMAN:** And who conducts that annual review?

**Mr Johnson:** That is done by the monitoring team and the contract management team. Do you have anything else to add, Mr Lawrence?

**Mr Lawrence:** Adult custodial and professional standards are all involved in reviewing those policies.

**The DEPUTY CHAIRMAN:** In your view, has recommendation 11 been fully implemented by the department?

**Mr Johnson:** We think that all existing policies and procedures have been reviewed and amended where necessary, and are reviewed on an ongoing basis. Having said that, in addition, the Office of the Inspector of Custodial Services has unfettered access to those types of policies and procedures. So there is another mechanism for checking that is also available. So, the answer is, yes.

**The DEPUTY CHAIRMAN:** Thank you.

**Hon LYNN MacLAREN:** Commissioner, I refer to the Deaths in Custody Watch Committee submission that indicated, as many of our submissions have, that there needs to be greater accountability in the provision of custodial services to the whole community. Do you believe the accountability measures that the Department of Corrective Services is responsible for have improved since the death of Mr Ward? As a result of the reviews that you have carried out, how have you impacted the accountability mechanisms?

**Mr Johnson:** Very significantly. Whenever we make a decision now in relation to transport, whether it be about policy, vehicles, a board meeting of the CSCS contract, the re-tender process or whatever, be rest assured that the death of Mr Ward is right at the front of our mind in terms of



making sure that we do whatever we possibly can to make sure that it never happens again. It is there every day, and we think about it.

**The DEPUTY CHAIRMAN:** Moving on to look at these other recommendations—12, 13 and 14, which again focus on G4S and its operation and staff—can you perhaps explain to us what has happened to implement each of those recommendations about ensuring that action plans are put in place and about ensuring that G4S staff are fully trained and complying with all of the requirements?

**Mr Johnson:** Sure. Can I clarify—was it recommendation 12?

**The DEPUTY CHAIRMAN:** Recommendations 12, 13 and 14.

**Mr Johnson:** In relation to recommendation 12, we employed three additional monitors in November 2009. We have secured additional funding for those monitors as well. We actually put the monitors in place before we got the funding, but we figured we needed to get on with this and get it up and running. We have received additional funding in the 2010–11 budget to fund that. We have revised a monitoring plan for the contract and introduced schedules for the performance of process audits, audit reviews and operational reviews. So there is a far greater emphasis on ongoing audits and spot checks and monitoring of the contractor's performance. In relation to whether the fleet is maintained in a safe manner and G4S is complying with company policies and procedures, we feel that we have done everything that we possibly can—coming back I suppose to your question about making sure we do everything we possibly can—but always remain open to any suggestion for continuous improvement.

I will deal with recommendation 13 first, which deals with all G4S staff to be provided with appropriate detailed practical training in response to duty of care obligations, and recommendation 14, which is about the supervisors. The coroner made those recommendations to G4S, not to the Department of Corrective Services. Nevertheless, we issued a direction to G4S that it is to comply with those recommendations. We have managed those as part of the contract management process, as we obviously monitor them on a regular basis.

**The DEPUTY CHAIRMAN:** That really would be part of your obligation as the principal contractor, would it not?

**Mr Johnson:** Sure. I mean, there is no way that we are never not going to do this; this is very much right at the front of our minds.

In relation to G4S, it submitted an action plan to address the training requirements, as per the coroner's recommendations, including that specific duty of care model. G4S wrote to us back on 26 August 2009 advising that it was already strengthening its recruitment and training procedures prior to the coroner's recommendations; that it had developed and was rolling out a duty of care training module and that its operational procedures reflected that; and that since November, all contract workers had completed the duty of care training module and it is providing specialist training to supervisors.

To be quite honest, it is one thing for us to look at this, but we wanted to make sure that someone with some independent expertise was able to look at the training component to provide us with advice, so we engaged an external consultant to look at that and in early 2010 to conduct a follow-up review to give us a sense of confidence about the training. The review has been completed, and it found that while G4S has commenced addressing those recommendations and moved away along that, it has not fully met the requirements of the recommendations—and that really is very much about the words “practical training”. Whilst it has provided theory-based training, the coroner's recommendation is for practical training as well as theory-based training. We have issued a performance improvement request to G4S to say that it needs to address the issues raised by the independent expert. Again, we will get that person in on, I think, an annual basis.

**Mr Lawrence:** Initially, it was for two reviews to be undertaken, but there is no reason why we could not have that person come in on a more regular basis annually to ensure that G4S is meeting the standards required.

**Mr Johnson:** Under the new CSCS contract, by July next year, G4S needs either to be a registered training organisation or to have engaged a registered training organisation as a key part of that contract.

**The DEPUTY CHAIRMAN:** Who do you contract to oversight this training?

**Mr Lawrence:** Applic8; Claire Werner is the consultant.

**The DEPUTY CHAIRMAN:** Could you please provide the committee a copy of the action plan that G4S has put together?

**Mr Johnson:** Yes.

**Hon COL HOLT:** Just to follow on, you had a review and it said there were some gaps in the practical training. You went back to G4S and said the practical training was not up to scratch. What did G4S say? What did it do?

**Mr Johnson:** It has not been an adversarial role —

**Hon COL HOLT:** No, no; I just am wondering what its response was.

**Mr Johnson:** I am not sure; has G4S written back to us?

**Mr Lawrence:** Yes, it has. In its initial response to the first review, it agreed that there were shortfalls and it arranged for its compliance people from the eastern states to come out. Some of the issues related to regional training. Obviously, getting people out to the regions to train its staff there is more difficult. So it agreed that there were some shortfalls and it worked on those shortfalls. However, the department was not sure whether the standard of the training provided was at the standard required.

**Hon COL HOLT:** Yes.

**Mr Lawrence:** I mean, my staff in contract management do not have skills in terms of what is required in terms of training. That was the reason we asked the consultant to come back to do the follow-up review—so that she could go out, have a look and see what was happening for regional training, and provide us with the second report.

**The DEPUTY CHAIRMAN:** The shortfalls identified by your consultant, are you able to provide some information on what these practical shortfalls were?

**Mr Lawrence:** Sure.

**Mr Johnson:** Yes, we can.

**The DEPUTY CHAIRMAN:** An interesting way to run a business, is it not?

**Hon LYNN MacLAREN:** Yes.

**The DEPUTY CHAIRMAN:** Coming back to some of the other issues that arose out of the coroner's findings—you may not be able to provide this information, but we will see how we go. Recommendation 1 talks about the statutory system to be put in place that will enable the Inspector of Custodial Services to issue your department with a show-cause notice. Are you aware whether the government proposes to give the Inspector of Custodial Services the power to issue the Department of Corrective Services with a show-cause notice in cases where the inspector is aware of issues relating to the human rights and safety of persons in custody? Are you aware of any legislation, or do you think legislation is required, to authorise the inspector to issue a show-cause notice?

**Mr Johnson:** Look, you are right: it is a difficult one for me because the question relates to the enhanced powers of the inspector and is probably best answered by the government and the inspector's office because we are the subject agency and the inspector reports directly to Parliament. I am aware that it is being progressed and I know that the inspector has met with the Attorney General. It certainly has been progressed, but, rightly so, I do not have an involvement in that process because that is between the inspector and the Attorney and the government.

**The DEPUTY CHAIRMAN:** Okay.

**Hon LYNN MacLAREN:** Stakeholders have submitted to the committee that there has been a lack of transparency surrounding the practical implementation of the coroner's recommendations. Would you like to comment on these concerns?

**Mr Johnson:** Sure. We did read that, and we read that with some surprise—I must admit. As soon as I saw that people had been to this committee and expressed a view about which I was not aware, I took the opportunity to write a comprehensive letter to the Aboriginal Legal Service and the Deaths in Custody Watch Committee to say what had been done to date, what we were proposing to do and that if they were seeking other information, I was more than happy to share that information with them. We have a monthly meeting to which the Aboriginal Legal Service is invited along at which we discuss any issues in relation to the CSCS contract, and what we are doing and where we are at. We are very open about this. This is not secret men's business or anything like that; it is something that we are happy to share. As I have said, I have written to Dennis and to the Deaths in Custody Watch Committee and made the offer.

**The DEPUTY CHAIRMAN:** Commissioner, a question just popped into my mind: if this tragedy had not occurred, would the department have moved to look at alternatives like videoconferencing or flights rather than long-haul transportation? Would things have continued on with obviously poor work practices in the management of transportation of prisoners —

**Mr Johnson:** I do not think so.

**The DEPUTY CHAIRMAN:** — or is this a wake-up call that has enabled you to make changes to try to ensure that this does not happen again?

**Mr Johnson:** I just want to be candid. You asked a question about the budget to replace the fleet. I did not have the budget to introduce coach lines and I did not have the budget to introduce air transport, but I will be buggered if I am going to let this happen again. So if you are talking about a catalyst for change, that would be my response to that because you can wait for a budget process and it does not come —

**Hon PHIL EDMAN:** You did not get it in 2006–07.

**Mr Johnson:** That is right. In terms of my approach to this, I had a very decisive approach from that point forward, obviously. In terms of would it have continued, I do not think that that would have been the case. The Office of the Inspector of Custodial Services was keen to see us make some improvements, particularly in terms of coach and air transport, which has not been done in the past. To be quite honest, I specifically remember the day I made the decision to introduce the coaches that people have termed "luxury coaches". I had received a letter from a prisoner in Broome who gave me a blow-by-blow description of what it was like to be transported from Broome to Perth. I read the letter. I called Mr Lawrence to my office on that day and said by Monday—this was a Wednesday—I wanted coaches to transport prisoners around the state. When I received the information that the Carnarvon police lockup was not fit for purpose, I said—I think Mr Lawrence again got the phone call—that I wanted an air transport service up and running within one or two weeks. I did not have the budget for it, but, like I said, I was buggered if I was going to be left with any risk of another person dying in custody. I think that we would have made significant improvements; I just think that it has happened a lot quicker.

**The DEPUTY CHAIRMAN:** Are there any further questions?

**Hon PHIL EDMAN:** Are you confident that a death in custody in circumstances similar to Mr Ward's will not occur again, commissioner?

**Mr Johnson:** Let me tell you, I read this question over and over and over again, and my answer is yes. I say that because I think—I do not think, I know—that significant improvements have been made to date, and that we will look at ways and opportunities to continually improve offender transportation and to reduce the need for transportation whenever possible. However, in terms of that question, my answer is yes.

**Hon PHIL EDMAN:** Good.

**The DEPUTY CHAIRMAN:** We thank you very much for your time. We certainly thank you for your candour, commissioner; it is always very welcome in this committee hearings. You obviously have written responses to the other questions that we asked.

**Mr Johnson:** We have.

**The DEPUTY CHAIRMAN:** We would appreciate it if you are able to provide us with a copy of those responses. I do not think that we currently have any other questions for you, but as this inquiry is ongoing there may be an opportunity to call you back in or to seek further information from you if that is acceptable.

**Mr Johnson:** Sure. We welcome the opportunity to come here. In an earlier question you mentioned submissions about the process not being transparent and that there was some lack of clarity, and if this helps that process, we are more than happy to do that. We are really keen to learn everything that we possibly can from this. We look forward to your report, and be rest assured, if we can make improvements, we will make them.

**The DEPUTY CHAIRMAN:** Thank you very much for your time today.

**Hearing concluded at 11.29 am**