

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2017–18 BUDGET ESTIMATES HEARINGS



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
TUESDAY, 17 OCTOBER 2017**

**SESSION FOUR
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 3.31 pm

Hon SUE ELLERY

Minister representing the Attorney General, examined:

Dr ADAM TOMISON

Director General, examined:

Mr RODOLFO MONTILVA CASTILLO

Acting Director, Business and Financial Services, examined:

Mr GREG JOSEPH ITALIANO

Acting Executive Director, Corporate Services, examined:

Mr ALEXANDER KERR

Director of Finance, examined:

Mr MARK HAINSWORTH

Director, Advisory Services, examined:

Ms JOANNE STAMPALIA

Acting Executive Director, Court and Tribunal Services, examined:

Ms PAULINE BAGDONAVICIUS

Public Advocate, examined:

Mr NICHOLAS EGAN

Acting State Solicitor, examined:

Mr ANTONY HASSALL

Acting Commissioner, Corrective Services, examined:

Mr LEX PAYNE

Interim Director of Legal Aid, Legal Aid Commission of WA, examined:

Miss LEE BAKER

Acting Director, Business Services/ Chief Finance Officer, Legal Aid Commission of WA, examined:

Mr THOMAS PALMER

Chief of Staff, Minister for Corrective Services, examined:

The CHAIR: On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I would like to welcome you here for today's hearings. Can the witnesses confirm they have read, understood and signed a document headed "Information for Witnesses"?

The WITNESSES: Yes.

The CHAIR: It is essential that 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 proceedings, you should request that the evidence be taken in closed session before answering the question. Agencies and departments have an important role and duty in assisting the committee to scrutinise the budget papers and the committee values your assistance with this.

Does the minister have a brief opening statement to make?

Hon SUE ELLERY: No, I do not, Madam Chair.

The CHAIR: As this is the Department of Justice hearing and the Attorney General's office and Corrective Services are both present here, prior to your question, in the budget paper indicate which agency, if you can, that you are directing, just to make it clearer. I do not think we can do anything more formal than that to indicate that.

Hon DIANE EVERS: My first question is on pages 358 and 359, and the key efficiency indicators 7 and 8. These indicators use the cost per day for both adult and juvenile offenders, which decreases as more people are held in the system. As these current indicators suggest that having more people in prison or detention is a positive result, as a notice of efficiency, I wonder what is the justification for calling this an efficiency indicator when the aim of the government as a whole, I would assume, is to have less criminal activity and thus less people there.

Hon SUE ELLERY: That certainly is the aim of the government but budget papers are not necessarily structured in a way that lets you express certain things in certain ways. I might get the acting commissioner to make some general comments, but the answer to your question is: it is a function of the structure of the budget paper, less about the policy of the government.

Mr HASSALL: The prison system is more efficient year on year. We are required to make savings. There has been a change in the way our funding is calculated. We have moved from a DAP funding, which is daily average population, to an activity-based funding, so that has changed the figures going forward.

Hon DIANE EVERS: It still seems odd that that would be used as an efficiency indicator. I understand for financial reasons that is what it is using, but it looks good if we end up with more people in prison and that seems contrary.

Hon SUE ELLERY: That is completely counterintuitive. You are right. As I said earlier, it is a function of the structure of the budget papers. The government has a significant plan in place to address the number of people in prison. There is a whole suite of measures. The justice pipeline, for example, is one of them, which we could talk more about if people want answers to questions about that. There are a range of measures in place to ensure that the people who need to be locked up are locked up and those people who do not need to be locked up are not locked up. We will find alternative ways for them to make redemption with the community for whatever they have done, but those who need to be locked up will continue to be locked up.

Hon DIANE EVERS: Thank you. Another question along the same lines is about the spending changes on page 350. About the middle of the table there shows that growth in the prisoner population is expected by showing an increase of \$40 million to \$50 million per year for the next four years and \$55 million in four years' time. I wonder what the reason for this is, given it is only since the *Pre-election Financial Projections Statement*, for some reason, we are expecting a growth in prisoner

population to increase our costs by \$50 million each year. It seems quite a large increase just in the last few months.

The CHAIR: Member, can I get you to repeat that reference.

Hon DIANE EVERS: Page 350, about the middle of the table where it says “Growth in Prisoner Population”.

The CHAIR: Thank you.

Hon DIANE EVERS: I guess my question is: What are those figures based on? Why was there such a change?

[3.40 pm]

Hon SUE ELLERY: Recurrent appropriation and expenditure totalling \$189 million over the forward estimates has been approved to reflect a forecast increase in the daily average prisoner population from 6 489 in 2016–17 to 7 399 in 2020. That funding was provision through the implementation of a new activity-based costing model. The increased expenditure reflects the cost of additional prison officers and goods and services, including prison consumables and programs required to accommodate and manage the increase in the prison population. It should be noted that the model changed the marginal funding rate from \$188 a day to approximately \$130 a day. If it is useful to the member to have a conversation now about the steps that we are taking as a government to reduce the number of people going to prison, I am happy to do that, but the member is not going to see that policy reflected in those numbers.

Hon DIANE EVERS: I guess my question would be: is this because we are getting better at locking up criminals or because there is more criminal activity?

Hon SUE ELLERY: I think this is the system by which we allocate costs, but a couple of things have influenced that. A policy was in place by the previous government—I think it was quite proud of it—where it sought to lock up everybody.

Hon MICHAEL MISCHIN: That’s not right!

Hon SUE ELLERY: That is a kind of simple way of describing it. We have taken the view that those who need to be locked up will be locked up, but we need to look at ways of making this sustainable into the future. We need to look at, for example, how we as a society deal with people who have not paid their fines. Is prison the best place for those people? There is a whole range of questions around restorative justice and the justice pipeline, and a range of policy settings around how we deal with this. We can talk about that, but we are not going to have a conversation about that necessarily when we are looking at those numbers. I do not know whether the acting commissioner wants to add to that.

Mr HASSALL: The growth in the prison population over the last two years has been in the remand cohort. There is a whole range of factors that drive that—lack of accommodation for people who go before the courts; and people who require drug treatment. Over the last two years, the remand population has grown by about 42 per cent, and that has been the biggest driver in the prison population increase.

Hon COLIN TINCKNELL: This is a part of the government’s methamphetamine action plan. I refer to the 27 August announcement by the Premier about the plan to take back control of the Wandoo reintegration facility and see that facility put in public hands. Can the minister share the total annual budget figure that has been set aside to staff that facility?

Hon SUE ELLERY: Government has approved \$9.6 million for the establishment of a drug rehab prison at Wandoo; \$2.4 million in recurrent funding to establish a prisoner triage unit; and

\$1.9 million in additional appropriation from 2017–18 for additional drug testing capabilities at Wandoo. This is in part, as the member indicated, related to the conversion of the Melaleuca and Wandoo re-integration facilities into dedicated alcohol and other drug rehab prisons. The meth action plan includes a range of things, such as repurposing Wandoo; repurposing Melaleuca into a male drug rehab prison; establishing a prisoner triage unit; and ensuring there are adequate drug testing regimes at those rehab prisons. The Department of Justice is currently planning to convert Wandoo into a drug rehab prison. That includes extending the contract with the current operator until March 2018 to give the department time to put the transition plans in place for operating the facility in its new format; operating the facility as a male minimum-security prison from March 2018; developing a drug rehab operating model from March 2018, including determining the infrastructure changes that are needed for a drug rehab facility; and converting the facility to a female drug rehab prison once an operating model has been developed.

Hon COLIN TINCKNELL: Can the minister outline how many FTE will be involved in staffing the facility once it is taken back into public hands?

Hon SUE ELLERY: I will ask the acting commissioner to answer.

Mr HASSALL: We are just working up the operating model. The currently provider at Wandoo is using 75 officers to operate that facility. We are working up two bits, really. One is the security staffing levels, and the other is the therapeutic intervention—the nurses and programmatic interventions. That work is being done at the moment. We have not landed on a final number.

Hon COLIN TINCKNELL: I will move to a different area. This is regarding expenses. Can the minister advise whether the expenditure to the companies Serco and Sodexo is expected to increase in the next 12 months; and, if so, by how much, and for what services?

Hon SUE ELLERY: I will ask the acting commissioner whether he is able to provide some of that information.

Mr HASSALL: We have three contracts. Sodexo provides services at Melaleuca. We are not expecting any change to that contract over the next 12 months. Obviously, the Wandoo contract, we will disengage from that, as the minister has said, with the time lines that she has set out. For the Acacia contract, we will need to take that on notice, because I know we have been doing new accommodation there, so I would need to get back to the member with the exact figures, unless we have them here.

Hon COLIN TINCKNELL: That is fine.

[Supplementary Information No D1.]

Hon COLIN TINCKNELL: Can the minister outline the budgeted figures for the provision of education and training facilities at Banksia Hill Detention Centre, including any programs aimed at improving the rehabilitation prospects for young people in the centre?

Hon SUE ELLERY: We will need to take that on notice.

[Supplementary Information No D2.]

Hon COLIN TINCKNELL: Can the minister give an update of the current cost of prisoner transport, in particular the costs for engaging a private sector provider to deliver these services?

Mr HASSALL: Does the member want the contract costs for Broadspectrum?

Hon COLIN TINCKNELL: The current costs of prisoner transport.

Mr HASSALL: There are two figures there, really. One is the private sector cost, and obviously we also move prisoners at short notice from, say, Hakea, and that will be done potentially by the state.

Hon COLIN TINCKNELL: I was looking at the private sector.

Hon SUE ELLERY: In which case we will take that on notice as well.

[Supplementary Information No D3.]

Hon COLIN TINCKNELL: Can the minister give an update on how much has been budgeted for the provision of protective equipment for the staff at Banksia Hill Detention Centre given the highly publicised workplace changes that the staff are currently facing?

Hon SUE ELLERY: The honourable member would appreciate that the budget is not expressed in line items that go to that level of detail, so we would need to take that question on notice as well.

[Supplementary Information No D4.]

Hon AARON STONEHOUSE: I refer to page 350 and the line item “Growth in Prisoner Population”. I note that the budget estimate for the 2017–18 financial year is \$49.769 million. It drops to \$40 million in 2018–19, and it then gradually increases to \$55 million in 2020–21. That is an increase of about 35 per cent from 2018–19 to 2020–21. It states at page 351 that the high growth in the adult prisoner population has led to increased pressure. The numbers from Treasury are that population growth in this state will be about 1.8 per cent by 2020–21. I am wondering why there is such a disparity between the population growth in the state and the prison population. The prison population seems to be growing at a much faster rate.

[3.50 pm]

Hon SUE ELLERY: I will get the acting commissioner to make some comments on that in a moment. You will recall, from an earlier conversation, that he indicated that the drivers include the use of remand, so it is not necessarily that there is a direct link or—maybe I will put it another way. Assuming a direct link between the population numbers of the state and the population numbers of the prisons assumes that there are no policy levers that are pulled or pushed by government in respect of the laws we make about how we lock people up. I will refer to Sandy Kerr for some of the detail, and I might come back to the acting commissioner.

Mr KERR: Twice a year we get our estimates for what we call the daily average prisoner population, and they get reset twice a year in the budget process, so that growth in prison population represents a refresh, if you like, of those estimates. The population growth that we stated pre-budget for 2017–18 was 6 098, which was 600 short of the master on 30 June, which was approximately 6 700. A lot of that \$50 million is almost like a catch-up in the budget to take us just to today’s prisoner numbers, and then on top of that the population that we are projecting to go to for 2017–18 is 6 910. Really, the vast majority of that \$50 million is just bringing your budget up in line with today’s prison population, and then there is also that adjustment as well.

Hon AARON STONEHOUSE: I am interested that it drops in 2018–19, but then increases again back up to \$55 million in 2020–21. I understand the minister has the justice pipeline to try to reduce some of those numbers and the numbers of people on remand—I will ask about that later—but I am interested in why the spending is increasing at such a fast rate relative to population growth when the department has a policy in place, this pipeline, which is aimed to reduce those numbers. Can you speak to that at all?

Hon SUE ELLERY: Can I ask Mr Kerr to make some comments about that?

Mr KERR: That big increase last year is because that is the first year that that year has come into the budget cycle, so the population would have been flatlined in the model previously so that it is equal to the year before. You have this big correction when that year comes on board to allow for that population growth that year. So for those two years, they were both 6 289, as it has come on, then

there is population growth of two per cent on top of bringing in that correction for that year. I hope that is making sense. Every other year is escalated at two per cent a year except for that last year, which is flatlined until it comes into the budget cycle.

Hon AARON STONEHOUSE: Just one last question on that topic: do you have your numbers for what you predict the prison population to be in 2020–21?

Mr KERR: Yes, it is 7 399 for 2020–21.

Hon AARON STONEHOUSE: Going back to the minister, referring to page 350 and the justice pipeline model spending change, it is a one-off \$850 000. Can you speak briefly about what the justice pipeline model is and what it is intended to do?

Hon SUE ELLERY: The government has approved the development of a justice pipeline model to effectively simulate the flow of activities and costs in WA's criminal justice system, and then to estimate the impact of that on future policy and parameter changes. They have been allocated some money to develop that through a service delivery agreement with the Department of Treasury. Treasury will take the lead role in project management and delivery of it. The partnership will be with the Department of Justice, WA Police, the Office of the Director of Public Prosecutions, the Legal Aid Commission and the Department of the Premier and Cabinet, and the Treasurer and justice minister have been requested to report back on the progress of the model's development during next year's budget process. The director general can make some comments as well.

Dr TOMISON: Thank you, minister. In answer to the member's question, the pipeline model has already begun. Treasury is leading, with justice playing a key role as well. One of the first elements of the model is to create a courts data element, if you like, of the model, and then to link in with police data, corrections data, Director of Public Prosecutions data, Legal Aid data, and essentially map the whole process from go to whoa, when someone enters the system until they leave, and put economic costings around that as well as the actual unit records of who is going where and when. A very simple example would be what happens if the government decided to put 100 new police on the beat, what was the impact on the court system and the correction system, to try to map that out carefully so that we know ahead of time what the implications are on where funding may be required or where systems may be put under further threats, which need to be dealt with in some sense. It is quite a powerful tool. It is only a tool; it is not going to give us the panacea, but it will be a very useful way of actually trying to map in a more scientific way where the demand pressures are, why they are there, and also to, if you like, model particular changes. For example, legislative change—we could potentially model some of that in the system and then work out where pressures were coming off or going on as a result. I think it is quite an important model.

Hon AARON STONEHOUSE: I refer to page 350 again, and the law reform initiatives, specifically the \$320 000 allocated over the forward estimates to establish a high-risk violent offenders board. Can you just explain what the purpose of that board is, who the stakeholders will be, or how the members of that board will be selected?

Hon SUE ELLERY: This was an election commitment—to introduce this board to replace and expand on the previous Dangerous Sex Offenders Review Committee. There is a total of \$320 000 over the forward estimates. The board will oversee the assessment of certain serious violent offenders and, where necessary, enable an application to be made to the Supreme Court for a continuing detention or supervision order—similar to the way the Dangerous Sexual Offenders Act 2006 currently operates. Currently, the dangerous sex offenders provisions apply to people convicted of a serious sexual offence, as defined by the act, and who are serving a term of imprisonment. An application, based on a risk assessment undertaken by Corrective Services, may be made by the DPP to the Supreme Court, which then must be satisfied by evidence and to a high degree of probability that

the offender, if they were not subject to the continuing detention order, would commit a serious sexual offence. I have more information on the sorts of things the court has to have regard to, but I am not sure if that was the specific that you are looking for.

Hon AARON STONEHOUSE: That is okay. What types of offences will this board be looking at?

Hon SUE ELLERY: I am not sure whether anyone has the definitions here. We are working on it now, but for the range of matters, you could look to section 3 of the Dangerous Sexual Offenders Act 2006, but the actual detailed list is being worked on now. I will ask the director general to provide some additional information.

Hon AARON STONEHOUSE: Sure. I am wondering if this would include homicide and other violent activity. Would it include drug trafficking offences or other offences? What kind of offences will be looked at?

Hon SUE ELLERY: I will ask the director general to make some comments.

Dr TOMISON: The intent is to look at offences that involve physical violence. Sexual violence is dealt with through the Dangerous Sexual Offenders Act. The intention is to replicate that for serious physical violence offences, and also in cases where there is a high risk of recidivism. Options will be put forward to the board to either continue incarceration of someone beyond their term of imprisonment, as they do with the DSOs, or to release them on a supervision order with a whole range of conditions. The department is currently looking at the precise nature of what offences should be in and out. The intention is not to obviously encompass every offence, but at the same time, we do want to make sure that the proposal we put to government actually does include serious offending, and to try and protect the community from further harm.

[4.00 pm]

Hon MICHAEL MISCHIN: Just on the subject of a high-risk offenders board, will it involve a combination of the current Prisoners Review Board and extending its remit or is it intended that it be set up as a separate organisation? Secondly, how does that relate to the current regime of potentially post-sentence supervision orders that were introduced and which included GPS tracking and the like of offenders? Is it intended to supplant that system? While you are considering that, if you could just tell me how many offenders have, in fact, been the subject of post-sentence supervision orders under the current regime?

Hon SUE ELLERY: The last bit I can provide relatively easily and then I will ask the director general to make some comments. The stats from 1 July and 16 October in respect of the number of prisoners reviewed by the Prisoners Review Board are 141; and orders granted by the Prisoners Review Board, 35. I will ask the director general to make some comments in respect of the other matters you raised.

Dr TOMISON: Thank you, minister. In response to the question, there is a Dangerous Sexual Offenders Review Committee, as you would be aware, and we are currently looking at whether we would extend that in some sense to cover high-risk offenders as well, whether it be some separate function. Equally, either way, they would be supported by the Department of Justice in terms of administration and support, but there is a range of ways that it could be done. It is yet to be determined by government as to what precise model it wishes, and we will be putting forward recommendations shortly.

Hon MICHAEL MISCHIN: There are a few other questions I have on slightly different topics. One of them, I suppose, has a bearing on your justice pipeline model, which I think would be a very useful tool if it could be constructed in such a way as to provide worthwhile information. But I note, on page 141 of budget paper No 3, that an additional \$10.3 million will be spent over the forward estimates period —

Hon SUE ELLERY: Member, sorry. Are you talking about budget paper No 3?

Hon MICHAEL MISCHIN: Yes.

Hon SUE ELLERY: Which pages you say?

Hon MICHAEL MISCHIN: Page 141. That amount will be spent on two additional judges and associated support costs to address current and emerging demand pressures impacting on the District Court. Am I to understand that the latest appointment to the District Court, Her Honour Judge Belinda Lonsdale, is one of the two judges, or will that be in addition to her appointment? Secondly, given what I understand to be the performance figures and clearance rates in the District Court, has a business case be prepared for the appointment of additional judicial officers to that court alone rather than to other courts? For example—if I can go just a little further down this line of inquiry—I note that the particular pressures the judicial system is facing are with the Family Court. I think the clearance time is something like 40 weeks, yet there seems to be no commitment to address that or other pressures. I know that that is complicated by the need to obtain commonwealth government cooperation for the appointment of Family Court judges, and that representations had been made under the previous government towards that end, but what is the progress there, and what plans does the government have for easing the stress on the Family Court of Western Australia?

Hon SUE ELLERY: I will ask the director general to make some comments. I think the first question was: is the most recent appointment included? I think the answer to that is no, but I will get the director general to confirm that and then to provide some detail around the rest of your questions, including around the Family Court.

Dr TOMISON: To answer the question, my understanding is that the appointment of Judge Lonsdale is to replace Judge Parry, who is returning to the State Administrative Tribunal as deputy president. The two District Court judges are still to be appointed. If I can just take it back through the various steps, I think the first part of the question was also about demand pressures. There are significant demand pressures in the District Court. There has been a significant increase in matters involving illicit drugs. In the past five years, I think it has increased by roughly 80-plus per cent. Over the last couple of years, I believe it is around a one-third increase, so it is a significant extra pressure being caused by illicit drugs in particular. The intention was firstly to cover that demand, but also recognising the government's new legislation, which introduces a life penalty for those involved in the supply of greater than 28 grams quantity of drug. Those matters will actually be shifted from the Supreme Court to the District Court, and therefore there will be a need to put District Court judges in to manage some of that demand as well. There is a broader exercise going on around the jurisdictional shift from Supreme Court to District Court, and from District Court to Magistrates Court, we expect. We will then look at the Magistrates Court in terms of matters that could potentially be dealt with through infringement.

There is a significant demand pressure, but also it is about managing the extra demands that we have put on by legislative change, and that is the District Court.

Hon MICHAEL MISCHIN: I am a little confused about one aspect there. You referred to the potential for a life sentence. I can accept that that is being dealt with in the District Court, but it has always been dealt with in the District Court; there should not be any shift of jurisdiction or shift of trials or other cases to the District Court, so I do not see how that can put on a further pressure. Has a business case been sought or provided from the Chief Justice regarding the need for additional resources, and the nature of those resources in the District Court?

Hon SUE ELLERY: I am not sure that we can answer in respect of the Chief Justice. We can properly take it on notice to check at our end, but I am not sure that we can answer in respect of the Chief Justice.

Hon MICHAEL MISCHIN: I will just say that past practice has been that we of course end up with requests for additional judges to be appointed to courts. The practice was that I would seek a business case to explain what the pressures were in detail, and it could be dealt with on its evidence to determine whether or not it was justified in the circumstances. It is a serious investment to appoint a judicial officer plus the support staff. It also has a flow-on effect. If you have another judge sitting for a month, that is an extra 20 court days, and if they are sitting in crime, it means extra prosecutors and additional support staff to manage those cases and the like. I think it is important before any decision is made on appointing a new judicial officer that there be a case developed as to how that can be done. We do not want two judges doing the work of one and a half judges or one judge.

Hon SUE ELLERY: I will get the director general to make some comment, and if we are not able to provide the detail of the answer, I can undertake to take the rest on notice.

Dr TOMISON: I can certainly say that the department did a quite detailed submission to the ERC on these matters. A lot of work went into the whole methamphetamine strategy and part of that was obviously around the need for judicial resourcing. I guess that would probably cover it at this point.

Hon MICHAEL MISCHIN: Can I go on to another topic?

The CHAIR: Yes.

Hon MICHAEL MISCHIN: Speaking of pressures and the like, one of the perennial pressure points was providing legal assistance—Legal Aid—and I note that there are comments in the budget papers about the pressures on the Legal Aid Commission of WA to meet demand, but funding seems to have been reduced in the forward estimates. Have I got that wrong, if you could just clarify what the position is?

Hon SUE ELLERY: Can you just repeat the last bit? I am sorry; I did not hear you.

Hon MICHAEL MISCHIN: The funding to Legal Aid has actually been reduced into the forward estimates, notwithstanding the acknowledgement in the budget papers of the increasing pressures on the state to provide legal assistance. Have I got that wrong? How does the government propose to address the problem with Legal Aid? I have a similar question with regard to the Office of the Public Advocate. I note —

The CHAIR: Can we start with Legal Aid and move to the next one?

[4.10 pm]

Hon SUE ELLERY: I will ask Mr Payne to provide a response. The advice provided to me is no, there has not been a reduction, but I am going to check and ask Mr Payne to provide some more detail on that.

Mr PAYNE: What this reflects is the transitioning of supplementary funding that Legal Aid receives for indictable matters going to the District Court and Supreme Court. As the member would know, in accordance with the Dietrich principle of the High Court, all such criminal matters need to be funded where a person does not have the means to pay for a lawyer and would suffer from an unfair trial if they were not funded with legal representation. Over the years the state has always topped up that funding at year-end. This year it was \$4.1 million and the proposal of Treasury in the budget papers is, instead of having to top up in future years, have it go into our general revenue and reduce the top-up amount. It is not actually decreasing because there will still be a top-up amount over and

above, until the final year when it is hoped in the out years that the increased funding will be meeting all indictable criminal cases—it is hoped.

Hon MICHAEL MISCHIN: Is that a satisfactory means from the point of view of Legal Aid WA to be able to manage its budget in that fashion or does that contain its own risks?

Hon SUE ELLERY: That is a policy matter so you can address that to me. I will undertake to get a comment from the minister on that for you.

Hon MICHAEL MISCHIN: I will be interested to know how it came about and that was resolved to be a satisfactory way of dealing with it.

[Supplementary Information No D5.]

Hon ALISON XAMON: I refer to page 350 of budget paper No 2. I come back to get a further clarification about the justice pipeline model please. Obviously, the \$850 000 is allocated. I just want to be clear: that is more than just developing the model; that is also about the IT infrastructure creating all the frameworks for the data linkage. It is envisaged that that money will ensure that basically the whole unit is built and ready to go.

Hon SUE ELLERY: I will ask the director general to provide an answer to that.

Dr TOMISON: Yes, the member is correct. The funding is designed to provide the staffing required and/or the consultants required to allow us to create the full model. It also covers off some of our staff needs around the creation of the database. For example, in courts we provided five million records into the model as a first stage, so there is quite a lot of data crunching to be done around it and there will probably also be some software purchase as well to get software that enables us to interrogate that data once the model is created in a way that is useful going forward. The intent will then be, obviously once the project is finished, to sustain that modelling and update it regularly. That is not covered in the \$850 000 but I expect it will be done within departments.

Hon ALISON XAMON: Just to be clear, where will that future money be available in the budget line item in order to be able to continue on that maintenance of the pipeline?

Dr TOMISON: I do not expect we will be applying for money. I think the maintenance will be done through our normal business for the department. Certainly for Justice's side, that is the intention. Our part of the process, whichever that is going forward, and I expect it will be a very active one, we will be doing that within existing resources as part of our normal data dumps and quality assurance process. Once the model is created, of course, it sort of exists and we can plug more information in and update it.

Hon ALISON XAMON: When are you anticipating that it is going to be up and running and fully functional?

Dr TOMISON: I think the current ETA is around the middle of next year; the middle of 2018. That is the intent; we will see how close it gets. The first stage has already started and seems to be progressing well. It is just a matter of seeing if we come across any snags around data quality or the matching algorithms we will have to use to make sure they are accurate. There are always issues with that with very large datasets.

Hon ALISON XAMON: Moving on to the first line item under Legal Aid in the same area. With the Kimberley Interpreting Service there is \$200 000 allocated in 2017–18 but no money in the forward estimates. Why is that?

Hon SUE ELLERY: I might start and then I will ask the director general to provide some additional detail. Commonwealth funding was provided as part of a national partnership. That expired in 2014. The Kimberley Interpreting Service did not fully realise the opportunity to restructure its business

model in light of the commonwealth's decision so it continues now to invoice agencies for interpreting or translating services. However, a further \$200 000 per annum for four years is being sought to enable an increase in the number of Aboriginal interpreters to enhance the training, qualification and accreditation of interpreters where clearly new challenges have emerged since 2014. I will get the director general to add some comments to that.

Dr TOMISON: Just adding to what the minister said, interpreters are hired and we pay a fee for service to hire them in the courts and other parts of the system. The intention is that this money goes to increasing the number of interpreters to increase availability because that can be an issue at times in different parts of the state and also to ensure that the training qualification of those employees is up to scratch and they are accredited. It is like an investment in infrastructure if you like. The reality is that the service delivery will still be funded by fee for service arrangement but the proposal is that this initial \$200 000 and any subsequent years of funding the government chooses to grant will go towards increased numbers of interpreters who are available for use and maybe a diversity of interpreters because, as you would be aware, there are a lot of languages we have to look at in Western Australia.

Hon ALISON XAMON: Yes, obviously particularly so in light of the Gene Gibson matter. Sorry, I am assuming that was the instigator for wanting to have this. I just want to be clear: there is no suggestion that there will be any reduction in the availability of that service moving forward? In fact, it sounds like you are trying to increase capacity.

Hon SUE ELLERY: There is no intention to reduce it.

Hon ALISON XAMON: Good. I will move on to page 350 under "Significant Issues Impacting the Agency". Dot point three refers to the specific projects to address instances in which Aboriginal persons are in custody due to driver's licence offences or unpaid fines. Could you please give a bit more information about what those specific projects are. I am happy to take it on notice if it is quite comprehensive; I am hoping it is.

Hon SUE ELLERY: I will ask the director general. I just might ask the honourable member if she does not mind, if she could slow it down because it was a bit hard to hear.

Hon ALISON XAMON: Sorry—time; I have so many questions.

Hon SUE ELLERY: I know. I will ask the director general to make some comments.

Dr TOMISON: There are a number of things the department has been doing and will continue to do going forward, including providing open days in remote and rural areas to encourage Aboriginal people in particular to access their identification information, which is a key element of actually organising and getting a driver's licence. That is also linked in with programs run by the Department of Transport and the Department of Justice and others that are designed to help Aboriginal people to get licences; to go through the training and get their learner's and probationary and be able to legally drive on the roads. That has an impact on reducing offending because many Aboriginal people are affected by infringement notices and other offences related to driving unlicensed and driving an unroadworthy vehicle et cetera. The department has been working consistently to reduce that. We have three sites at the moment—Kalgoorlie, Roebourne and Broome—where we have royalties for regions moneys that have been going for some years now where we provide this training. The department's focus, perhaps not surprisingly, is on providing access to licensing services for those who have had some contact with the criminal justice system. But we also are linking in with broader Department of Transport licensing options for rural and remote areas. Again, we have had some good success there. In Kalgoorlie, for example, Life Without Barriers, which was funded to provide the services, has got 120 people their licences, of which roughly one-third of

those have achieved employment through having a licence. By extrapolating from some regional development commission documentation, it estimated that roughly \$8 million in economic benefits came into Kalgoorlie as a result. You have to also bear in mind that there are benefits for the individual in terms of self-esteem, having a job and also for the family benefitting from that young person—often it is a young person, but not always—having employment and being actively involved in a positive way in the community. So that is one part of what we are doing.

[4.20 pm]

In terms of fine default, you would probably be aware that the government has announced an agenda for the Attorney General to look at our fine default system and not actually have people locked up for unpaid fines. That legislation will be coming through to government shortly. It is quite complicated legislation. It was obviously particularly, I guess, on the government's list because of what happened to Ms Dhu in custody, and it has been looking very closely at what New South Wales in particular has done around using work development orders and other means, rather than locking people up for fines. The intention is to introduce a similar scheme in WA, once government approves it. It does not mean that no person will ever not be locked up for a fine. If a person does not enter a time-to-pay arrangement, which we try to encourage all the time throughout our courts and other locations, or if they choose not to engage in a work development order in the New South Wales system, you can still go before a magistrate and end up being locked up for failing to sort of deliver on the commitments that you made. But, again, these are things we are looking at as to how that will apply in Western Australia and what we can do. But the intent is not to have a Ms Dhu-type situation as quickly as possible.

Hon ALISON XAMON: I understand there have been some discussions with the federal government about deducting fines from income support, which of course is a voluntary option now. Can you confirm whether there is any proposal to make those deductions compulsory?

Hon SUE ELLERY: Yes, I understand the Attorney General made some public comments yesterday to the extent that he has been involved in some initial conversations about that. If you wanted any more detail about those conversations, on his behalf I would need to take that on notice to get some comments from him directly.

Hon ALISON XAMON: I am happy to take that on notice.

[Supplementary Information No D6.]

Hon ALISON XAMON: I again move to page 350, under "Significant Issues"—the last dot point on the page. Has the Office of the Public Advocate been provided additional funding to address the increasing demand for its services?

Hon SUE ELLERY: Can I ask the Public Advocate to make some comment on that.

Hon ALISON XAMON: Yes, please.

Ms BAGDONAVICIUS: In terms of this current financial year, the Public Advocate has been provided with additional funding in terms of 2.3 FTE on a finite basis. In addition, the director general recently transferred another position permanently into the Office of the Public Advocate. So we do have some additional resources for the coming year.

Hon ALISON XAMON: Good. I still have more. Under the fourth dot point on page 351, the first of two dedicated AODs is mentioned. Getting back to the Wandoo facility—the rehabilitation prisons—what is the plan for the second one? Where, when and how much?

Hon SUE ELLERY: Can we just get you to repeat question? I am sorry, but we are having difficulty.

Hon ALISON XAMON: Okay. The fourth dot point on page 351 states —

... the first of two dedicated Alcohol and Other Drugs (AOD) rehabilitation prisons will be established at the Wandoo Facility.

What is the plan for the second facility? Where is it, where is it going to be, when and how much?

Hon SUE ELLERY: We can start to provide some information from the acting commissioner, and then the director general might be able to add something as well.

Mr HASSALL: As I understand it, your question was about the second AOD facility.

Hon ALISON XAMON: Yes.

Mr HASSALL: Okay. As you know, it is government policy that it will be Melaleuca. We are working on the first one first, which is Wandoo. We have not started any work on doing anything with Melaleuca yet. We are working on infrastructure generally around the state, and we will put some options to the minister when we have those plans worked up.

Hon ALISON XAMON: So you do not know when you would be looking to set that up?

Hon SUE ELLERY: No. It is within this term of government—that is the plan—but we have nothing more specific than that.

Hon ALISON XAMON: Okay. I move on to the sixth dot point on page 351. Does the funding for Banksia Hill take into account the proposal to move the girls and younger children out of the centre?

Hon SUE ELLERY: I ask the acting commissioner to address that.

Mr HASSALL: As you know, the minister has made some announcements publicly about options about how we manage cohorts at Banksia Hill. We are looking at those options at the moment. We will have to go back to government potentially for some capital funding. We would expect the recurring funding to be met from within existing resources.

Hon ALISON XAMON: I did not catch that last sentence.

Mr HASSALL: If we take the girls out of Banksia Hill, for example, and put them in other accommodation, we may have to go back for some capital funding.

Hon ALISON XAMON: So there is no time frame about when that is likely to occur?

Hon SUE ELLERY: I think they are still working on the time frame and the actual modelling. If you would like, I will take it on notice and we can get some more information, if it is available, about the timing.

Hon ALISON XAMON: Yes. I have asked questions about this previously, so, yes, I would like to get more information about that.

[Supplementary Information No D7.]

The CHAIR: I take this opportunity to move to the next member.

Hon PETER COLLIER: This will be the very first time in my parliamentary career that I have sat on the back bench.

Hon SUE ELLERY: It is not nice, is it?

Hon PETER COLLIER: I do not like it much, I have to say. Hopefully it will be the last time.

I have a couple of questions actually. First of all, with regard to the custodial notification service, I noticed the Attorney General commented recently that he was talking about a hotline basically for —

Hon SUE ELLERY: For Indigenous prisoners?

Hon PETER COLLIER: Yes, for Aboriginal prisoners, and I understand that. I think the incarceration rates for Aboriginal people are appallingly high, particularly for juveniles. Anything we can do to overcome that would be a welcome step forward. I do not have a problem with that at all. What exists at the moment, just as a matter of interest?

Dr TOMISON: Thank you, minister. In terms of notifications now, I think there is a formal system beyond the fact that obviously everyone is entitled to a phone call when they come into custody. Secondly, there is an Aboriginal visitor service which corrective services does run. That is not so much around legal advice, but around wellness, health and wellbeing. I think it has 19 staff across the state at this point in time, and the intention there is to provide support to individuals and see if they are doing okay, and also to notify their families when they are incarcerated or locked up in custody for some particular reason. Yes.

Hon PETER COLLIER: I just want to make sure that the lines of communication for Aboriginal people are as open and transparent as they possibly can be at the moment. That wellness line does not include legal advice, is that what you are saying?

Hon SUE ELLERY: I am advised it is a visiting service, so it is not a phone line. It is a service where they actually visit. I will get the acting commissioner to add some additional information.

Mr HASSALL: There is a 24-hour number people could call to check up on the welfare of somebody in prison. As the director general and the minister said —

Hon PETER COLLIER: That is someone phoning in, though, isn't it?

Mr HASSALL: Yes, and we have the Aboriginal Visitors Scheme and an elders scheme. In metro prisons, we have 19 staff, as the DG has said, working on that.

Hon PETER COLLIER: So if an Aboriginal person is incarcerated at the moment, what avenues do they have to legal advice?

Hon SUE ELLERY: I am advised that other than their right to make a phone call, there is no other system in place, other than perhaps if they raise an issue when one of the visiting people talks to them, that maybe a message can be passed on, but that is why the system of notification is such an important one.

Hon PETER COLLIER: What will it actually provide? I know it sounds like the bleeding obvious, but what will it actually entitle an Aboriginal person to have that they do not have at the moment?

Hon SUE ELLERY: I will ask the director general to make some comments, and if the acting commissioner needs to anything to that, I am sure he can.

Dr TOMISON: Thank you, minister. The intention is that for everyone who is brought into custody—essentially, into the cells—basically, the police officer involved will have to make a phone call to an 1800 number to advise the service provider who runs the custody notification service, “I’ve got Joe Smith”, or whoever it is, “in custody, and could you perhaps have a chat with him?” That will essentially provide opportunity for the prisoner to spend a bit of time on the phone with the custody notification service, who can advise them of their legal rights and perhaps start the process of getting them proper representation.

[4.30 pm]

Hon PETER COLLIER: That is what exists at the moment—is that what you are saying? Is that what is going to exist?

Dr TOMISON: No, this is the new service. This is what is going to exist.

Hon PETER COLLIER: That will be the Aboriginal Legal Service, did you say?

Dr TOMISON: It is yet to be determined who will actually provide the service. Aboriginal Legal Service has been involved in the current discussions, but it is not my decision to make as to where it ends up entirely.

Hon PETER COLLIER: Yes; that is what the Attorney General has stated, that is all. Righto; that is fine. I am not being difficult here. What I am trying to ascertain is just to ensure that if improvement is required in terms of providing that access to legal advice, that it is above and beyond what currently exists if what currently exists does deny an Aboriginal person that legitimate right.

Hon SUE ELLERY: I think on the advice that has been provided to me today and in conversations I have personally had with the Attorney General, there is absolutely a need for additional services and what is provided now. It looks like the custodial notification proposal would meet the need for additional support. What the Attorney General has explained to me is that an offer was made, I understand previously, to take it up but it was rejected. Based on what is available now, the new service, if we go ahead with it, will provide additional services to those inmates on top of what they get now.

Hon PETER COLLIER: I would be interested in custodial numbers, but, of course, that would be for Corrective Services, I imagine.

Hon SUE ELLERY: They are here.

Hon PETER COLLIER: You do have them, do you?

Hon SUE ELLERY: Yes; they are both here. The figure for today, adult custodial, is 6 617. I can give you a breakdown of males and females.

Hon PETER COLLIER: Yes.

Hon SUE ELLERY: It is males, 5 942; females, 675. Youth custodial total today is 144; 137 of those are males and seven are female.

Hon PETER COLLIER: What was the total adult custodial?

Hon SUE ELLERY: The total adult custodial was 6 617. This is in prisons, so it does not include police lockups. The youth one is Banksia Hill.

Hon PETER COLLIER: What about Aboriginal people from that 6 617? Do you have that breakdown?

Hon SUE ELLERY: The acting commissioner can provide you with some information.

Mr HASSALL: As you can appreciate, the population fluctuates daily with movements in and out, but, on average, it is about 40 to 45 per cent Aboriginal males.

Hon PETER COLLIER: Adult?

Mr HASSALL: Adult, yes. It is higher for women.

Hon PETER COLLIER: It is about 65 per cent, is it not? Is it higher for juveniles?

Mr HASSALL: It is higher for juveniles, yes. The figure that you said —

Hon PETER COLLIER: Just as a matter of interest to try and track this—we are all responsible—for Aboriginal incarceration rates say for five years, would you have those figures?

Hon SUE ELLERY: We could take that a notice.

Hon PETER COLLIER: Yes, take that on notice. Also, a breakdown into the various justice centres.

Hon SUE ELLERY: By prison?

Hon PETER COLLIER: Yes; take it on notice.

Hon SUE ELLERY: What we have now—I could table this now if this is helpful to you; if not, we would have to take it on notice—is the average daily muster by facility. This is at 16 September. I can give you that. It says September, but it is actually for October! I think the safest thing to do, rather than table that, is to take the question on notice. Let us be really clear what you are asking.

Hon PETER COLLIER: I am asking for the total incarceration rate for each jail and then the number of Aboriginal people within each for the last five years. I guess you would have to do that for an average, would you not, for each year? Would that be right?

Dr TOMISON: It fluctuates.

Hon SUE ELLERY: Yes, because it fluctuates. I can give you the offender population as at 16 October by adult facility and by all facilities.

Hon PETER COLLIER: Great.

Hon SUE ELLERY: I can give you that as of today, but the five-year bit, we need to take on notice.

Hon PETER COLLIER: Yes; again, that is just to follow the trends. Does that have the breakdown between Aboriginal and non-Aboriginal people in it?

Hon SUE ELLERY: No, so if you want that, I will take that on notice.

Hon PETER COLLIER: Yes.

Hon SUE ELLERY: So I will not table this now; I will take it on notice.

Hon PETER COLLIER: Yes, that is fine. Just to clarify that, could you do for the last five years for each jail, the average incarceration rate—I think the director general understands what we want there, because there are fluctuations, of course, the same as student populations—plus the average incarceration rate for Aboriginal people over the same period for the same centres?

The CHAIR: Over the last five years? That is all D8.

[Supplementary Information No D8.]

Hon PETER COLLIER: I understand when I was on urgent parliamentary business, this was covered with the Aboriginal justice programs with regard to the justice days. I understand it was confirmed that they are still operational.

Hon SUE ELLERY: The director general can provide an answer to that.

Dr TOMISON: Thank you, minister. Yes; the days are still active. It is an ongoing program for the department. In the last year, we have also been increasing those days—we are calling them community service days. Essentially, it is a different part of the program but it achieves the same purpose of actually putting our staff, and staff in the Department of Transport, out into communities to actually assist them with things like their identification, driver's licence programs, and also to assist them with things like time-to-pay arrangements or fines. The intention is to actually get us out and about a lot more. Those days will continue to be operating. We will try and expand them if we can. We are also looking at alternative ways to deliver those services, whether it be through local NGOs, or councils, or Aboriginal corporations and essentially having a ring-back, if you like—a telephone back into some of our offices—to actually provide that information, in an authorised way, to actually increase our coverage of the state.

Hon PETER COLLIER: That is great. I am glad they are still operational. In terms of the actual days, is there a set timetable that they actually occur annually or is it fairly subjective in terms of determining when they will operate?

Dr TOMISON: My understanding is that certainly a calendar event is worked up each year and that is actually subject to change partly based on demand. For example, as I had experienced myself in Broome, I was meeting with the local council on another matter and they raised the issue. They wanted an open day for themselves so we arranged one there and then. We ended up having three open days in Broome in a relatively short period of time because three different groups wanted to do different things for different elements of the population. So there is an element of where there is interest—if I can call it that—but we also try to cover some of the big areas where we have been before as well, for example, Kalgoorlie–Boulder or down Albany way, but obviously the Kimberley and remote areas are particularly areas we like to focus on.

Hon PETER COLLIER: How long have they been operational?

Dr TOMISON: It is at least since 2014 but probably before then. I would have to check that out, but I have seen figures that go back to 2014 just recently. I could take on notice as to precisely when they started.

Hon PETER COLLIER: Yes; could we just have a look at since 2014—from what I understand, it is before that; but that is fine—to this year when and where those open days occurred?

Dr TOMISON: Yes, I think we can provide that.

[Supplementary Information No D9.]

The CHAIR: That might be a good opportunity to move to the next member.

Hon PETER COLLIER: I just have one more quick one!

The CHAIR: It has to be 30-seconds quick!

Hon PETER COLLIER: Thank you, Madam Chair, for being so accommodating!

The CHAIR: I am known for it!

Hon PETER COLLIER: Can I direct your attention to page 440, “Outcomes, Services and Key Performance Information” for the CCC? This was fascinating. It says —

The increase in the number of allegations received is largely due to an increased public profile, including media attention around the Commission’s activities —

Hon SUE ELLERY: Member, sorry; can I just stop you? I am not in a position to answer questions on behalf of the CCC.

Hon PETER COLLIER: Oh, really—bummer!

The CHAIR: Pardon!

Hon SUE ELLERY: Sorry.

Hon PETER COLLIER: This is a good one, too! I will tell you what I will do; I will put it on notice!

The CHAIR: In that case, I will move to the next member.

Hon Dr SALLY TALBOT: My opening questions relate to division 21, “Justice”. My first question refers to the second item on page 350 under the heading “Spending Changes”. It talks about the methamphetamine action plan and it is categorised into sections under drug testing and triage unit. I wonder if the minister could give us an update on the progress of the action plan.

[4.40 pm]

Hon SUE ELLERY: I can ask the acting commissioner to provide you some information about that.

Mr HASSALL: The first stage of the plan is obviously to bring Wandoo prison back into public hands, and we are working on that. There are two components of this and the time line for that is the end

of the contract, which is 30 May. The second component is that we are working on how the prison will operate from 1 July as an AOD prison. We are working on that now. We have had staff go around the country—New South Wales and Victoria—looking at operating models, particularly in drug treatment. We are also working closely with providers in the state. The third component, as the minister said, is that we are spending money on drug detection equipment and some capital works that we need to do in the prison. We are mapping that work out at the moment.

Hon Dr SALLY TALBOT: Regarding the breakdown between the two figures, can you explain how that money is allocated in 2017–18 and in the out years for drug testing and the triage unit?

Hon SUE ELLERY: I can get Mr Kerr to provide detail on that.

Mr KERR: The \$329 000 for the drug testing is for the annual operation of a drug dog and its handler and various equipment around it, as well as performing some drug testing at the new Wandoo facility. The \$592 000 is for five FTEs for a new triage team, who will be established to assess prisoner suitability for diversion to the alcohol and other drug rehabilitation prison at Wandoo.

Hon Dr SALLY TALBOT: Thank you; that is great.

I now go to a question on the same division on page 351. On the next page, the third dot point is about the high growth in the adult prison population. Minister, I know you have canvassed parts of this, but can I just ask you now to address the question about how the government is responding to that increased demand—the rising rate of remand?

Hon SUE ELLERY: Due to capacity pressures between March 2016 and June this year, the department added some 392 beds from existing resources. Should current strong growth continue, further short-term beds will be required between mid-2018 and 2019, so additional short-term options will be explored. We are progressing the development of a long-term service delivery model for the custodial estate, which will inform long-term infrastructure planning options and form the basis of a revised strategic asset plan. All those infrastructure initiatives and projects will be overseen by the newly created justice planning and reform committee, which will report to the joint justice ministers' forums and Treasurer and ministers' meetings. I do not know whether there is further information.

There was some reference earlier to some of the drivers, including that over the last five years the remand prisoner population has doubled. Up to half of those on remand will be released on bail. Five of them will be released within the first week. That is a problem with imprisoning people who, ultimately, will be released on bail and released quickly. The government is progressing amendments in particular to the Bail Act that will improve access to bail for accused persons who do not pose a risk to the community. That is a high test to be met. The department is also looking at implementing some more immediate measures to increase access to bail at the earliest opportunity, such as ensuring that bail facilitators are available to assist those on remand in meeting their bail conditions. Both those initiatives are designed to reduce the pressure on custodial capacity and ensure that those people who do not pose a risk to the community are not kept in prison unnecessarily.

Hon Dr SALLY TALBOT: Thanks, minister. I am not sure whether I heard you refer to it specifically, but my next question is about the justice pipeline model, which I suspect is part of that. Back to page 350, halfway down that chart, there is \$850 000 this year but nothing in the out years. Can you tell us what that will be used for?

Hon SUE ELLERY: Yes. I will get the director general to add some comments. We touched on that earlier about establishing, essentially, a system to work out the detailed costing so that government is aware and make a decision in full knowledge of what its policy decisions will do to the prison

population; what they will do to the infrastructure requirements. We touched on that a little bit, but I will get the director general to add to that.

Dr TOMISON: In answer to the member's question, as I touched on before, the \$850 000 is really the establishment phase. The \$850 000 will allow us to fund the development of the database, the data provision, any software requirements we need and any staffing around that. Once the database is fully operational and able to be used, the intention is it will be lodged probably with Justice or some other big department that is involved in the pipeline. Any further costs I expect will be absorbed by that particular department or by departments. The main cost going forward will be around the provision of updated data over the course of the pipeline. For example, every quarter we will probably do a data dump to ensure that we are using data that is the most recent to do analysis on. Once the systems are all in place, it will be relatively easy. Once you have got it all sorted out, you have worked out your algorithms to actually match data and you have got your quality assurance right, the rest of it should be relatively easy to do for each of the departments involved.

Hon Dr SALLY TALBOT: That is why there is no funding in those out years?

Dr TOMISON: That is why.

Hon Dr SALLY TALBOT: Okay; that makes sense. Thank you.

While it is not in my electorate, obviously, the provision of suitable facilities in Broome has always been a major concern, certainly over the last eight years. Flipping now to page 360, the eighth dot point under "Asset Investment Program" talks about money being spent at Broome Regional Prison or the Broome courthouse. I wondered if you could give us an update on why those upgrades were needed—the Broome courthouse and the Broome Regional Prison.

Hon SUE ELLERY: Can I ask Ms Stampalia to make some comment on the Broome courthouse.

Ms STAMPALIA: In relation to the Broome courthouse, it was an opportunity to relocate part of temporary facilities that had been at Kununurra while we were building Kununurra. To Broome we relocated a portable facility that became a new custody centre for Broome. We also were able to improve some victim support service facilities through doing that. We still obviously need a new court in Broome and that is obviously in the program for the future, but right now this buys us a bit of extra capacity to meet the needs.

Hon SUE ELLERY: Can I ask the acting commissioner to make some comments about the Broome prison?

Mr HASSALL: We were allocated \$2.7 million for upgrades at Broome prison—some physical security upgrades and some upgrades to the living accommodation in the maximum security area and the women's part of the prison.

[4.50 pm]

Hon Dr SALLY TALBOT: I refer to page 350 and "Significant Issues Impacting the Agency". I have a question about the stabilisation program at Banksia Hill, which is on page 351. I note that Banksia Hill has been undergoing some changes. Can the minister outline what the government is doing to support not only the young people at Banksia Hill but the staff as well?

Hon SUE ELLERY: We can indeed. I will ask the acting commissioner to make some comments about that.

Mr HASSALL: There were five components to the stabilisation program at Banksia Hill following the incident in May this year when the minister came out and made the announcement. The first one was prison management. We put an experienced prison superintendent in charge of prison, with a number of prison officers to support the local staff there. That has worked really well over the last

few months. We then made some upgrades to physical security at the centre from where we had learnt from experience in the past, so fixing furniture to the ground, such as pool tables, as an example. Then we did some improvements around procedural security—for example, key checks, restraints, and things like that—and dynamic security. We have invested a lot in terms of staff training. We have had training days in physical security, procedural security and how staff respond to incidents. That has been successful. Since May, we have not had the deployment of the Special Operations Group at Banksia Hill. We have had a couple of minor incidents, as I would classify them, where staff have responded relatively quickly and brought the situation under control.

Hon Dr SALLY TALBOT: So it is working?

Mr HASSALL: Yes.

Hon Dr SALLY TALBOT: Thank you.

Hon TJORN SIBMA: This is an emerging theme in a line of questioning that I intend to ask of most of the major agencies. I refer to page 363 of budget paper No 2, volume 2, “Statement of Financial Position”, in particular the heading “Current Liabilities” and the line “Employee provisions”. An amount of \$127.9 million has been identified for 2017–18, which I think works out to be half a billion dollars across the estimates. Does that relate to employee leave liability entitlements, and what is the department doing to actively manage that liability?

Hon SUE ELLERY: The answer is, yes, it does relate to leave liability. I will ask Mr Kerr to provide the member with the identification of what the agency is doing to address that liability.

Mr KERR: We have a number of programs where we tackle, I guess, or report on excessive leave balances. We identify staff with what we would deem to be above the benchmarks for leave held. Generally, it is an average of 10 to 12 weeks of leave. The requirement is then on the supervisors to work with those staff to engage in a leave management plan to clear that leave. That is probably the key program of how we look to manage that leave.

Hon TJORN SIBMA: As a follow-up to that, and it might need to be provided subsequent to this hearing, could the minister give an estimation of the number of staff who have an excessive leave liability loading of eight weeks or above as a proportion of the entire staff profile?

Hon SUE ELLERY: We can take that on notice.

Hon TJORN SIBMA: Thank you. I appreciate that.

[Supplementary Information No D10.]

Hon DARREN WEST: I refer to page 350 of budget paper No 2 and the heading “Significant Issues Impacting the Agency”. Page 351 refers to increased pressure on the custodial estate’s existing assets. I note that the Dowerin work camp is a hive of activity at present. How is this government utilising work camps, and how does the Dowerin work camp contribute to the local community?

Hon SUE ELLERY: I ask the director general to make some comment on that.

Dr TOMISON: In response to the question, at different points in recent history, the work camps have been underutilised for various reasons. The acting commissioner may want to go into some of the reasons for that. A significant effort has been put into greater utilisation of those work camps. At the moment, utilisation is running at between 60 and 70 per cent, which is actually probably double what it used to be. It used to be about 37 per cent—again, these are averages. Some camps are easier to fill than others because of their location. Warburton is particularly difficult because it is a long way out from anywhere. As of today, out of a capacity for 24 people, we have nine individuals at Warburton work camp. The local community is certainly pleased to have local prisoners back in the community doing jobs for them, essentially helping to clean up the area and other things.

Dowerin work camp has 75 per cent utilisation, with 15 out of 20 beds utilised as of today. Roebourne is at 66.7 per cent, with 20 out of 30 beds utilised. Walpole is full, with 12 out of 12 beds utilised. Warburton is, as I said, nine out of 24 beds utilised. Wyndham work camp in the Kimberley is 19 out of 40 beds utilised. Overall as of today, it is 60 per cent. Last week, it was up around 67 or 70 per cent. It varies depending on who we can get out there, and obviously the needs of the individuals involved. These are obviously minimum-security people, but we still have to go through a reclassification process, which we have tried to streamline, but also maintain safety for the community.

Mr HASSALL: As the director general has said, we changed the process a few months ago to try to utilise the work camps better. That has been incredibly successful. We have not lowered the risk threshold. We have just speeded up the process. We are seeing far more offenders get into the work camps at a much more timely pace. Our objective is, where we can, to support local communities, so they are out at Warburton doing community work, tidying up the local school and the community play area and those types of activities.

Hon DARREN WEST: That is excellent. Thank you. I refer to page 352, “Outcomes, Services and Key Performance Information”, and the machinery-of-government changes. What have been the benefits of the machinery-of-government changes to the corrective services portfolio?

Hon SUE ELLERY: Good question! The machinery-of-government changes are having a positive impact across the public sector. They were designed to meet several objectives. I will get the director general to make some comments on machinery of government, and the acting commissioner may want to make some comments as well.

Dr TOMISON: The biggest benefit that I see and I think the department sees as a whole is around putting the band back together, essentially, in that we have got corrections back with courts. We now have two-thirds of the justice system, if you like—or the pipeline if you want to go with the technical term we are now using—put back into the same department. That allows for some synergies around service provision to ensure—this is our hope—better options to which the courts can sentence people, whether it be work and development orders as an alternative, or diversionary approaches, rather than just locking people up. We also hoping that through the capacities of the Attorney General’s side of the department, we will also see some benefits in the corrections space around providing support and advice on new innovative approaches that we can take to try and reduce prisoner numbers but at the same time maintain community safety. The big benefit is around that we are joined up. Even though, in theory, we should all be part of the one system and it should not be a problem, the reality of people is that having the same department and the same badge does help quite a lot. I think that is the biggest benefit of the MOG changes.

Hon SUE ELLERY: I would like to see if the acting commissioner wants to add anything.

Mr HASSALL: Thank you, minister. I would echo what the director general said. I was the acting commissioner before MOG, and I am the acting commissioner post-MOG, and I certainly think there is far more joined-up work going on, particularly in the areas the director general said, in remand population planning, and options for the courts.

Hon SUE ELLERY: The director general wants to add something.

Dr TOMISON: In terms of risk, it is probably worthwhile also mentioning that, again, the intention is to actually reduce some of our corporate footprint; to actually get some efficiencies there, which will actually reduce costs for the department as a whole. We are doing that by not affecting our operational services; that is important to note. We are not looking at slashing and burning our courts or our corrections area, or the Office of the Public Advocate, or anything else we do that is

operational. It is about getting some efficiencies in our back rooms but at the same time ensuring our service delivery is up to scratch, and hopefully becoming more effective over time.

[5.00 pm]

Hon COLIN TINCKNELL: Once again, this is my normal line of question that I have had earlier in the day.

Hon SUE ELLERY: It is very complex, honourable member.

Hon COLIN TINCKNELL: I am happy to take this on notice. There are two questions, and the second one is supplementary to the first. Can the minister advise on the likelihood of any contracts that will be exempted from the public listing on Tenders WA, to be entered into by the department in the next 12 months? I refer to the contracts that for various reasons are listed by the Department of Finance, are not required to be advertised or listed publicly, but must be recorded on each agency's exemption register and must receive an approved request for exemption. How much will these contracts approximately costs, and what service or goods will be provided? The supplementary question to that is: can the minister please supply a detailed listing of the various office locations used by the department, including —

The CHAIR: There are two distinct questions, member, so let us just go with the property question.

Hon SUE ELLERY: With respect to the first question, I am going to give you the same answer that I gave you in the previous division; that is, it is a question best directed, I think, to the Department of Finance. I note that you do not have Finance appearing before you, but you do have Treasury, so I suggest you might try through Treasury, and if that does not work, I would suggest a question on notice to the Minister for Finance. I know what your second question is, but I suppose for the purposes of *Hansard* you should put that on the record as well.

Hon COLIN TINCKNELL: Thank you, minister and chair. The second question is: can the minister please supply a detailed listing of the various office locations used by the department, including information on whether these premises are publicly or privately owned, and any annual rental figures for their use?

Hon SUE ELLERY: Yes we can, and I can take that on notice and provide the member with that level of detail.

The CHAIR: The first part—the part about contracts—we are not going to put on notice because it is not a question that the department can answer, but we can put on notice the second part about rents and property held.

[*Supplementary Information No D11.*]

Hon AARON STONEHOUSE: In regards to the methamphetamine action plan, and the drug testing line item, it was mentioned earlier that that covers the cost of a drug sniffer dog and its handler and some drug testing kits, I think was mentioned. Can you give me a breakdown of how that money is allocated to those three separate things? It is a little over \$1.3 million over the forward estimates. I am just wondering what the actual cost is of a drug sniffer dog and its handler.

Hon SUE ELLERY: We can give you something roughly in respect of the dog handler and costs associated with that and anything extra that goes with the dog handler. So we can start that with—is it Mr Kerr?

Mr KERR: Thank you, minister. It is roughly a quarter of a million dollars a year for what we call the drug dog team, which is the handler and the dog, and the balance of that funding would be allocated for performing the drug tests and the pathology and the like.

Hon AARON STONEHOUSE: So the remainder after the quarter of a million is for the testing?

Mr KERR: In the \$300 000 per year amount, yes.

Hon AARON STONEHOUSE: Following on from that, I note that the funding for the entire action plan does not change over the forward estimates. It is the same amount every year. However, the prison population is increasing by some 490 prisoners. As mentioned earlier, we are going up to 7 399 prisoners by 2020–21, and the funding for prison population is going up by about 35 per cent. How is it that the methamphetamine action plan stays the same over forward estimates, when the prison population is climbing?

Hon SUE ELLERY: I will get the director general to make some comments in a minute, but I will start by saying that the facility is going to be set up at Wandoo, so it is a fixed facility with a fixed capacity as to how many it can take, and that is why the money has been split into equal parts.

Hon AARON STONEHOUSE: So the funding assumes that the facility will be at capacity and allocates a drug sniffer dog team and the drug testing to the capacity of that facility, and it does not change for that reason?

Hon SUE ELLERY: Essentially, that is it, but I will get the director general to provide additional information if that is necessary.

Dr TOMISON: Thank you minister. Again, there will be a finite number of beds—I think roughly 70 beds are planned for Wandoo. It will probably take us a little bit of time to get to full capacity, and the intention is to try and keep it close to full capacity to get the benefit out of it. Based on that, these figures have been put forward in terms of what will be provided for drug testing, and the triaging and other associated costs. There is nothing to say that, if it works really successfully, in a number of years' time we will not try to expand that facility, but at this point that is really up in the air.

Hon AARON STONEHOUSE: I have not seen whether there is an outcome or key efficiency indicator for that facility. I am wondering whether there is, although I have not looked for it. I was not able to find an outcome or key efficiency indicator for the methamphetamine action plan, so can you tell me if there is one, and how you will measure the success of that action plan, to determine if funding is needed beyond forward estimates—that needs to be increased, or decreased et cetera?

Hon SUE ELLERY: Essentially, the answer to that question is that we are still working on the model, but I might get the director general to add to that.

Dr TOMISON: Thank you, minister. Yes, we are still working on the model. As part of that, today I saw some materials looking at how we may measure success, and that would determine what sort of KPI we want to use for the Wandoo facility, but at this point is a little bit premature for us to confirm what that is going to be.

Hon AARON STONEHOUSE: Moving on to page 353, and looking at the key efficiency indicators for time to trial, we have the Supreme Court time to trial 2015–16 actual at 36 weeks; for 2016–17 the estimated actual is 33 weeks, and the budget target is 28 weeks. Looking at the District Court, the time to trial for 2015–16 is 32 weeks; the estimated actual was 34 weeks for 2016–17; and the budget target is 32 weeks. In the instance of the District Court, we can see that the time to trial has increased, but the budget target is decreasing. In the case of the Supreme Court, while the actual has decreased slightly, we did not hit the budget for 2016–17. We are consistently, with both courts, not hitting the target for time to trial. I am wondering what actions are being taken to ensure we do hit our target. We can only see a snapshot here of two years, but we are not hitting those targets. The targets are being set low, and we are not achieving them. I understand that the director general mentioned that some effort is being made to move some trials from the Supreme Court to the

District Court, and we are having two new District Court judges appointed. I am not sure how those will offset each other, but what other actions are being looked at, if any, to get those targets for time to trial? As has been mentioned previously, we have a large number of prisoners in remand, and our time to trial periods seem quite long.

Hon SUE ELLERY: I will ask the director general to make some comments, and then we might go to Ms Stampalia as well.

[5.10 pm]

Dr TOMISON: As you point out, our courts are quite busy and essentially that is what these indicators are showing. They are showing a significant amount of work in the courts and that we are not meeting agreed or proposed targets around time to trial, and time to finalise in some cases as well. In addition to the District Court judges, which we hope will actually have some benefit in reducing time to trial for the District Court in the criminal dimension, the jurisdictional shift—which still has to be agreed to by government—we would hope would also reduce matters for Supreme Court criminal, which would then actually improve its time to trial. We are also looking further into other strategies that could have impacts, we think, on how fast things can be dealt with. That includes things that sound small but can also be useful around the e-court strategy—going online as much as possible for lodgement of documents and potentially even going into online dispute resolution for some of the lower courts to, again, try to free up judicial resources to actually focus on those matters that require a face-to-face, full-on court process. There is a range of things we are trying to do; the reality is we have a lot of demand and we are trying to manage that as best we can. I might ask Ms Stampalia to add to that answer.

Ms STAMPALIA: Just to talk a little bit about the targets, the targets have been fairly constant over the years. They are viewed as aspirational targets, so there has not been adjustment from year to year. That has been the approach in relation to those.

In terms of the lodgements, we have seen a significant increase in lodgements, in the criminal jurisdiction in particular. The judiciary is very focused on managing the workload coming in, so there are things that have happened at the jurisdictional level where they have actually looked at methods of reducing the backlogs. One of the things that the Chief Justice has been on record as doing is putting six judges in the criminal jurisdiction and attacking the backlog in that way, but there is still some work to do in relation to that. As the director general said, some of the work around the jurisdictional shift that is proposed would actually address some of the work in the Supreme Court, in particular in the criminal jurisdiction.

Hon MICHAEL MISCHIN: There is just a couple of things that perhaps you might be able to clarify. Can you give us a list or a table of the actual number of deaths in custody over the last 20 years in our corrective services system and perhaps also the police lockup figures?

The CHAIR: Honourable member, I have let a few things slip past where departments have been able to accept the question. I will point out that it is in the policy of this committee that we are inquiring into this budget and we do not have an expectation, nor should the department be required, to respond to information from previous or other budgets. Where departments have accepted that they will provide information going back a number of years, I have just let that slip by, but I will just make a note that it is not an expectation that the department should provide that data now or on notice, because of the procedure of this committee. Having said that, I will just ask the minister for a comment.

Hon MICHAEL MISCHIN: What I am driving at is that it is said that part of the objective of this budget and of the government's policy is to reduce incarceration levels generally—Aboriginal people in

particular—and it is saying that there has been no improvement over time and is linking that also with deaths in custody. I would like to know on what basis that is all being asserted and how it is forming a foundation for policy. The only way to be able to do that is to look at comparative figures over the last several years.

The CHAIR: Indeed, there may be other ways of doing that as well, so I will just refer to the minister for a comment on policy.

Hon SUE ELLERY: I can give you figures in respect of 2016–17; anything more than that I do not have, and I would have to take it on notice. In respect of 2016–17, 14 deaths in custody—two suicides or self-harm, 12 apparent natural causes. There are 32 deaths in custody awaiting coronial inquiry. If you want more than that, I ask you to name the years that you want and I will take it on notice. If we are able to provide it, I will.

Hon MICHAEL MISCHIN: Thank you for that, and I will pursue that in other ways, perhaps by requesting information, but as you have mentioned, 14 in 2016–17 and of those, two were suicides and the balance were natural causes.

Hon SUE ELLERY: Apparent suicides.

Hon MICHAEL MISCHIN: Apparent suicides, all right, and there are still 32 awaiting a coronial finding—is that right?

Hon SUE ELLERY: Including that 14.

Hon MICHAEL MISCHIN: All right. Are we able to say what percentage of each of those figures are Aboriginal people?

Hon SUE ELLERY: I cannot on the information available to me here, but we can take that on notice.

Hon MICHAEL MISCHIN: The vast majority it would seem, anyway, are let us say unavoidable.

Hon SUE ELLERY: Sorry?

Hon MICHAEL MISCHIN: The vast majority of the deaths in custody tend to be unavoidable deaths rather than suicide, neglect or maltreatment.

The CHAIR: Honourable member, did you want to take up that offer of getting that information on notice?

Hon MICHAEL MISCHIN: Yes, please.

[Supplementary Information No D12.]

Hon MICHAEL MISCHIN: I refer to the questions Hon Peter Collier asked about the custodial notification service; it was said that there was a visitor system. It is my understanding that there had been something rather more sophisticated in place, and certainly it was rolled out to police lockups early last year, involving police contacting next of kin and family on behalf of those who appeared to be in difficulty or who might need assistance. It provided an ability for people to contact family or others in order to notify them that they were in custody. There was also a hotline in place to allow family who were aware that someone was in custody to contact them and to determine their wellbeing. Is that correct?

Hon SUE ELLERY: I will get the director general to provide some information. I think the exchange with Hon Peter Collier about the hotline was clarified; that was for incoming calls, so people could ring in, as opposed to people in custody being able to ring out to seek legal assistance. That is my recollection of the conversation we had with Hon Peter Collier, but I will get the director general to make —

Hon MICHAEL MISCHIN: That is part of the difficulty. Before you seek that advice, that is part of my confusion. It is my understanding that after a great deal of collaboration between the Department of Corrective Services and WA Police, a system had been rolled out to police lockups amongst other places, developing a system that was currently in place with corrective services where the authorities would contact next of kin to inform them that that someone was in custody. It was not necessarily for the purpose of legal advice, but certainly to notify friends and family that someone was in custody so that there would be support provided to them. Is that correct?

Hon SUE ELLERY: I think it was the other way round, and I think we were talking at one point about a kind of general welfare check as opposed to a specific system in place to seek legal advice. I will ask the acting commissioner to provide some additional comment on that.

Mr HASSALL: Thank you, minister. You are absolutely right, member. Last year we worked closely with WA Police and, as I said earlier in answer to one of the questions, we have the Aboriginal visitors scheme. That scheme is pretty much office hours, so 8.00 to 5.00. Then, after office hours, we have on-call staff and we have a telephone number where phones are diverted, so if somebody wants to ring in and check on the welfare of an Aboriginal prisoner, the AVS telephone number gets diverted to one of the 24-hour people and they can make the welfare checks. The next day they would hand over to the AVS so they can follow that up in person.

Hon MICHAEL MISCHIN: If I might develop that further, you are commenting on the system that is in place in our prison regime rather than what is available from a police lockup position. Are you aware of what operates there? Are you able to comment?

Mr HASSALL: Not in the police lockup, just in the prisons.

Hon SUE ELLERY: Honourable member, sorry, I have just been provided with some additional advice which might assist you. In respect of what is proposed under the custodial notification system, police will be required to make the call to the contracted agency, assuming it is the ALS, but it might not be. Police will have to make the call to seek and provide the opportunity for the person in custody to have a conversation with someone specifically about legal representation.

[5.20 pm]

Hon MICHAEL MISCHIN: Right. So that is the legal hotline to cut deaths in jail is to get legal advice, rather than welfare checks and mental and other physical support to actually keep them alive. It is actually a legal advice hotline? Right. So that is the moneys that was not accepted by the state last year, and, as I understand it, it was because the commonwealth declined to assist with the development of the hotline service that we were developing and was very well advanced, rather than simply want to take it over—right?

Hon SUE ELLERY: I cannot really comment. I mean, you would know what the negotiations were last year. I am not in a position to comment on that. I can ask the Attorney, if that is what you want me to do, to provide additional information about what requirements might be attached to the commonwealth's money, if that is helpful to you.

Hon MICHAEL MISCHIN: Yes, it would be, if you would please do that.

The CHAIR: D13 is what conditions are attached to the commonwealth money in relation to this.

[*Supplementary Information No D13.*]

Hon MICHAEL MISCHIN: I had another matter I was going to raise. Director General Tomison, I was a bit perplexed about your reference about a New South Welsh system for work and development orders that would have avoided the unfortunate issue with Ms Dhu. As I understand it, there has been, at least since about 2004, work and development orders in place in Western Australia as an

alternative to serving out time in custody for fine default, and it had not been availed of in that case. I take it that the system that is being looked at, that you have already said will not avoid the potential for someone serving out time in default, is somehow different from the one that is currently in place and has been for a very, very long time. Can you just expand on what is in line there?

Hon SUE ELLERY: I will ask the director general to make some comment on that. I make the point, though, that that was one of the measures that was referred to when we were having a discussion earlier about ways of addressing reducing the number of people in prison who do not pose a risk to the community but are there because they have failed to pay a fine. That was one of references given. But I will ask the director general to clarify the issue that you have just raised.

Hon MICHAEL MISCHIN: Yes, if you would, please, because it is my understanding that there is no obligation to serve out a fine in default in prison under the current regime, and there has not been for a very, very long time—but it all falls on whether someone is prepared to take the alternatives, rather than choose, in effect, to go into custody to cut out their fines.

Dr TOMISON: In answer to the member's question, I will give a little bit of context. There are a number of ways where we are already starting to work to improve, if you like, the experience, particularly of Aboriginal people who are issued with fines for various reasons. One of them is around when they are actually at the court having Aboriginal liaison officers and others who actually say, "Okay, you have this matter. The court has made its decision. Let's organise a time-to-pay arrangement here and now." We also do that on our open days as well with people who are actually defaulting on their obligations or have not set something up and are starting to get in trouble. Rather than have them come back and be in serious trouble, and maybe even imprisoned, we try to get in place arrangements to avoid that happening by getting a time-to-pay arrangement in in various ways.

The member is correct. Obviously we have had work development orders in various ways in the state for many years—way before my time. From what I understand of it, the New South Wales work development orders are more flexible in terms of paying off fines in the sense that there is more flexibility about how many hours you can do per week and elements like that. I think that is an issue which we certainly want to look at as part of the development of systems here.

The other issue is around it being a very large state. Work development orders are quite common, if you like, and have a variety of options for individuals to enter into in metro areas and a number of other areas around the state, but they are a bit patchy sometimes in terms of coverage. We want to look at how that may be having an impact and whether people will actually do the work development order and actually not get themselves in trouble by defaulting or not turning up, not agreeing to do it and then not paying their fines, which ends up with a potential incarceration.

As I said in my answer earlier, in New South Wales, you can still end up in jail. There is a process whereby if you do not pay the time-to-pay arrangement, you do not do the work development order—you are essentially not doing what you need to do to sort that matter out. You can still go before a magistrate and be sentenced to jail to, essentially, cut out those fines. The intention is that that is a last resort, but it does actually happen is my understanding. But for the majority of cases they seem to have had very good effect at the way they have used their work development orders to avoid that happening for the majority of people.

Hon MICHAEL MISCHIN: Both the avenues —

The CHAIR: Sorry, member. I need to leave time for other members to ask questions. We have five minutes, and to take it out is Hon Alison Xamon.

Hon ALISON XAMON: I refer to the service summary on page 352, and specifically the provision on court and tribunal services. My question pertains specifically to the diversionary courts and programs. I would like to start with the Start Court. Can I please ask whether provision has been made in the forward estimates for the Start Court to continue? I am of course aware it is a pilot, but it is a highly successful one. I am wanting to know whether provision has been made in the forward estimates, and also whether there is any provision in the forward estimates for expansion into regional areas if it has been agreed to keep that court.

Hon SUE ELLERY: I ask Miss Stampalia to provide some comment in respect to that.

Ms STAMPALIA: So the provision is that the program has been extended for the next three years, so we have —

Hon ALISON XAMON: For the next three years?

Ms STAMPALIA: Until 2019.

Hon ALISON XAMON: Is there any provision to extend that to the regional areas at all?

Ms STAMPALIA: Not at the moment. We have not made any plans to extend it into the regional areas at the moment.

Hon ALISON XAMON: Is it likely something to be considered before the next three years?

Ms STAMPALIA: It is possible we would consider that, based on the statistics and what we have seen in the regions.

Hon ALISON XAMON: Can I please request, on notice, a breakdown of the 2016–17 budget and estimated actual, as well as the 2017–18 budget, and going into the forward estimates till 2020–21 for the Start Court, for the Drug Court and also for the IDDP.

The CHAIR: What is it you are asking for each of those?

Hon ALISON XAMON: I am actually wanting to get on notice the specific breakdown of the costs for the Start Court, the Drug Court, and the intellectual disability diversionary program. I would like to please get the 2016–17 budget and the estimated actual, as well as the 2017–18 budget estimate and also the forward estimates going through to 2020–21 for those three courts and programs.

The CHAIR: Let me just check with the minister if we will accept that request for information.

Hon SUE ELLERY: We think we can, so if we are able to, we will.

Hon ALISON XAMON: I am happy to do that on notice.

[Supplementary Information No D14.]

Hon ALISON XAMON: Can I please now move to page 351 and the resource agreement. Specifically, I want to know what is the time frame for the transfer of youth justice to the Department of Communities; and how many current staff are likely to be transferred over to the Department of Communities as part of that?

Hon SUE ELLERY: I will ask the director general to make some comments on that.

Dr TOMISON: Thank you, minister. We have actually been looking at this issue since the machinery-of-government changes were announced, as you would expect. Basically, the key element that we have been focusing on is legislative amendment to actually enact what the government wants. What the government wants is to retain the youth detention centre, which is Banksia Hill, in the Corrective Service—Department of Justice space, and to put youth community corrections—so the stuff that goes on outside of the detention centre—as much as possible over to the Department of Communities under Minister McGurk. To do that requires a legislative amendment around the

youth justice act and ancillary acts to actually separate out the custodial functions which we will maintain and retain as the Department of Justice, and then essentially ensure that Minister McGurk and the Department of Communities are able to fulfil their functions by managing the youth community corrections elements of the system. To do that will take some time in terms of drafting instructions, getting cabinet approval, and then getting a priority by government and then getting the legislation drafted and put through Parliament. That will take some more months. I cannot give you a precise figure, but it will not be done for some time. We are doing it as quickly as we can to get that outcome.

I am advised that it is roughly 260 staff who are affected in the youth community space. There are a small number of staff at headquarters. There are obviously the youth community staff who operate around the various regions and locales of corrections across the state, and that is where the majority of them are—out doing the actual case management work on the ground.

Hon ALISON XAMON: I appreciate that it will take some time, but have you got an estimated deadline, or a preferred deadline, for when you are hoping it will have been effected?

Hon SUE ELLERY: We do not.

The CHAIR: That concludes the hearing with this agency for today. On behalf of the committee, I would like to 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. Responses to these questions are requested within 10 working days of receipt of the questions. 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. If members have any unasked questions, I ask them to submit these via the new electronic lodging system on the POWAnet site by 12 noon, Monday, 23 October 2017. Once again, I thank you for your attendance today.

We will return at 6.30 pm for the hearing with the Department of Local Government, Sport and Cultural Industries.

Hearing concluded at 5.31 pm
