

COURT SECURITY AND CUSTODIAL SERVICES BILL

Cognate Debate

On motion by Mr Prince (Minister for Police), resolved -

That leave be granted for a cognate debate for the Court Security and Custodial Services Bill and the Court Security and Custodial Services (Consequential Provisions) Bill, and that the Court Security and Custodial Services Bill be the principal Bill.

Second Reading

Resumed from 12 November 1998.

MR RIEBELING (Burrup) [5.42 pm]: I seek the Acting Speaker's guidance on the time limit to be given on this cognate debate.

Mrs Roberts: It is one hour for both Bills; that is, one hour in total.

Mr RIEBELING: It is of great concern to this side of the House that we have before us a piece legislation driven by the ideological bent of the Government and its wanting to privatise everything it is possible to privatise. The Bill is primarily attacking the court security and transport system. It is an attempt to privatise them for no good reason. I will go through the second reading speech of the minister and give the reasons that Western Australia will be encumbered with a private system which will basically put in place a new system for courts and transport between courts, prisons, hospitals, sobering-up centres and the like. One of the interesting aspects of our current system is that it is about the only part of the justice system which has not failed dramatically in the past few years. I recollect only one escape from court security, which involved an Asian gentleman who left the Central Law Courts. It was quite a famous case. Apart from that, I can recall no escapes from transport, police lockups or the court security system which would warrant a change to this extent.

Mr Prince: I can recall very few. Given the number of people who are dealt with, the number of escapes has been very small, if that helps your argument.

Mr RIEBELING: That is right. The people involved in the system, which the Government is seeking to change, are highly skilled. Perhaps the argument is that their skills exceed the requirement. I will come back to that at a later point. In his second reading speech, the minister said that this milestone initiative will release up to 200 police from those duties and put them back into police duties. Everyone in the State applauded that statement. I feel no great desire to have police officers doing jobs which could be done by others. My investigation of the number of police involved indicates that it is far less than the 200 that the minister said would be affected by the changes caused by the legislation. When we get to the committee stage of the primary piece of legislation, the Court Security and Custodial Bill, perhaps the minister will point out where the savings are likely to occur. The minister went further and said that some 47 prison officers would be reallocated as a result of the legislation. Therefore, the legislation would result in 250 people from the Police Force and the Ministry of Justice no longer being required to perform those duties. I would like some sort of proof for the minister's statement.

Mr Prince: A working group has done all this work.

Mr RIEBELING: I will get onto that working group. It is interesting that the minister said the working group's job was to find an alternative, not to evaluate the efficiency of the current system. In no way was it an objective committee which was set up to examine what we have in comparison with what we might have.

Mr Prince: It is taken as read that police officers are trained in the frontline policing of our society. They do their work very well in court security.

Mr RIEBELING: Are they efficient?

Mr Prince: You and I both agree that in court security and lockups, the police have done their work very well indeed. The question is whether a person with that training who should be out on the streets protecting society is the appropriate person to do what is basically a security exercise, albeit a very important one, when a person differently trained could do that, thereby releasing the police for their frontline job.

Mr RIEBELING: I will move on. I will refer later to the training that people will receive. I can find nowhere in the legislation reference to the type of training to be given to the people who will replace the police and the prison officers. There is a vague mention of a code of conduct and some sort of code of ethics. The State has an obligation to look after people who are incarcerated. Throughout the minister's second reading speech he mentioned a mishmash of various pieces of legislation which enable someone to be arrested, go through the court system and be put into prison. A mishmash does not necessarily mean it is wrong.

Mr Prince: You and I both know it could be simplified.

Mr RIEBELING: This is more than simplification of paperwork. The Government is completely changing a system that we know works. The Minister for Police is aware there was chaos when Group Four took over the transport of prisoners and security in courts in the United Kingdom.

Mr Prince: They lost 11 prisoners on the first day and in the 12 or 13 years after that they have not lost one prisoner.

Mr RIEBELING: I said that the chaos occurred when Group Four Corrections Service took over those responsibilities in the UK. The fact that 11 prisoners escaped on one day would beat the record of mass escapes and riots in Western Australia in the past few months. Let us compare the success rate the minister expects of the private contractor with the 70 or 80 escapes that this Government has presided over in the past year. We have reached the point at which they are no longer called escapes; they are walkouts. Prisoners are walking out, so the Government does not class that as an escape. There was a major escape from the Kalgoorlie prison recently. Perhaps the Government will call that a kick-out because the prisoners kicked down the door. Eight maximum security prisoners escaped from the Eastern Goldfields Regional Prison.

Will the Minister for Police call in experts from the Ministry of Justice to advise the Parliament where savings will be made, why we are changing from a successful operating system to one which has not been proved, and why staff receive a lower level of training to perform the tasks required of them? I am concerned about public safety and the cost involved.

The second reading speech stated -

At the same time, the essential support functions provided for in this Bill are reallocated and delivered in a safe, more efficient, better integrated and more accountable way.

That is easy for the minister to say. I am concerned that the minister did not promise that the service will be delivered in a safer way, or that the frequency of the service will be increased from that which is currently being provided. The minister does not even promise to provide an equal service.

Mr Prince: We have agreed that there have been very few escapes, so it is not a matter of making the service safer, although any system can be made better. It is a matter of ensuring that any change to the system will be as safe as the current system. When I say "safe", I mean safe for the public and the people involved, whether they be prisoners or staff.

Mr RIEBELING: I want to get the minister's statement clear in my mind. We are not changing to a safer system?

Mr Prince: The system will provide safety, as the current system does.

Mr RIEBELING: The minister said the system will be more efficient and accountable.

Mr Prince: It will be better integrated and more accountable.

Mr RIEBELING: The lack of accountability described in the second reading speech is quite awful. The existing system makes sense: A police officer arrests a person who remains in police custody until he or she goes to court.

Mr Prince: Not necessarily; in fact, you gave an example in Kalgoorlie.

Mr RIEBELING: Those people were probably arrested, taken to court and then to prison.

Mr Prince: Yes, or they may have gone to jail and come back to the court the following day. They go to court within 24 hours.

Mr RIEBELING: It makes sense that a prisoner is handed over to the Ministry of Justice, either through a remand centre or prison, and then transported to the courts. Under the proposed system, following an arrest the prisoner would go to a private contractor and then to the courts - presumably under the same contract, but not necessarily. While in court and in prison the prisoner would come under the control of Ministry of Justice security, but while he was being transported between the two facilities he would be under the control of a different person. The minister says that introducing another party into the process is better than the current system. The transport of prisoners from courts to prison is normally carried out by the prison or the Ministry of Justice.

Mr Prince: It is done either by prisons or police.

Mr RIEBELING: For instance, transportation to the Central Law Courts is carried out by the Ministry of Justice.

Mr Prince: At present when someone is arrested away from a police station, he is put into a police vehicle, taken to the police station and placed into custody at the lockup - if that police station has one. If it has not, the person in custody goes from the station, where he may have been questioned on video, to the lockup facility - say the central lockup facility in Perth where he is handed over again to the police. The following day he shuffles through police hands to the court and is remanded in custody; the police then take him to jail. He is brought back for remand by either the prison or police. Police and prison vans cross backwards and forwards to the same facilities. It makes a lot more sense that, as soon as somebody is in custody, one organisation takes him to court, and then delivers him to jail. That is a far more efficient system.

Mr RIEBELING: I understand what the minister is saying, but he is not right. The minister is saying that in the court system the police deal with Jo Bloggs and then they get in their van and drive off. In the Central Law Courts the big vans from the Ministry of Justice pick up everyone.

Mr Prince: The member has been there and he knows the problems.

Mr RIEBELING: Yes, and what the minister is saying is oversimplifying the issue, and is incorrect.

Mr Prince: The problem is that the police have X number of officers available and the two officers who are in court, or in the van doing things for people who are already in custody, should be out on the street policing society and catching more criminals for the safety of everybody. Far too often police personnel are involved in holding and moving people who already have been arrested.

Mr RIEBELING: How does the minister make a quantum leap from that argument to privatisation?

Mr Prince: The answer is to bring in somebody else, so that after the police have made an arrest what follows is someone else's function. We have brought in private enterprise to do that.

Mr RIEBELING: Now we are into core business.

Mr Prince: The core business of the police is not to run lockups or to transport prisoners.

Mr RIEBELING: The minister also said it was not the core business of the Ministry of Justice to do that work. Is the minister serious when he says to this Parliament that it is not the core business of the Ministry of Justice to run the security of courts and the transport system to and from the courts?

Mr Prince: The member is trying to be clever and he has not been successful.

Mr RIEBELING: The minister was not too clever when he made the second reading speech.

Mr Prince: It is the responsibility of the Ministry of Justice. We are debating how it does that and whether it employs police officers or contracts with a reliable organisation.

Mr RIEBELING: In the second reading speech, the minister said that the Ministry of Justice and the Western Australia Police Service will be better focused on their primary responsibilities.

Mr Prince: I also said that the best service providers will be retained to deliver the services I have outlined.

Mr RIEBELING: Perhaps I misread it. That indicates to me that the primary responsibility is not the services.

Mr Prince: In your mind it is the function of the prison service to transport people around. I am saying that the Ministry of Justice has the responsibility to see that is done safely, efficiently and well. How you do that is what we are debating; not whether there is a responsibility but whether it should be done by paid members of the police officers' union.

Sitting suspended from 6.00 to 7.30 pm

Mr RIEBELING: Before the dinner break I was discussing the new system which this legislation was meant to introduce and the fact that the minister had overstated the problems in the current system. As I stated previously, the current system has worked remarkably well for the past 100 years. The number of escapes and the problems they have caused in the system this legislation proposes to change are minimal compared with the massive numbers of problems which exist within the Ministry of Justice in relation to prisons. I am not sure of the figure, but I think we have had in excess of 70 escapes from custody, only we now call them walkouts, crawl outs or whatever.

Mr Prince: No, don't be too haughty about that. Even you would appreciate that those who have walked out of minimum security facilities should be distinguished from those who break out of a secure compound whether it be medium or maximum security.

Mr RIEBELING: Even medium security is meant to be secure.

Mr Prince: I said minimum security. I am talking about places like the Wooroloo and Pardelup prison farms where they have keys to their rooms and if they walk, they walk.

Mr RIEBELING: The minister's second reading speech defined a new version of escaping legal custody. As well as escaping from legal custody he brings in a new system of unlawfully missing or some such thing - I will get to that in due course.

Mr Cunningham: Unlawful leave?

Mr RIEBELING: Unlawful something or other. On page two of the second reading speech the minister mentions "eliminating existing impediments to continuity of service delivery and accountability" but then refers to "increased exposure to potential service failure" because of the duplication of services. I wonder what the minister means by that because I do not know of any of the failures on which he is basing that statement. In the minister's response to the second reading I would like to hear where those failures have occurred and what the Government is getting at with that. The minister is talking about

vehicles crossing, people coming out and going into court and different transport systems transferring them. That is not my experience and I have relatively extensive experience in that area. If people are being transported from a court to a prison, they are either held waiting for transportation from a prison system or the police do it, not both. If duplication happens, it does not happen often.

Mr Prince: I have seen police vans taking people to the Albany Regional Prison at the same time as I have seen prison vans taking people to court.

Mr RIEBELING: Are they full?

Mr Prince: I would not have a clue, you cannot see inside.

Mr RIEBELING: The minister is putting forward an argument that there is a waste of some sort.

Mr Prince: It just does not make a lot of sense. I have a classic example in Albany at the moment. A woman has been charged with inflicting grievous bodily harm on her husband who has died and the charge may be upgraded to something more serious. We cannot hold a woman in the Albany Regional Prison so she must be put in a van and driven to Perth to be held at Bandyup. Juveniles who must be held in custody cause exactly the same problem - in country areas one must stick them in a van and drive them to Perth. Driving a police van up the Albany Highway at reasonable speed takes five, six or seven hours and two officers are engaged plus turnaround time at the other end and the return trip. When she has to come back to court for remand, the whole exercise must be repeated.

Mr RIEBELING: How is that going to change?

Mr Prince: The point is you have two police officers in a marked van and the only active police work they are doing is driving up the highway and the motorists say "There's a police van; what am I doing?" They are not able to do any other police work at all because they are responsible for the security of one lady in the back of their van. Police officers should not be doing that.

Mr RIEBELING: If the minister can make a point by way of interjection, I would not mind an answer to the question. How will that change under the new system? Presumably we will still have two people transporting a prisoner.

Mr Prince: Yes, we will, but they will not be police officers.

Mr RIEBELING: They just will not be police officers?

Mr Prince: They will not be police officers.

Mr RIEBELING: When we reach the various provisions, the minister will be able to point out how many police officers we will save in which areas and the like. The minister might also be able to tell me why those people cannot be prison officers. As far as I can see, no consideration has been given to allocating those services to the prison system to perform because of the way the core function review was set up. Both the Ministry of Justice and the Police Force provide their own transport systems and as much as possible the duplication of transporting prisoners to the same points at the same time is minimised. Even in our current system there is an endeavour to minimise the cost of those activities. I know that police do not like transporting prisoners. In one case in Tom Price a police officer mentioned to me that the cost of the transportation of a bench warrant person from Tom Price to Perth came out of that station's budget. How that is justifiable is beyond me.

Mr Prince: You have to account for it somewhere.

Mr RIEBELING: Yes, but why does it come out of the Police budget and not the Justice budget?

Mr Prince: Because they are separate budgets. They are different exercises.

Mr RIEBELING: It is an order of the court. I do not see solutions in this legislation to the real problems police experience. I do not see those problems tackled here. I can see what the minister is saying about actual personnel in the course of things but there is no mention or thought of putting a contractor in Tom Price to transport prisoners from Tom Price to Perth and the like. If there is, the minister will be able to tell me. My reading of the minister's second reading speech is that it will be uneconomic.

Mr Prince: I hope this - particularly the transport people - will be statewide. The last thing in the world I want is my police officers transporting people around the State as they do now. It is a waste of an extremely talented, highly trained asset that is employed to protect the public.

Mr RIEBELING: I refer to transportation especially to lockups. I am pleased that the minister's proposal is statewide. As a regional member of Parliament, I am curious about how it will operate in places such as Hedland and Karratha, which are two of the bigger centres in the north of the State. Is it envisaged that lockups in those places will be staffed by contract labour? How many police FTEs are allocated in regional centres the size of Karratha and Port Hedland?

Mr Prince: I do not have that information at my fingertips. I am not sure that I can tell you. In the police station at Karratha there will be one officer on each shift who is the designated lock keeper. It will depend on the number of people in the cells at any one time whether that individual or more than that individual are involved in their supervision. It will vary from time to time. If nobody is in the cells, the designated lock keeper would not be doing that job because he would be doing other things. If a number of people are in the cells, a number of police officers will be involved. It will fluctuate.

Mr RIEBELING: Much of the minister's second reading speech refers to accountability and the better use of resources and the like. For the police to continue policing, arresting people and processing them to the lockup in a country centre such as Karratha, someone will always need to be on duty looking after the lockup.

Mr Prince: You may well be correct; you will know that better than I do. Is Karratha a reasonably busy place? Is there always someone in the cells?

Mr RIEBELING: The potential for an arrest always exists in Karratha because it is a town of 10 000 people. On day one of an operation would it be the primary responsibility of the Justice Ministry to have someone waiting for an inmate?

Mr Prince: Yes, in a relatively busy place such as Karratha. In a much smaller place such as Cranbrook, which is a two-officer police station, few arrests are made and when there are the offenders are taken to Mt Barker and then to Albany. That is where the contractor would come in. He would pick up the individual and take him to the lockup. The police officers would remain at Cranbrook policing that community and would not be responsible for transporting people 80-odd kilometres, leaving the town without a police officer while that is done. I do not know what the activity is like in somewhere like Tom Price or Paraburdoo, but a similar situation would apply. It would depend on the activity in a place, which will vary from place to place according to the season.

Mr RIEBELING: I refer to the core functions project and the identification of a viable alternative. This is where I started when I said that the job of the review committee established by the Minister for Justice was to identify the viable alternative to the current system. Its main task was not to see whether the current system remained viable and test whether it could be improved at a lower cost to the State; it was to assess how a private operator could function in that system.

Mr Prince: That is right.

Mr RIEBELING: For a number of years the Ministry of Justice has denied that was its objective.

Mr Prince: You could not get a much more straightforward statement than that in my second reading speech.

Mr RIEBELING: That is right. What the minister said is quite clear.

Mr Prince: It is predicated on the logic that police officers should be policing. Prison officers should be looking after people in custody. What happens in between the lockup, transport and courts should be done by somebody else.

Mr RIEBELING: The problem with that is that the Ministry of Justice is not the prison; it is also the courts. The "big review" found, as I said earlier, that the core functions of the courts no longer include security of the courts. That is ridiculous.

Mr Prince: I disagree with that because the responsibility for the security of the courts is always a responsibility of the Ministry of Justice. How it discharges that responsibility is what you and I are debating; that is, whether it should employ people on the public payroll or contract a reputable organisation to provide that security.

Mr RIEBELING: That is right. However, the minister and I disagree on what are core functions.

Mr Prince: I think we disagree on the way core functions are defined.

Mr RIEBELING: If a judicial officer working in the court system were asked whether security was a core function to ensure the court functioned properly without hindrance from outside and so that transport of prisoners occurred on time, he would say that was part of its core function.

Mr Prince: I am not disagreeing with that. I am saying that is right. It is a matter of how that responsibility is discharged.

Mr RIEBELING: The minister also indicated in his second reading speech that the review was to relieve the Western Australia Police Force and the Ministry of Justice of non-core duties.

Mr Prince: I believe strongly that court orderly work and the transport of prisoners around the place should not be the core work of the police. The argument is that the prison service core function is looking after people in jails, not transporting them around the place or looking after court security. The Ministry of Justice has a responsibility to provide court security and transport. It is a matter of how to discharge that responsibility.

Mr RIEBELING: The Government created the Ministry of Justice monster - the big overall picture. The minister cannot say now that we can separate the courts from the prison system. In essence he is saying that when the courts imprison

someone, it is of no interest to the Ministry of Justice to get that person from the court -

Mr Prince: I am deliberately not saying that.

Mr RIEBELING: The minister is saying that it is not the core business of the prison system to look after the security of that person from the court to the prison.

Mr Prince: We could argue about the words all night. It is the responsibility of the Ministry of Justice.

The SPEAKER: Order! It is an interesting debate but it is more appropriate to the committee stage. When members consider the second reading speech they will agree with me. I am allowing a little latitude because it helps the debate, but members must remember that this is the second reading stage.

Mr RIEBELING: I will not seek interjections, but during the committee stage it will help to have canvassed some of those issues.

It is core business. The courts should be involved directly in the management and movement of prisoners. If we want an efficient court system, the Ministry of Justice should know exactly when, where and how a prisoner is to appear in court and who is responsible for that. Under the current system that would be either the police or the prison system, and there is some certainty as to how courts and orderlies function. I thought that the minister was about to say that the courts should not be involved in the orderly system as well, but orderlies are usually police officers or, these days, people who have been redeployed from other departments. They are government employees who are directly responsible to the administrator, and security is the responsibility of the police and the court staff under whom they operate.

In the second reading speech the minister indicated that 200 trained police were to be redeployed as a result of the legislation. My information is that it will be much fewer than 200. I hope that the minister will state where the savings will be realised. Also, according to the second reading speech, 47 prison officers are to be relieved.

Juvenile group workers are also mentioned in the second reading speech. I have not been able to find much information about the movement of juveniles, so I hope that the minister will say where juvenile detention centres are referred to in the legislation. Perhaps they will not be targeted.

Mr Prince: I am subject to correction by the Attorney's advisers, but I think I am right in saying that it is intended to apply to the transport of juveniles in custody.

Mr RIEBELING: As I have stated, we disagree as to key or core responsibilities. I have no doubt that the changes have been driven by ideology, not by a desire to improve the system. I am sure that some sections of the Police Force will support the changes. Everyone might applaud the system until it breaks down. Members must make sure that our courts function correctly without fear of a breakdown in the system. We must maintain the security of prisoners, witnesses, jurors, judicial officers and so on, and we must do so in an open-court environment. Some powers that are being considered to be given to security agents - call them what they are; transport and security contractors - are extreme measures. The ability to stop people going into open court is one that I take very seriously, and the ability to search people is another. I think it appears in schedule 3. It appears to be included in a raft of powers because we need those powers to -

Mr Prince: We do now.

Mr RIEBELING: I do not think we do, because police officers have been running the courts very well without -

Mr Prince: They have those powers.

Mr RIEBELING: They might have the powers; they just do not use them to close a court.

Mr Prince: They use them when it is necessary to use them.

Mr RIEBELING: I understand that those high-security officers can ask for a person's name and address.

Mr Prince: A police officer can do that.

Mr RIEBELING: Yes, but a police officer has a general ability to do that. Those high-security officers are given specific powers in relation to courts. The only time that they can ask for someone's name and address is when they are performing their function in a court.

Mr Prince: Yes.

Mr RIEBELING: Police officers can do that wherever they are. Presumably, a police officer is trained in when it is appropriate to do that. One inappropriate place is a court. Whether I want to sit and watch a traffic court should not be the business of a security guard. The legislation says that a person must give a reason for being in court. If that is an insufficient reason, that high-level security person can chuck him out. Does the minister agree with that?

Mr Prince: Yes. It is a power which the police already use where appropriate, and they almost always get it right in this State. Police in other jurisdictions sometimes get it wrong. I think there was a recent shooting in a court room in Victoria. The power must exist to prevent such extreme behaviour which, as the member knows, happens in courts from time to time.

Mr RIEBELING: Yes.

Mr Prince: The object of the exercise is safety and security.

Mr RIEBELING: My point is that we are giving extensive powers -

Mr Prince: Police-type powers.

Mr RIEBELING: We are giving police-type powers in trying to support an open-court system.

Mr Prince: Yes.

Mr RIEBELING: But all the powers that are given restrict access. The cornerstone of our society is our open-court system.

Mr Prince: Yes.

Mr RIEBELING: We might not like the people who go in there - they might look like hell and they might look offensive, but we still let them in.

Mr Prince: Yes.

Mr RIEBELING: What worries me about the legislation in relation to private individuals who are not police officers is that we are giving them power not to chuck out disorderly people but to chuck out people whom they think are disorderly before there is a disorderly act. That is in the legislation.

Mr Prince: That is a reasonable thing to do. For example, during the Fremantle Prison riot trials people who went near the courts went through metal detectors and were searched, and their names, addresses and occupations were not only asked for but also written down. That is an extreme case and it went on for months, and with good reason.

Mr RIEBELING: We are talking not about an extreme case but about the day-to-day operations of the new security people.

Mr Prince interjected.

Mr RIEBELING: We do not know. The minister is introducing a new system and rules and we are asking why -

Mr Prince interjected.

Mr RIEBELING: However, as the minister correctly said, they are not police officers. They are not trained in the use of their powers to that extent. One of my main concerns -

Mr Prince: They should be.

Mr RIEBELING: When the minister responds, I would like him to tell us, and he has not yet, of the extent of the training; whether people will be trained to ask those questions at the appropriate time; and what will they do, for instance, with those powers that the minister hopes to give to the private security people in our court system. Our court system survives to service the laws that this Parliament establishes. We run an open court system which we want to maintain despite the fact that it has been successfully operating for a hundred years. It is the Government that wants to change it.

Mr Prince: We are not trying to change the court system. We are trying to provide a different method of security.

Mr RIEBELING: In doing that the minister is restricting access to our courts by the operation of the powers under schedules 1, 2 and 3 which are given to the security agents. We all know of the successful litigation initiated against private security agents, such as the bouncers in Western Australia. I still hear horror stories from bouncers about what happens to young people in nightclubs. Let us hope that these security people are better trained than the bouncers. This legislation does not give me any confidence that that will happen. We talk about codes of conduct and codes of ethics that will be put in place, but not about the level of training and skills that people must have. They are required to tell the truth, fill in a form, and basically not be a convicted thug. Then the minister or the CEO will issue a permit to that person to become, by varying degrees, a private security operator. The watering down of the protection that people have in Western Australian courts is unacceptable. This side of the House does not support it and never will.

It is clear to me that all courts would include in their core responsibilities the security of that court. It is also the primary function of people who work in the courts to protect the judicial officer. It also concerns me that the legislation provides for the security arrangements in courts to be altered, as the minister is probably aware; it is in his second reading speech. I understand that under the legislation, the chief executive officer would go to the Sheriff of Western Australia and discuss the problems or the remedies that the CEO wants to put in place. The Sheriff would then go to the chief judicial officer for

that jurisdiction and discuss the changes. The Sheriff would act as a go-between for the chief judicial officer and the CEO. Is that the minister's understanding of the way it works?

Mr Prince: That is correct.

Mr RIEBELING: I am concerned that it will give the Sheriff of Western Australia a status that he does not possess. My understanding is that the Sheriff is not a private bailiff; he is a highly classified public servant who is employed by the CEO of the department. If the minister were trying to impart that the Sheriff of the District Court was somehow an impartial person and would not show bias to the CEO's position, that is a mistake and one that I hope the minister will remedy when he responds. On page four of the minister's second reading speech - I think the minister has taken this from the member for Riverton's electoral propaganda in the past two elections - he states -

In all of this, no employee of the Western Australia Police Force or the Ministry of Justice will lose his job.

I distinctly remember that that is exactly the line that the Court Government ran during the past two elections to convince public servants that none of their jobs were under threat. Some six years later more than 10 000 public servants have lost their job. When those people in the Western Australia Police Force and the Ministry of Justice hear that, it means a code four; that is, run for cover, because there is no way in the world that this Government will keep those commitments.

Another interesting statement by the minister was that 50 stakeholders in this legislation were approached and no group responded unfavourably to the proposal. I do not know whether that means that 50 stakeholders endorsed the changes or that they simply did not respond unfavourably to them. It smacks of a survey the results of which are not necessarily what the minister has stated. Will the minister give us the results of that survey so that we -

Mr Prince: Which one?

Mr RIEBELING: There is only one that the minister referred to in which a project team consulted 50 stakeholders.

Mr Prince: To establish the benchmark.

Mr RIEBELING: No, this is to indicate that there were no unfavourable responses to the new proposal.

Mr Prince: There certainly have been none from the Police Union.

Mr RIEBELING: I have absolutely no doubt about that, but that does not mean we should do it.

Mr Bloffwitch interjected.

Mr RIEBELING: If the member for Geraldton thinks that -

Mr Bloffwitch: I have been waiting 55 minutes for you to sit down.

Mr RIEBELING: The member can wait another five minutes because I am allowed to speak for 60 minutes and he has only 20 minutes to speak, I hope!

Mrs van de Klashorst interjected.

Mr RIEBELING: The member for Swan Hills is clearly not speaking.

One of the huge safeguards in this legislation is that when the private contractors take over control, a statutory requirement exists for the contractor to tell the chief executive officer that escapes and deaths have taken place. What a fantastic protection that is! How do these great protections in this legislation change the existing situation?

Mr Prince: In many respects they are a recital of what we have now. What is the problem with it?

Mr RIEBELING: The problem is that the Government wants to change something that has operated properly.

Mr Prince: I want to make it work better.

Mr RIEBELING: The minister does not state anywhere in the legislation that the Government wants it to operate better. The Government wants it to operate differently and to use people who are less trained to perform the task.

Mr Prince: We want people who are trained to perform the task as opposed to using police officers who are trained and should be carrying out police work and not transporting prisoners.

Mr RIEBELING: I am saying we should use prison officers and not police officers. Prison officers are trained in the proper management of people.

Mr Prince: In prisons, and they are very good at it.

Mr RIEBELING: I do not know of any escapes that have occurred while prison officers have transported prisoners in their

custody.

Mr Prince: There have been a few but not that many.

Mr RIEBELING: The new system has been designed to put in a private contractor, to get a cheaper service, and to put a group of people into those positions who could never have the same level of expertise that the current system provides for the population of Western Australia. The minister may say it will be different and more accountable, but it cannot be more accountable than the current system because those people are employed by the State.

Mr Prince: They are all employed on contract.

Mr RIEBELING: The current system has all the accountability measures required.

Mr Prince: You are ideologically incapable of thinking of anything that involves a contract.

Mr RIEBELING: Let us see whether the legislation gets through both Houses of Parliament. I do not think it will because the minister has failed to give any good reason for the basic changes. He says the legislation will provide the same protections and that the system will work well. The system is not broken but the Government wants to change it because it has a desire to sell everything it can lay its hands on. One of the earlier reports into the justice system said that for an efficient private prison system to run there must be a private transport system. That is what this is all about, as sure as night follows day. The Government knew several years ago that its management of prisons was so bad - in my view that was done deliberately - that it could never manage without a privately-run prison. The Western Australian public have had to accept a new privately-run prison because of the ineptness of this Government.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [8.15 pm]: I support both Bills. My response to the member for Burrup is that I have been working in the justice area for the past two years and have concrete examples indicating why prisoners should be transported not by police officers but by other personnel. The member for Burrup made a mistake in his speech, in that he must recognise that the chief executive officer of the Ministry of Justice is responsible for the courts, court security, prisoner management in lockups, property and so on. The transport of prisoners is part of that responsibility, and that will remain under the control of the CEO. He will be ultimately responsible but it will be contracted out. I see this as a very positive move. My son who is a police officer has had extensive training and has ongoing training. Most members will know that policemen do a great deal of training. It seems absolutely ludicrous for police to have the role of picking up a prisoner from, say, Geraldton, travelling by plane to Perth and staying with the prisoner while he goes through the courts in Perth.

Mr Bloffwitch: They do not go by air; they put the prisoner in a van and drive him down. That also takes the van out of service for the night.

Mrs van de KLASHORST: I understand that in some areas, Kalgoorlie for example, the prisoners and police officers travel by air, and that could mean that a country town loses the services of one policeman - or two if the prisoner is regarded as dangerous - during that period. In the case of Geraldton, if they travel by road, the journey takes between four and five hours and the police are out of the town for that time. After the court case they must travel back to the country town with the prisoner.

Mr Riebeling: They do not stay with the prisoner.

Mrs van de KLASHORST: They stay with the prisoner.

Mr Riebeling: No they do not.

Mrs van de KLASHORST: Perhaps some go back earlier.

Mr Pendal: Whatever the case, the parliamentary secretary's point is well made.

Mrs van de KLASHORST: I am aware from my electorate of Swan Hills and in my role as parliamentary secretary that policemen have other duties in relation to the transportation of prisoners. For example, they may need to take a prisoner from prison to a funeral. The police stay with the prisoner at the funeral. I have seen two or three police officers standing in Guildford at a funeral all afternoon, and then staying for the wake. I have been to several funerals and witnessed that. Also, when intoxicated people must be taken to hospital, they are accompanied by a police officer who waits until they have had treatment and then takes them back to prison. Prisoners from Bandyup Women's Prison who are pregnant may need to attend hospital for regular health checks if the doctor does not visit the prison. That is not a role for police officers.

Day after day the Opposition says ad nauseam that more police are needed in the community, yet when the Government tries to relieve officers of some of the work they do, the Opposition opposes it. It is not basic commonsense. The Opposition is always calling for more police officers to carry out policing duties, and it must be recognised that the prisoners being transported are often from country areas and they must come to Perth for court appearances. If a large number of police officers can be freed up through this legislation, it should certainly be supported. Surely the Opposition can see that.

In some prisons there will be video centres from which video conferencing can be carried out so that the prisoners do not

need to go to court. It is part of upgrading the courts and bringing them into the twenty-first century. If the Opposition spokesman for Justice had been overseas and visited some of the prisons there, he would know that Western Australia is way behind in many aspects of prison management. I certainly support this Bill and I feel it is the best way to go for both the prisoners and the police in this State.

MR BROWN (Bassendean) [8.19 pm]: I also wish to make some observations about the Court Security and Custodial Services Bill. This Bill comes before the Parliament as a result of a desire by the Government to outsource various functions conducted by the Police Service and the Ministry of Justice. That is the sole motivation for this Bill, nothing more and nothing less. In effect, this Bill seeks to go down a path which we have seen operate to the disadvantage of many employees in industry; that is, the separation of core and non-core functions.

Social commentators, who are more informed than I, talk about the new society in which we will live, which is the 40:30:30 society. This Bill adds momentum to the move to that sort of society. For those members who are not sure what the 40:30:30 society means, I will explain. A society under that principle involves 30 per cent of the population in highly-skilled jobs and being highly paid. They will be the core employees who have the discretion, who are looked after in society and who are highly skilled. The 40 per cent will be in the lower-skilled jobs, some of them full-time employees, some of them part-time and some casual. They will be the vulnerable people in the labour market. The final 30 per cent will drift in and out of employment, manage to get temporary jobs and just survive. Some social commentators say that we are now moving towards that sort of society. It is not a very attractive society. We talk about the fact that we have rising crime rates. We all know that we do. We also know one of the underlying causes of crime. One does not have to be a genius to work it out because it is in the literature: It is poverty. We all know the cause of poverty is unemployment and being employed in jobs that people can only marginally get by in. It is people having jobs from time to time and being temporary workers. It is people battling to eke out a living for themselves, their spouses and children. This Bill plays a pivotal role in that process. It legislates to move the process forward. The coalition Government is supporting that sort of society.

We are not only seeing that support with this Bill but also in other areas. In the area of contract cleaning in schools, many of the school cleaners are paid the minimum wage; that is, the minimum wage under the workplace agreement legislation, which is much lower than the award wage for school cleaners. Despite what the Government said about choice in 1993, people who want to start those jobs have no choice. They either take the jobs at the minimum wage or they are not employed. When we asked the Minister for Education whether it was the fact -

Mr Bloffwitch: Yes, it is.

Mr BROWN: At least the member for Geraldton is honest about it. The Minister for Education simply will not answer the question. When I put this to him he said that the Government did not know what contractors paid their employees. What a lot of rubbish. We see it in education and in security. The security industry is rife with this. Some security guards are now paid \$10 an hour, which is marginally over the minimum wage as a casual rate under workplace agreements. It is way below the award classification rate. Companies that pay their workers the award rate can no longer compete and are going out of business. One has only to look at Parliament House. At Parliament House the contract security company pays its employees under workplace agreements rates which are lower than the award rate. The large company that competes with it is getting smaller by the day. The company cannot pay its people below the award because it is a respondent to a federal award. What we are seeing in the service industries of security, cleaning, and in some sectors of retail and tourism is a race to the bottom. Members need to go out and ask ordinary working people what they think about it. They are the preponderance of the people in my electorate. Those people are not anti-employer and they do not say that their bosses are bad people. They say that as a result of the legislation their employers have the choice of paying them the absolute minimum or going out of business. They say that they understand the competitive pressures on their employers and they damn the Government for lowering the conditions of employment which they were otherwise entitled to before the workplace agreements legislation came in.

I understand why the Government wanted its workplace agreements legislation. If it were not for that, it would be quite difficult. This Bill probably would not be before the House. If one went before the Industrial Relations Commission and mounted an argument for employees to be paid a wage equivalent to that paid for the necessary skills under this Bill, one would probably find that the Industrial Relations Commission would award a wage similar to that which prison officers receive. One has only to think of those authorised officers handling intoxicated people, people committed under the Mental Health Act, dangerous prisoners and people with aggressive behaviour in lockups. Those are all the skills that are necessary! It would seem one does not have to be too skilled to handle that. If one went to the commission, one would probably find the rates set at that level. However, those employees of the contractor do not have that opportunity. They will be employed under workplace agreements, as is government policy. They will be told, "There is the job, these are the rates, these are the conditions and take it or leave it. If you do not take it, we will be ringing the people at CentreLink and letting them know that you have declined the job. If you decline the job - as you know and we know - you will miss out on the miserly unemployment benefits you currently get." This is the system we are going into. I hope the Government is really proud of itself. We are going down the American way.

Last week I looked at the latest statistics from the United States for imprisonment rates in that sort of society. The statistics were for 31 December 1997, and the numbers have gone up dramatically since then. They show that the number of people in prison in America is almost the number of citizens in Western Australia at 1.75m people. We have a rate of 90 or 100 per 100 000 population, do we not?

Mr Prince: I think so.

Mr BROWN: From my rough calculations of a population of 270m in the United States, their figures are around 900 per 100 000 population. We talk about the unemployment rate in the United States being low. Of course it is low because 2 per cent of the workforce is in prison. If we took 2 per cent of our workforce and put them in prison tomorrow, we would have an employment rate of 5 per cent. It is a pretty expensive way of dealing with it. Many of the pundits are saying that by the end of the year the prison population in the United States will be two million. Why is it that a country with rising gross domestic product and the strongest currency in the world, the wealthiest country in the world, and the country that professes to have the greatest freedoms in the world out of all of the OECD countries has an unbelievable imprisonment rate compared with the United Kingdom, Canada, Australia, France and Italy? One need not be a genius to work it out. It is because the US has pursued a race-to-the-bottom social policy which has resulted in abject poverty in the richest country in the world. The crime rates reflect that. All of the people with whom I talk in my electorate who face this pernicious legislation every day say that we are going the same way. People throw up their hands in horror and ask why the crime rate is going up. They should consider a few of the causes.

The Bill is predicated solely on the basis of the Government wanting to save money by outsourcing functions conducted by the Police Service and the Ministry of Justice.

Mr Prince: That is wrong; the Bill does not seek to save money. The Government wants 200-plus police officers to be engaged in frontline policing, and not in moving people around the countryside in vans and standing at the back of the court room.

Mr BROWN: I remind the minister that he stated in his second reading speech -

This Bill arises out of the recommendations of the Police/Justice core functions project established by the Government in September 1996 to undertake an extensive review of the current services with the objective of identifying a viable alternative procurement option.

Do members know what the code is for the words, "viable alternative procurement options"? It is less cost and contracting out. The Government can dress it up, call it Father Christmas, or whatever it likes; that is what it means. I thought I would inform myself by reading the Police/Justice core functions project report. I thought that by reading the report I would get up to speed with what is being considered. I asked the Parliamentary Library to contact the minister's office to get a copy of the report referred to in the second reading speech. Do members know what happened? The Parliamentary Library said, "We've contacted the office and you can't have it." The Government comes into this Parliament with a Bill that is based on a report that is not available to members of Parliament. What sort of kangaroo court is this? It is unbelievable. The Government does not have the courage to let us read the report. It is worse than that because the advice we received was that we could not have the report because people were still jostling with it - that is, different views were coming in from different areas. Members are asked to accept the Bill on the basis of a report which is secret, and we cannot read it. The minister's office told the Parliamentary Library that we should ask a few questions or apply for the report under freedom of information legislation. What sort of place is this? It is a joke. Will the minister table that report?

Mr Prince: I do not have it to table it.

Mr BROWN: When the minister obtains the report tomorrow will he table it?

Mr Prince: I would have to confer with the Attorney General because it is a joint exercise.

Mr BROWN: Potentially the courts will read the second reading speech to discover what motivated Parliament to agree to this Bill. It is based on a report that the Parliament cannot have. The Parliament cannot examine the report, test the assumptions under it, or examine the detail of what is proposed. Would you accept that, Mr Speaker? It is a bit like the kid who presents his composition to the teacher by producing a heading, "An Intriguing Story in My Life" and when the teacher asks to see the rest of it the kid says that the teacher cannot have the rest and he should mark him on the heading. That is ludicrous. The Government has been working on this Bill since 1996. Maybe it should have contracted it out; we might have got it back quicker. It is no wonder the Government wants to contract out these types of services. The Government contracts out services because it does not have the competence to provide them efficiently; it does not have the management skill or the courage to manage. Contracting out gets rid of the problem and hands it to somebody else. The Government can avoid answering questions in the Parliament, because it can say, "That's the prerogative of the contractor; I do not know about that." This is a joke. While there are a few duds on the front bench, the Minister for Police has not done a bad job. At least he tries to provide members with answers - not like some of his colleagues. The minister is not exactly a shrinking violet, but he must be embarrassed that he cannot come up with the report that supports his proposition.

The Bill will give additional and quite complicated responsibilities to the Ministry of Justice. Let us consider the competency of the Ministry of Justice. Have the operations of this super ministry been the great success that the former Attorney General told us they would be? Do members recall the then Attorney General's speech in 1993 in which she said the Ministry of Justice would bring services together, and would provide a coordinated approach to crime and be the spearhead of the Government's attempt to deal with this issue? It was full of rubbish but it was a great speech. Let us consider the performance of the Ministry of Justice. If it was in the private sector we would have got rid of it. There have been a few inquiries into the Ministry of Justice. The first was the Royal Commission into the City of Wanneroo, and its interim report. I draw the minister's attention to page 78 which deals with the absolutely abysmal administration in the Ministry of Justice. That came about because the minister who created the Ministry of Justice did not have the internal fortitude to come into this Parliament and disband it when she knew it was not working. What did we see 18 months after it was formed? We saw two major inquiries after the Opposition called for a royal commission, one conducted by the police and one conducted under the Prison's Act before which people who did not have the right to remain silent were called to give evidence. That inquiry was supposed to be an administrative inquiry. Evidence was taken from people who were not properly warned about their rights. The evidence from that administrative inquiry was handed to the police, as a result of which people were charged under the Criminal Code.

When I was secretary of the Prison Officers Union in 1981 and when the former Prison's Act was introduced, we said to Bill Hassell, the Minister for Justice at that time, that he would use it for nefarious purposes such as stripping prison officers of any rights they had. He told us that would not be the case. We waited because we knew that eventually it would be used for that purpose. What then happened was unethical, at worst illegal and at best totally wrong. Eleven people were charged under the Criminal Code and suspended for 18 months to two years. Three trials were held in the District Court which threw out the charges in each case. All those people then went back to work after suspensions of 18 months to two years. All that occurred in an endeavour to save the hide of the then Attorney General.

What was the cost to the taxpayer? We know that the cost of conducting the prison's inquiry was \$250 000. We understand that the police inquiry cost \$150 000. We do not know the costs for Crown Law's services. We know the costs of paying the 10 officers, some of whom were very senior, for 18 months to two years was enormous. We do not know the cost of the three trials, but we know that the Prison Officers Union and the Civil Service Association provided counsel to defend their members in the trial. We know that they went to the Government afterwards - the Government that was determined to save the neck of its minister - and said that they had to spend this money defending those charges and as all of them were found to be not guilty, the Government should meet some of the costs by an ex gratia payment.

Mr Baker: If, for example, members opposite had ganged up on the minister, would you be moving to repeal this legislation?

Mr BROWN: I am not dealing with that. After the whole issue was messed up, by way of an ex gratia payment the Government paid \$400 000 to the Prison Officers Union for the legal costs the union incurred and \$110 000 to the Civil Service Association. Those amounts were disclosed as a result of questions with which I persisted. As a result of the way the Ministry of Justice handled this matter, pernicious inquiries were made, charges were laid, charges were thrown out and there was a cost to the taxpayers in the order of \$2m to \$3m. We saw by royal commission the abysmal way the Ministry of Justice was run. When the now Attorney General took office, he would not even speak to the then director general. He booted him out and he would not answer my questions on notice.

We all know what happened to Gary Byron, the next Director General of the Ministry of Justice. That action was subject to an inquiry. Other experiences have followed, such as stoppages at Banksia Hill last week by juvenile detention workers and massively overcrowded prisons. The minister was asked for predictions about prison numbers. I received them in 1994-95. We knew they were wrong, but the Government could not bring itself to accept that politically.

Mr Court: Do you agree with Mark Nevill about how the prison numbers could be brought down and there should not be a need for a new prison?

Mr BROWN: The committee will be reporting next month. I have not yet seen it. I am not in the same position as the Premier. Our members do not show us committee reports until they are released.

Mr Court: I have correspondence from Mark Nevill.

Mr Brown: I have not seen it. If the Ministry of Justice were a private sector organisation and consideration were being given to giving it a contract, we would look very carefully at whether to place the contract with it based on its performance; yet what has happened? In this Bill it will not only keep what it has but also receive much more. It will be taking over functions from the police and, to add to the complexity of the matter, they will be taken over at arm's length. There will be the Ministry of Justice, then a contract and then the workers of the contractor and so on. The Bill is unconvincing.

On those points alone - there are many others - what do we have? We have a Bill based on a report we cannot see, extra responsibilities for a department that has not performed, a number of unanswered questions, a contract that according to the minister's second reading speech is only partly negotiated and a number of unanswered questions. Yet the Government asks

us to trust it because it has the solutions! That is difficult. Even the gullible would have some difficulty swallowing that line.

Other than costs, I refer to the reasons the minister has given for this Bill. In various parts of his speech he refers to deficiencies. The first deficiency is that the transporting of prisoners is done by two separate divisions in the Ministry of Justice. I do not need a Bill to fix that; I could fix it tomorrow in the Ministry of Justice. It would not be terribly difficult; I would merge two departments into one. I know that involves lateral thinking, but it would not be difficult! In any event, there may well be two groups undertaking transportation because if one group is coming from Canning Vale Prison and one from the Kalamunda lockup, they are coming from two different directions. I can hear the driver now saying to the prisoners, some of whom are dangerous, "We are taking a bus tour of the metropolitan area for your entertainment this morning, boarding at Casuarina or Canning Vale. We will leave at 7.00 am and get into town at 9.30 am." How ludicrous can we get. Those guys are in prison; they are taken from the prison to the court and back quickly. No-one goes around with a sign on a card saying, "I have prisoners on board; does anyone want to jump aboard." This is ludicrous. I wonder who wrote this thing. I do not know who set up the minister. It is laughable. We will deal with it in Committee. Some of the other reasons for this seem to come from the belief that if there is no reason for doing something it should be made up and if one is lucky, no-one will examine it. However, unfortunately we have, and the arguments do not stand up.

MR BLOFFWITCH (Geraldton) [8.49 pm]: I have listened with amazement. I have heard everything from doom and gloom to workers being cheated to the private world being absolutely incompetent and unable to do a thing right and the only people who can do anything properly are the government ministers employing staff. It is absolutely incredible! The private world tells us that nothing could be further from the truth. Why do we have the cheapest housing in Australia? Is it because our subbies are starved to death and do not earn any money? Do the brickies not earn any money either because they all work under contract? I am sure they do; we all know them and they do. The doom and gloom we hear from that side of the House is that everything private is tainted, awful and cannot succeed. I am sorry to tell members opposite that in most cases the private world succeeds and succeeds very well.

Of the two Bills we are dealing with, the one I am particularly interested in is not the Bill which relates to prisons, but that which will relieve police officers of the responsibility to drive juveniles. Sometimes two police vans from Geraldton are sent down to Perth. They are met halfway so I cannot say that Perth police are not playing their part, but they must send people up as well. What is the reason for this? Do we need police officers to look after two juveniles? A million dollars can be transferred from one bank to another with security agents but to transfer two juveniles we need police officers. It is absolute rubbish. Private security is alive; it is well; it is out there. For goodness' sake, get someone to relieve police officers from doing these things. In Geraldton the police vans should be patrolling the streets and answering emergency calls. What happens now? We ring up and there are three vans on duty but only one is available. Why? One is being used to transfer a chap from the cells out to the prison and the other one is taking a remand bloke somewhere. If we are really unlucky, the third van will be taking juveniles to Perth. What a wonderful use of the police station that is and members opposite are saying they do not support this Bill. I cannot believe that the Opposition can be so negative about something that will help numbers and benefit police resources. I will be telling people in my electorate that the Opposition will not support this Bill and is costing us valuable police resources.

MR BAKER (Joondalup) [8.53 pm]: Could the minister advise the House whether the WA Police Union has indicated that it supports the general thrust of this Bill or is it as opposed to it as the member for Bassendean?

Mr Prince: I understand that the president of the union is very much in favour of it.

Mr BAKER: I thought so and that shows an interesting split. I would like to raise with the member for Bassendean a couple of the deficiencies highlighted by the minister in his second reading speech. He is not in his seat at the moment but I would like to know which of the deficiencies alleged by the minister the member for Bassendean believes do not exist. Is he saying that it is a far more cost-effective, prudent and appropriate use of resources and skilled people for sworn police officers to provide in-court security for all courts of criminal jurisdiction? Is the member for Bassendean saying that? Is he saying that that is a deficiency or that it makes sense? I would like to know whether the member for Bassendean sees that as a deficiency or whether he is happy with the arrangement.

Mr Brown interjected.

Mr BAKER: Does the member for Bassendean acknowledge that sworn police officers should not be performing that role?

Mr Brown: No, I did not say that. Let me put it to you simply.

Mr BAKER: I will put it to the member for Bassendean very simply. In the second reading speech the minister referred to that as a deficiency. The member for Bassendean either accepts it as a deficiency or he does not.

Mr Brown interjected.

Mr BAKER: He may have another proposal to overcome the deficiency but he does acknowledge that it is a deficiency, does

he not?

Mr Brown: Do you want to let me answer or not?

Mr BAKER: A simple yes or no.

Mr Brown: If you want me to answer it, I will. If you don't, I won't. Do you want to let me answer?

Mr BAKER: Yes.

Mr Brown: My view is that prison officers as people who are well trained in dealing with prisoners and those in detention should be the people who can adequately carry out court security work.

Mr BAKER: That is in court. Therefore, the member for Bassendean has acknowledged that the first deficiency raised by the minister in his second reading speech is that sworn police officers provide in-court security in all courts and that it is a deficiency.

Mr Brown: Obviously you have not been listening.

Mr BAKER: I have been listening; I have been listening very closely. It is simply a matter of using appropriately trained people to do what they are trained to do. I have spoken to many police officers over the years who have been involved in in-court security, working in the dock system - acting as ushers if one likes - in court. Many of them will tell members that they think it is a total waste of time because they are not using their skills. It is like employing a doctor to do nothing all day but apply bandaids to cuts and scratches. It is absurd; it is a shocking waste of skills and resources - it is as simple as that. The member for Bassendean would agree with me that if one has the skills, has been trained, has been through a police academy course and has been on the beat for 12 months as a probationary constable, one should be allowed to utilise one's skills and training rather than do menial tasks which another person without the same skills could do. The member for Bassendean would acknowledge that.

Mr Brown: I have told you my position in relation to court security. I can tell you again if you like.

Mr BAKER: The member for Bassendean has not disagreed with the deficiency highlighted by the minister. All the member for Bassendean has done is suggest an alternative remedy. He has acknowledged that that deficiency exists.

The same applies to transportation services. It is once again a shocking waste of skilled resources! Does the member for Bassendean accept that police officers and no-one else should be responsible for transporting prisoners to and from prisons and lockups?

Mr Brown: Two groups of people transfer these people today; one is prison officers who are skilled to do it and the other is police officers. I do not have a problem if the Government wants one group to do it more than the other.

Mr BAKER: And that one being police officers?

Mr Brown: There are two groups of officers who are properly trained to do it; prison officers and police officers. If the Government wants prison officers to do it, I do not have a problem; it is part of their job and they should do it.

Mr BAKER: Therefore, the member for Bassendean acknowledges that looking at the two roles and the sets of skills it is less appropriate for a police officer -

Mr Brown: I have not said that. I have said that the Government can make a choice if it wants one to do it.

Mr BAKER: The member for Bassendean is saying it does not really matter; that it is six of one and half a dozen of the other.

Mr Brown: No, some States have offered -

Mr BAKER: I would have thought that that is not the case at all, that when comparing the two groups and the skills they have -

The SPEAKER: Order! We are supposed to be having the second reading debate on these Bills. Earlier this evening I indicated that there was a considerable exchange of questions and interjected answers between the minister and another member. While it is an interesting tactic and perhaps is of great interest to us all, it is outside the normal second reading speech procedure. I allow a wide-ranging debate, but this is really not an opportunity for a question and answer session. That is more appropriate during the committee stage of the Bill. The member for Joondalup has had an opportunity to pursue that matter and perhaps we can get on with the second reading stage.

Mr BAKER: No-one can deny the deficiencies highlighted by the minister in his second reading speech. The difference is that the Government is doing something about it. It is proposing something whereas once again the Opposition is simply knocking it. It is negative; it does not come up with any positive ideas on law and order except to change definitions and

legalise certain forms of criminal conduct. At the end of the day, the Government has been proactive. It has tried to utilise police officers' skills where they should be utilised - that is, out on the street, out on the beat, and in the cities and suburbs - and certainly not hanging around courts, police vans and lockups and simply twiddling their thumbs supervising the conveyance of, in this case, persons from remand centres and prisons to courtrooms.

Perhaps other matters will be raised in committee - I assume that the Bill will be considered in committee - but the ultimate test of opposition members' credibility will be whether, if they ever gain government again, they seek to repeal the legislation. That will be the ultimate test of their credibility in opposing the legislation.

MS ANWYL (Kalgoorlie) [9.00 pm]: I shall make a brief contribution as a country member, because whatever the deficiencies may be in the metropolitan area - I have had some experience of them as a legal practitioner practising from Perth - they are much worse in the country.

Mr Prince: I agree.

Ms ANWYL: As always, my former legal colleague the minister nods his head in agreement.

The Government has said, "This is not just an example of our obsession with privatisation, it is something that must be done. It is the only solution to a complex problem, so that is the end of the story." I agree that fragmentation is a problem. I represented someone who was not yet sentenced in Esperance Court of Petty Sessions and the prison officers who were to transport him back to Kalgoorlie-Boulder, some 400 kilometres north, wished to leave. I said that I needed at least another five or 10 minutes with that person. To my amazement, those prison officers left in about one minute. That meant that police officers from Esperance had to be relieved of their general duties to transport that one prisoner back to Kalgoorlie-Boulder. That happens often. I certainly do not dispute that there is a problem. A drive to a metropolitan prison from the Central Law Courts is one matter, but it is another matter if it involves an 800 km return trip or a 400 km return trip if it necessitates a change at Norseman. That shows the hopelessness of the situation. I query the need to privatise court security and custodial services to cure those defects.

The problem confronting my electorate and the drain on police resources - I make it clear that I have no difficulty with relieving police officers of the obligation to transport prisoners - is a result of a lack of juvenile detention facilities. Two or three police officers a week are off general duties because they are required to transport juvenile offenders on remand, generally speaking, to Perth. We have a similar problem with adults, except that they are housed in the Eastern Goldfields Regional Prison. Only last week eight remand prisoners allegedly kicked down a toilet wall and walked out of that prison. Although all those prisoners have now been caught, it required the assistance of eight or nine Tactical Response Group officers to apprehend the last prisoner. I am informed also that there are serious allegations that he threatened law-abiding members of the community during his escape activities. There is incredible potential for things to go wrong. It is even more incredible -

Mr Prince: No, those people who are in secure facilities in prison -

Ms ANWYL: I ask the Minister to wait for the punch line. It is even more incredible that when those remand prisoners were taken before Kalgoorlie Magistrate's Court, they allegedly almost effected another escape from the remand holding cell. We have only one holding cell in operation. There are four holding cells but, in its wisdom, the court uses only one. Those prisoners were apprehended as they were about to leave via the district jury court, which was not the sitting court. There was tremendous potential for problems. Fortunately, an escape did not occur, but that illustrates the problem not only of who conveys prisoners from place to place, but also of infrastructure. It is one matter to create a new player in the system - that is, a private contractor with responsibility for transporting prisoners and for securing them in the court premises, I presume - but it is another matter if someone does not fix the holding cells or provide adequate detention facilities particularly in country areas. It will not be the end of the story.

I have no difficulty with the freeing up of police resources, but I am concerned that there should be adequate holding facilities for juveniles because they are frequently held for up to 72 hours in the adult lockup at the Kalgoorlie police station. In addition, I am greatly concerned about exactly who the new contractors will be and exactly what type of training will be made available. Let us bear in mind that in many cases those people will deal with sentenced prisoners - that is, men and women who have just received a personally crushing sentence which could range from a matter of months to a life sentence. Individuals who transport prisoners will need to deal with all sorts of situations and extremely complex emotional make-ups of prisoners, particularly those who have been sentenced or denied remand. Let us remember also that prisoners can spend up to 12 months on remand on certain charges if they are denied bail. It is a matter of course that on more serious charges such as wilful murder, bail is totally out of the question. Let us remember the sorts of people who are being conveyed.

Prison officers are the most competent to deal with prisoners because of the type of training they have received, although I note that there are calls from within the Prison Officers Union for increased training even for prison officers. I hope that the minister can address my concerns about training. I do not see a specific reference to that issue in the Bill. There are references to minimum conditions, which perhaps is a novel concept - that is, we can set minimum conditions but not

optimum conditions in such a grave matter. I have been contacted by working prison officers in my electorate who are extremely concerned at the ability of the as yet undetermined contractors and their workers to provide the necessary skills to deal with prisoners, whether they be on remand or sentenced, who obviously have potentially complex and emotional problems. Some of those people are extreme recidivists and they are extremely skilled in the techniques and tactics of manipulation and so forth. It is clear that there is community concern about escaping prisoners causing harm to the community. I do not know if statistics are available - the minister might be able to elucidate this when he responds - but it seems to me that the transport of offenders is one of the prime times when escapes occur.

My other concerns relate to the impact of contracting out of large chunks of our public sector work force, especially in country areas. We have seen this Government's obsession with contracting out. It has had a harsh impact on rural communities. Communities have ended up with fly in, fly out work forces such as the work force of Camp Kurli Murri, the Government's failed boot camp.

Mr Prince: There was a difference.

Ms ANWYL: There was a big difference; and slightly different work forces too.

A fly in, fly out work force was employed in Laverton. The people who are currently employed in this type of area are generally stable residents of Kalgoorlie-Boulder. I hope that whoever the contractor might be under this flawed legislation, some assurance will be sought by the Government that the operations will be based in Kalgoorlie-Boulder rather than a fly in, fly out arrangement which has become too common.

Mr Prince interjected.

Ms ANWYL: That is what they all say.

Mr Prince: It does follow logically.

Ms ANWYL: One would hope so. There is no doubt Kalgoorlie has the busiest regional court, but unfortunately the large companies which operate the contracts in these types of arrangements do not always prefer local labour. I hope the Government is aware of the problem before any possible impact occurs on jobs in country regions.

Mr Prince: Companies would be able to find people who are suitably qualified in Kalgoorlie because much security work is done in the area for mining. That is speculation on my part.

Ms ANWYL: Perhaps the minister can discuss that with the Minister for Justice.

Mr Prince: You are less likely to find those sorts of people in my town.

Ms ANWYL: I am concerned about the impact on regional areas. Frequently the cost of providing training in remote and rural areas is exorbitant. One of the first things that goes out the window is training when an entity contracts out and a very business-orientated commercial arrangement exists. Time and time again we see services in the non-government sector of the community contracted out; for example, the provision of drug and alcohol services and the provision of many other important services to remote communities. They all say that the first thing that goes out the window is training. It remains to be seen exactly how the minimum conditions which are set down in the legislation will translate into ensuring that country regions have the same sorts of quality training programs as those in the city. It remains to be seen how this will pan out in terms of the costs involved in either conducting training in the regional centres or sending workers down to Perth thus incurring prohibitive travel costs and accommodation expenses. That is one of the main reasons I have had so many contacts from concerned prison officers. They are concerned not only about their jobs, but also about the ability of the private contractors to provide a quality service to the prisoners we are discussing.

Infrastructure is needed and I hope attention will be given to upgrading the holding cells and the facilities to house juvenile offenders who are generally on remand for up to 72 hours in adult police lockups which is not a good situation. Earlier this year a furore occurred in the eastern States and Reverend George Davies questioned what was going on in this State. There is no general awareness in the Perth area as to what goes on in country regions. That is not meant as a criticism of the police officers who are in charge of lockups; it is not a criticism of the magistrates or the legal practitioners involved; but it is a very real concern to the police officers with whom I speak that juveniles are held in these cells for protracted periods.

Minimal security is provided in many country courts. I am not sure whether it is the intention of the Government in this instance to increase the amount of security that is available in country courts. As a legal practitioner, I repeatedly appeared in the Family Court, sometimes on trials. A police officer was never in attendance. Occasionally a police orderly was present when restraining orders were being dealt with. Restraining orders were not seen as police business as such and the police orderly was not always present. I ask whether the Government's resources will be stretched to ensuring that some sort of security is available in courts especially given the poor state of the holding cell in the courthouse at Kalgoorlie. The holding cell can contain up to 20 men who have been dealt with on a pleas day in either the Supreme or District Courts. The holding cell is located between the two courts and on the other side of that cell a general family law hearing or something

of that nature might be taking place. It is ironic that police will be on one side of the holding cell, but not on the other where the Family Court proceedings are taking place. If the homicide statistics in this State are considered, members will know that where estranged couples are involved, the women form one of the most at-risk classes in our society. I urge the minister to address that issue because the current situation in country courts is not good enough. We should not require a tragedy to occur before something is done.

I also draw the attention of members to the fact that the average bench clerk, the person who sits in front of the magistrate or the judicial officer, is usually a woman, and in Kalgoorlie a young woman of 19 or 20 years. The potential for something to go wrong is very high.

The Opposition does not support this legislation because it does not agree with this Government's obsession with contracting out. We think that contracting out frequently compounds problems rather than solves them. I agree with the concept that police officers are an extremely scarce resource in Kalgoorlie-Boulder. Members need only look at the evidence presented to the Safer WA committee recently in which an inspector of police told the visiting select committee that our principal problem was police resourcing and that our police resources had not kept up with the population increase of Kalgoorlie-Boulder. Members need only look at the comments of senior police to know that police are scarce in Kalgoorlie-Boulder. That is not good enough, especially when it involves the transport of juveniles. At least this legislation seeks to shift the burden from the police. However, it is not right to remove prison officers from the equation. It has caused concern to the prison officers, certainly those to whom I have spoken. I hope the minister will address the issue of training in his response because it will be of critical importance, particularly in rural and remote areas.

MR PRINCE (Albany - Minister for Police) [9.20 pm]: In my response to this matter, I thank the members who have spoken and, in the main, have accepted the rationale and the justification for proceeding, albeit they do not accept the way in which it is intended that this legislation will proceed. The member for Kalgoorlie put it quite well. There is no doubt in her mind, as an experienced legal practitioner in a country court, that it would be far better to use the police for policing work rather than for court orderly functions and transporting people around the place. She said it would be better not to use them for those functions and that they should be in front-line policing. However, she does not agree with moving to the private sector to deal with these functions. I will deal with some of the points raised by various speakers.

The member for Burrup, the lead speaker for the Opposition, spoke a great deal and we had a good deal of interchange during his contribution. The calculation of the number of the police and the Ministry of Justice full-time equivalents was done some three years ago at the beginning of the project. The work done at that time identified the number of people involved, and then calculated the FTE value and determined that. The benchmark has been verified since as being relatively accurate. I say "relatively" because there are many ad hoc arrangements and it is not possible to identify all individuals in particular places. I will explain that. Karratha, for example, and most of the country centres, do not have an officer designated as the lock keeper and such a position cannot be identified in a manning chart, particularly in the smaller stations where the number of officers is limited. They rarely hold people overnight but when they do - perhaps for as long as eight hours - the officers are engaged in other work as well. Therefore, it is difficult to say of a person on a particular shift - whether day, night or afternoon shift - that the officer has spent a certain proportion of his time on lockup duties. Of necessity, there is a degree of relativity to the figures determined in this way. It has been determined by looking at organisational charts, doing surveys of particular places to determine how much time is spent on these functions, and then checking to see if it is reasonable and accurate.

Obviously, it is far easier at the Central Law Courts because a dedicated number of officers are doing nothing else for their entire shift. That is obviously where most of the activity occurs.

Mr Riebeling: How many are there?

Mr PRINCE: I do not know the figure off the top of my head. In the major metropolitan courts, similarly, people are doing those duties for the total of their shift. It has been very difficult for the police to be completely accurate. They did what they could from organisational charts and survey work. The figures were extrapolated and then checked again. That is how the benchmark has been determined.

Mr Brown: Are those calculations available?

Mr PRINCE: I have some with me. The officers who are in the Parliament to assist me with the legislation have given me a working paper which is a draft for phase 1. The first page covers court custody and court security in the metropolitan area, Bunbury and Albany only. It states that the project team considers that all other country locations are commercially non-viable without the inclusion of country lockups. It also covers Ministry of Justice prisoner transport. It is a working paper in relation to a phased implementation of the system. The figures represent court custody and court security times from the calculations I have indicated. I am happy to lay the paper on the Table for members to look at.

[See paper No 766.]

Mr PRINCE: That is where the figure of 200 full-time equivalent police officers came from. That is the calculated "cost" -

I use that term in inverted commas and as broadly as possible - of performing the functions of managing a lockup, transporting people between lockups and courts, court security and transport of people to and from prisons. I am told also by the officers here to advise me that the figure of 40 FTE prison officers has been derived in a similar way, by looking so far as is possible at those who do this as part of their function on a particular shift. That obviously applies only in major areas where someone may do that for the total of his shift. In other areas, in outstations and so on, an estimate has been made as a result of some survey work and that has been checked.

It is generally accepted by everyone who has spoken and who has some knowledge of these matters, that there has been a growth of this practice by both the police and prison officers over 100 years or more. Originally, particularly with regard to the police, they have been the only people available and consequently they have been given the job. That applies to so many of the functions of the police. That is still the case in some smaller country towns. For example, I refer to functions such as clerk or bailiff of a local court. Arguably, it is not a function that a police officer charged with the protection of the public and enforcement of offence laws should do as a matter of course, but they do it because it is a service that should be available to the people in country areas where there is no requirement or justification for full-time court officers, local court proceedings, or things of that nature. If that is an illustration, probably in large part the transport of prisoners by police has arisen because in the early days of the colony, and certainly the early days of the State, the court would remand someone in custody and the only authority around who could take an individual from court to jail would be the police. There was no-one else to do it. The practice has grown over 100 years or so, and it is quite extensive.

Certainly, from the point of view of a country member, country minister and former country legal practitioner, my observation is that far too much police time is spent - I am sure the member for Kalgoorlie agreed a moment ago - in the simple transport of people in secure vehicles. That is probably a fair comment with regard to prison officers as well, but within the prison system, prisoners are moved from one prison to another for a variety of reasons. They may go to courses on anger behaviour management or dealing with sexual offender treatment, they may need to move to particular institutions for some medical treatment that is not available locally, and so on. There are many reasons that sentenced prisoners in custody are moved from one institution to another. One of the most obvious situations is where their security classification changes and they are moved from maximum security to medium and minimum security prisons. All this causes the prison system to use prison officers for the transport of prisoners from one place to another in a secure way. The police, in like fashion, transport people in a secure fashion, using different vehicles and to some extent for only slightly different purposes, because no-one else is available to do it and traditionally they always have.

This is particularly the case of course in the country where it can have a significant effect on the availability of prison officers to do their core responsibility in a prison, which is to look after the prisoners and deal with them inside that facility and to have not only the care of them but the custodianship of them. In my experience of prison officers in this State, they do that extremely well by and large. I take the opportunity to commend the officers at Casuarina who were involved in the Christmas Day riot. That is an illustration of the calibre and class of the prison officers we have available to deal with a riot of approximately 150 prisoners without bringing in outside help, although it was available. They were able to contain, then suppress and then lock down the prisoners engaged in that exercise. That is a tribute to those officers on duty at the time. We have extremely good people doing an extremely good job. They really should be left to do that job. Transporting people in a secure vehicle from one place to another is not necessarily the sort of skill which is uppermost in the mind or training of a prison officer who is dealing on a day-to-day basis with all sorts of people who wind up in jail for varying periods of time. It is a transport function, albeit not the same as transporting people who are not prisoners. Prisoners are being transported in a particular environment and not being dealt with in a therapeutic sense but simply being moved from one place to another.

Similarly, it does not take long for police officers to move a prisoner the 7 or 8 kilometres from the Albany Courthouse to the Albany Regional Prison. It does not require any particular skills, merely the ability to put prisoners in the back of a secure wagon, drive them to the prison and make sure that the gate is shut before opening the door. That is not to downplay the importance of what they are doing because they are carting around some extremely dangerous people and also some people who are not. My point is that it is not the sort of core function one would expect police to discharge and not what they are trained to do. The police obviously receive some training in managing the people who are arrested, put into a van and taken to a lockup. That is fine and as it should be. Their principal training and functions are in dealing with the mass of the public, wrongdoers, investigating criminal activity, deducing whom to arrest and so on. That is where the skills are, and not in the transportation of people. Particularly in the transportation area, the case is convincingly made out that it should not be the function of the police; indeed, it has a significantly adverse effect on the ability of any police station with its complement of officers to be able to function as it should in the community which the officers have sworn to protect and serve. I can say that without fear of contradiction.

I understand the view taken by the member for Bassendean is that prison officers should have the function of court security and transport. As a good, loyal representative of the Prison Officers Union - I do not mean that in any sarcastic fashion - I would have expected nothing less. I suspect that if he and I debated this matter to some degree, we would agree that what we need is a third body. As opposed to 100 years ago when the jail keeper was simply a person who locked prisoners up

and kept them and that was it, the prison officer of today is a far more sophisticated person. Their training is much more complex. The requirements that they face during a shift in any jail at whatever custody level, whether maximum, minimum or medium, are quite extraordinarily complicated. That is where we should select and train people to operate. In like fashion, I would make the same case for the police. What we are really talking about with moving people backwards and forwards, which is one of the principal reasons for this legislation, is that we should have people who know what they are doing in the transportation of people in a secure way. Arguably they should be neither prison officers nor police officers because the function is not part of what they are about in the businesses in which they are engaged and the training and the skills they have. I suspect the member for Bassendean and I might agree that one could argue quite forcibly for a third force, group or organisation - call it what one will - to do this.

The issue of court security is a vexed one in some respects. As I understand it, police officers have some fairly woolly, ill-defined powers. If a magistrate or judge orders the police officer in the courtroom to detain a person, to do this or that, it is a lawful order and the police officer will obey. That is fine. Otherwise from the point of view of the general conduct of the court - for example, to say to people that they can come in, sit in an area and keep quiet and so on, the power to search and demand names and addresses - that can only be done when there is a reasonable suspicion that the individual should be so treated. It is exactly the same power that the police exercise on the street. Police officers cannot randomly stop people and ask them who they are. There must be some reason for doing it. However, in the courts it is often the case that they act in that way. Legally, it is uncertain whether they have the power to stop, search, detain and demand formal identification. However, whether they have that power is uncertain, they do it. The blanket exercise we had with the Fremantle riot trials involved using metal detectors, searching all bags, demanding identification and writing out people's names and addresses. It was done but whether there was lawful authority to do it in a blanket sense is debatable. Certainly if people from an outlawed motorcycle gang were on trial and people were seeking to come into the court dressed in colours which gave reasonable grounds for suspecting that they belonged to the same group as the defendants on trial, then I would have thought that there was reasonable cause for police officers to stop individuals, to search them and to demand some identification.

Mr Riebeling: They could stop them going in.

Mr PRINCE: Possibly. I am talking about a fairly strict interpretation of the law. As I say, we do not have a properly defined set of powers for court security. This Bill gives that for the first time. For that reason alone, it is a very good thing to delineate and spell out the powers of the police in detail.

Mr Riebeling: When did the problem arise?

Mr PRINCE: It has not yet.

Mr Riebeling: It has not arisen in 100 years.

Mr PRINCE: Given the litigious nature of our society, it could. It is a potential problem that has been identified. Let us resolve it before it becomes a real one and we have to resolve it reactively rather than pre-emptively.

The Bill provides adequate protection to the judiciary, whether it be magistrate, judge or whoever, to court staff, to the legal profession and to the other normal users of the courts as opposed to those who come and go only for particular cases. That does not adequately exist at present. I gave the example of the young female bench clerk. If someone gets unruly in the court, she does not have a chance of bringing any form of order. We need to have someone there who is capable, trained and able to deal with the unruly individual. When the police are there, they deal with it. As the member for Kalgoorlie has quite eloquently pointed out, when the family law list is being dealt with, no police are present. It is none of their business. Those courts are not part of their court function and so they are off and out on the streets dealing with wrongdoers. However, one can have and one often does have - I am sure the member for Burrup and I have both seen it - extreme behaviour, highly emotionally charged, almost irrational, to the point at which somebody was needed to be ready. In some instances, I have seen it necessary for people to be physically restrained. Visiting Family Court judges are usually attended by an usher, and my experience is that they are regimental sergeant-major types who have been able to deal with those situations. However, it is often the case that a magistrate sitting in the Family Court, particularly for matters such as restraining orders, does not have anybody present other than the courtroom staff, often a young, perhaps female, bench clerk. That is a deficiency the Bill seeks to overcome by providing court security in a complete sense. That is a good thing to do. The officers who provide the service must be trained in security duties, whether that be in the transport of people, in the court or lockup context, in the management of people they will come into contact with, in the proper discharge of the duty of care, which is extremely onerous, or in dealing with all those aspects of custody of another person. Police receive little formal training in that form of custody management. They receive a good deal of on-the-job training after they graduate and are sent off to a police station on first and subsequent postings. That on-the-job training is remarkably good most of the time but the length of training depends on the business of the station. A contractor will receive a number of weeks training. The majority of that - at least six weeks - will be spent on custody care and management and the remainder on administration and company management. I am advised that the contractors will receive more formal training than police in dealing with people who are in custody.

I interjected on comments made by the member for Bassendean on societal engineering. Those comments were not answered and I appreciate that the member wanted to get on with the debate. I had not heard the 30:40:30 theory before, but I accept that is an observation made by people who observe society in this way. I would like to give the member an absolute assurance that, as far as I am aware, there is no plot somewhere behind me to establish 30:40:30 by means of this legislation.

Mr Brown: It is just adding to it.

Mr PRINCE: For the member to suggest there could be such a plot is a terribly long bow and the arrow missed.

Mr Riebeling: Will you guarantee they will be paid the same as prison officers?

Mr PRINCE: I cannot guarantee what they will be paid. The member for Bassendean was not talking about paying award wages. The level of pay will depend on who the contractor is, the level of training that is required, and the skills market. The member for Geraldton gave an eloquent exposition on the commonsense and logic that underpins the Bill - as he does with his usual succinct delivery, unlike some members in this place. I was pleased by the support of the member for Joondalup. I was interested in interjections by the member for Bassendean accepting that the practice that exists at the moment is not a good one and could be done a heap better and that prison officers could do the job of court security. That would be a novel exercise. Given that prison officers already transport prisoners, I would expect the member to say they could undertake the transportation aspect of the job, but court security is a totally different environment to that inside a prison and would require prison officers to be retrained completely. We are not talking about a massive bank of cells. That is the situation in the Central Law Courts in Perth, but not in most places. Court security relates to the security of prisoners before they appear in court and they are not all criminals.

Mr Brown: Who do you think supervises prisoners on the Bibbulmun track? There are no cells on the Bibbulmun track, yet the prison officers know how to manage that.

Mr PRINCE: Yes, I have said that. However, they would need to be retrained because a court is a different place.

I agree with much of what the member for Kalgoorlie said. The problems of infrastructure are well known. I have not been in the Kalgoorlie Courthouse for a long time. I appeared there only once. However, I know the Albany Courthouse well. It has no cell. People are kept in an area, because it has a door that can be bolted. Otherwise the access to the main courtroom is by a tortuous set of stairs. There is now a second door into a small courtroom downstairs. Security depends on a police officer sitting at the base of the stairs, outside a room in which people are locked. That room cannot hold more than four or five people. As the members for Kalgoorlie and Burrup said, when District Court sessions are held, a significant number of people appear for sentencing on one day. In Albany a police van holding prisoners is parked outside the entrance of the court and prisoners shuffle backwards and forwards to the lockup cells. What a monumental waste of police time and resources.

Mr Riebeling: It is an indictment of the local member.

Mr PRINCE: Believe me, I have made these representations to government. When the Labor Party was in government, juveniles were kept in the Albany police lockup for a week.

Mr Riebeling: You have been in government for six years.

Mr PRINCE: That happened when members opposite were in government. I have been here since 1993. I accept that juveniles are kept in adult lockups and they should not be. I agree with the member for Kalgoorlie: It is no criticism of the judiciary, the police or anyone else; it is simply that the infrastructure does not exist. We have the problem of putting prisoners into vans and transporting them up and down the highway to the facilities in Perth. Moving someone from Broome involves travelling long distances at great cost and taking people off their normal duties. I cannot find any sensible objection to the transport function being carried out by somebody other than the police or prison officers. The member for Kalgoorlie largely supports the proposition that we need to move in this area to create a better system. She does not agree to doing it by contracting out, but she agrees that the function could be performed by other people. I hope I have summarised the member for Kalgoorlie reasonably well.

Ms Anwyl: I said it could be done by people other than the police; I did not say other than prison officers.

Mr PRINCE: The member expressed the concerns raised with her by prison officers. The Government's view is that prison officers are not the best people for this job. The Prison Officers Union is coming up with some sort of plan, and the member for Bassendean thinks that must happen in order for a private prison to follow on. That is tenuous reasoning. A strong case has been made out for a third organisation to deal with people after they have been arrested and taken into custody at a police facility, and from there they are taken to a secure facility, to a court, into a court, away from court, and other movement around the place. It should not be the responsibility of police or prison officers.

Mr Riebeling: How do you justify that, when one group has been trained in the handling of prisoners, but you say that group should not be involved in the handling of prisoners going to the courts?

Mr PRINCE: A good case has been made out for a third organisation. To run a prison well 24 hours a day, seven days a

week, we need a known work force and regular shifts. Prison officers are best utilised to do that; and they do it very well. Escorting prisoners up and down the highway, and moving people around disrupts the proper running of a prison system. We need a third organisation to do this. The only disagreement we have in respect of these functions is whether those people should be directly employed as public servants, which is what the Opposition would like. The Government is saying that we should put it out to tender to establish whether the private sector has the expertise and ability to do this job well.

Why should the taxpayer pay taxes to a Government to compete with the taxpayer? It has been proven elsewhere in this country and overseas that organisations have been doing this job for a long time and doing it very well. Why can they not be trusted and organised to do the work in this State? The Government believes that, with the proper safeguards in place, it should obtain the services of a private sector organisation to provide these custody, transport and security functions. They should not be performed by the people presently performing them in the rather ad hoc fashion that has evolved. That is the proposition.

This legislation spells out the detail of how to achieve that. It also spells out the powers needed properly to perform those functions, whether it be in the court or elsewhere. That is a good thing to do as a matter of general principle, because those powers and responsibilities are not now spelt out in statute law. On that basis, the propositions being put in this legislation should be supported.

The member for Burrup raised the issue of the sheriff. The sheriff is a statutory officer.

Mr Riebeling: He is a public servant.

Mr PRINCE: He is an officer of the court. I do not know whether that makes him a public servant under the Public Sector Management Act, but he is an officer of the court appointed under the Supreme Court Act. He is considered to be an appropriate person to represent the chief judicial officer in meetings with the chief executive officer.

Mr Riebeling: He is employed by the chief executive officer.

Mr PRINCE: But he is an officer of the court. In many respects there is no other position like it in the larger governmental structure of this State. I cannot think of another person who has anything akin to the stature, status, responsibility or position of the sheriff. Only one person holds that extraordinary position and, therefore, he is entirely appropriate to represent the chief judicial officer in meetings with the CEO.

The Bill has 32 clauses that deal with protections, accountability and reporting. Any sensible person with any degree of fair-mindedness would come to the conclusion that the result would be a totally accountable regime with reporting par excellence.

In respect of consultation, 50 or more groups and stakeholders were invited to meet with the project group and their views were recorded as part of the investigation process. It has taken a number of years to get to this point; it has been an evolutionary process. The concept has been tested and it has evolved. The request for proposals is probably the best document to describe the process. I do not have it with me, but I should be able to obtain a copy by tomorrow.

Mr Riebeling interjected.

Mr PRINCE: The request for proposals document was then made available to those organisations that sought to be involved in supplying a service. It probably presents the best view. The report to which the member for Bassendean referred -

Mr Brown: That is the report to which you referred in the second reading speech.

Mr PRINCE: But the member for Bassendean raised it.

Mr Brown: No, you raised it as the report upon which the Bill was predicated.

Mr PRINCE: It is the core functions project model directions paper, which is now two and a half years old. While it is extensive, it is obviously core to what we have before us. A good deal has changed since then, which is why the request for proposals document is probably the most complete statement I can provide.

Mr Riebeling: It no longer justifies what you are saying.

Mr PRINCE: I did not say that. I know I can get hold of a copy of the request for proposals document by tomorrow, and I will provide it then. I thank members for their contributions and commend the Bills to the House.

Bill read a second time.

COURT SECURITY AND CUSTODIAL SERVICES BILL*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Peter Foss (Minister for Justice), read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Minister for Justice) [4.36 pm]: I move -

That the Bill be now read a second time.

This is the first of two related Bills I propose to read in the House today. The first is the Court Security and Custodial Services Bill and the second, which I have already dealt with, is the Court Security and Custodial Services (Consequential Provisions) Bill.

The purpose of the Court Security and Custodial Services Bill is to provide a unified statutory framework for the substantial reorganisation of arrangements and powers of the operation and provision of services central to the support and functioning of the courts and related custody processes. These services include court security, court custody management, prisoner movement and lockup management. This Bill combines responsibility for these services under the Ministry of Justice. It transfers, from the Western Australia Police Service to the Ministry of Justice, responsibility for the operation of court security services and prisoner custody and transport services. This milestone initiative will release up to 200 police officer full-time equivalents, enabling the deployment of these resources to core policing duties. At the same time, the essential support functions provided for in this Bill are reallocated and delivered in a safe, more efficient, better integrated and more accountable way. Under this Bill, many existing court security and custodial practices currently based on common law and assumptions will be codified and clarified.

This Bill gives responsibility to the chief executive officer of the Ministry of Justice for the functions of lockup management, court security, court custody and the movement of persons in custody. This includes responsibility for adults and juveniles, accused persons, offenders, intoxicated detainees held under part VA of the Police Act 1892, and those people apprehended pursuant to certain orders made under the Mental Health Act 1996 being held temporarily in a lockup. In carrying out functions, the chief executive officer may authorise people other than those specified in existing legislation - for example, the Prisons Act 1981 and the Young Offenders Act 1994 - to exercise unique powers in the provision of a service under this Bill. The chief executive officer will be empowered to enter into alternative service arrangements for service provision, including contracted agreements with private sector operators, for some or all of these services. The Bill provides a range of appropriate powers which will, for the first time, support improved coordination of arrangements for effective security and control within courts, court custody centres, lockups and in other related locations and circumstances.

This Bill will enable innovative and fundamental changes to the way in which these law and order support services are organised. The new statutory arrangements are designed to eliminate impediments to continuity of service delivery and accountability. The Bill represents the culmination of a significant effort by two major government portfolios to ensure the better management of resources to the benefit of all Western Australians. The Ministry of Justice and the Western Australia Police Service will be better focused on their prime responsibilities, and the best service providers will be retained to deliver the services I have outlined.

Background: Existing service delivery arrangements in respect of the functions covered by this Bill are ill-defined, fragmented and complex - involving multiple public and private sector agencies operating under different service mandates. This leads to duplication of effort, service overlap and increased exposure to potential service failure. Currently, the State's investment in policing services is not being used to its full potential. In every part of our State, fully trained sworn officers are engaged daily in services not directly related to their core function. The role of the police should be focused on the maintenance of the peace, crime prevention and control, traffic control and emergency services management, and assisting members of the community in times of emergency and need.

Deficiencies with Current Arrangements: Within the Ministry of Justice, two separate divisions, offender management and court services, are also directly responsible for the provision of some of the identified functions. Similarly, both the Ministry of Justice and the Western Australia Police Service provide services for the transport of prisoners between courts and prisons. Sworn police officers provide in-court security in all courts of criminal jurisdiction, including the provision of dock guards and public gallery guards. Within the court the powers of police are not clearly defined with respect to search and seizure. Police also manage the court custody centres where prisoners are held pending their appearance in court. All lockups within the State are managed by police, either in conjunction with their routine police work or as part of a separately resourced and dedicated task. Police also provide for the transport of prisoners on remand and for those convicted persons in their custody, either to a lockup, prison or detention centre. This service often operates in parallel with services provided by prison officers.

In the main, many of the security and custodial functions carried out in Western Australia are done using powers derived from statutes such as the Police Act 1893, the Criminal Code, the Prisons Act 1981, the Young Offenders Act 1984 and others. The police also draw from the common law which gives rise to many of their general powers. There is, however, no statute governing the operation and management of the cells at the court, police lockups and the transfer of prisoners between lockups and the court. In a number of key areas the law is deficient in providing powers and protections to those who work in vulnerable circumstances - in particular, the courts where judges, magistrates, court officers and members of the public are exposed. For instance, there is no statutory power to question people entering a court or to request them to produce identification. Prison officers can exercise a discretion to routinely search prisoners in their charge inside a prison

or while absent from the prison under escort. On the other hand, a police officer is not clearly empowered to search a prisoner in his charge unless there is reasonable suspicion that an offence has been committed or is about to be.

Proposed Remedies: The Bill seeks to remedy the deficiencies of current practices and to expressly provide for these services in a coherent manner requiring high standards of accountability and practice. Anomalies such as those outlined have been dealt with in this Bill to ensure consistency in service provision, the preservation of performance standards and a common approach throughout - given that services may be delivered by private or public providers. This Bill arises out of the recommendations of the Police-Justice core functions project established by the Government in September 1996 to undertake an extensive review of the current services with the objective of identifying a viable alternative procurement option. This project was formed with a steering committee comprising representatives of the Western Australia Police Service, the Ministry of Justice, the Treasury, and the Ministry of the Premier and Cabinet, and chaired by an independent chairman. The cost and operation of existing services were compared with other service options. The overall purpose of the review was to relieve the Police Service and the Ministry of Justice of non-core duties relevant to the delivery of the four services of court security, court custody management, police custody management and prisoner movement. As part of this process, consideration was given to the approaches adopted in the United Kingdom, New South Wales, South Australia and Victoria.

The conclusions reached by the project team resulted in a decision by the Government to market test services by inviting private companies to register interest and ultimately to submit fully costed proposals. Negotiations have taken place with a preferred respondent - selected following an exhaustive and independently monitored process of competitive tendering. Subject to a satisfactory negotiated outcome, it is proposed that the Government will enter into a five-year contract for the delivery of these services. As earlier indicated, this will result in the transfer and redeployment of the equivalent of 200 trained sworn police officers to front-line policing duties, and the equivalent of 47 trained prison officers and juvenile group workers to mainstream duties. The deployment of existing police officers, prison officers and group workers is more directly beneficial and less expensive than recruiting and training inexperienced new staff. More particularly, the deployment of trained police officers will support the Police Service strategic action statement priorities and targets, focusing especially on drugs, robberies, assaults and burglaries. In all of this, no employee of the Police Service or the Ministry of Justice will lose his or her job.

In formulating its recommendations to the Government, and finalising the service specifications, the project team consulted 50 stakeholder groups, both within and external to government. No group responded unfavourably to the Government's objectives and many commented positively on the prospect of police officers returning to core duties. Strong support was forthcoming from Aboriginal groups for a dedicated and impartial approach to the management of lockups and the transport of prisoners and accused persons.

The scope of the contract service specification also requires the contractor to carry out structural upgrades to lockups at Fremantle, Armadale, Joondalup, Midland, South Hedland and Kalgoorlie. This work will substantially accelerate the Government's ongoing implementation of the cell upgrade program consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Proposed Changes: The approach taken in Western Australia has culminated in the introduction to this House of a single statute combining all four related services under the administration of the chief executive officer of the Ministry of Justice. It will enable the determination of the most appropriate and cost-effective means of service delivery including the framework to enter into contracts for service. The Bill will enable the authorisation of appropriately trained people to deliver the services. It will provide the necessary powers and protections to enable the delivery of a quality service that meets the expectations of not only the direct service recipients, but also the wider community. The Bill also makes provision for rigorous compliance arrangements and performance standards to ensure that the highest standards of accountability are achieved and maintained. The Ministry of Justice has developed a framework to establish a regulatory function to oversee these services. The regulatory role will be to advise the chief executive officer on the extent to which a service provided, directly or on a contractual basis, satisfies requirements for public accountability. It is proposed to be effected in a way which does not shroud arrangements for service delivery in commercial confidentiality provisions that in other places have prevented public access to operational information which should be freely available.

Under the model contemplated for the Ministry of Justice, the regulator function is independent of the function of service provision. However, under the terms of their service agreement and under the provisions of this Bill, service providers will be bound to cooperate fully with the regulator by providing free and unfettered access to facilities, documents, staff and persons in custody. It will be a statutory requirement for a contract to include provision for any contractor to submit reports in relation to obligations under the contract. Reports will include information on operational matters such as escapes, deaths in custody, emergencies and other operations incidents.

The Bill, operating in conjunction with the Court Security and Custodial Services (Consequential Provisions) Bill, makes innovative provisions for a contractor or subcontractor and his employees to be subject to scrutiny by the Ombudsman, the Anti-Corruption Commission and the Information Commissioner. The application of these public accountability arrangements to private sector service providers represents a no-nonsense approach to contract management.

I now make specific reference to the provisions of the Bill: Part 1 is preliminary and establishes the definitional framework. Part 2 relates to the administration of court security and custodial services and defines the scope of the chief executive officer's responsibilities to provide services, which fall into two broad categories of court security and custodial services. This distinction defines the separation between the provision of services to the court where regard must be given to free and unfettered public access, and the operation of court custody centres and lockups, including the security and safety of people

held in both. Provision is made for the chief executive officer's responsibility for the security, control, safety, care and welfare of persons in custody, and of intoxicated detainees as defined by their status under the law and by the circumstances in which they are placed under the chief executive officer's responsibility.

Currently, after the police have completed their inquiries and evidentiary processes, persons may be held for court purposes. Once a person has appeared in a court that person may, among other dispositions, be remanded in custody or sentenced to a custodial term, when the person then becomes a prisoner under the definition of that term in the Prisons Act or a detainee under the definition of that term in the Young Offenders Act. From that point on, both become the responsibility of the chief executive officer under the Prisons Act and the Young Offenders Act.

The status of persons in custody may arise from arrest by a police officer or other empowered officer, the order of a court, or under any other order issued under any state or commonwealth law. An example is a deportation order issued by the Minister for Immigration. The status of intoxicated detainees arises from their detention under part VA of the Police Act which requires police to apprehend people who are "seriously affected apparently by alcohol", to use the Police Act definition. For this category of person, the Bill provides for their placement in a lockup according to arrangements and safeguards prescribed in the Police Act pending their release when sober.

Under existing arrangements, involuntary patients subject to a hospital order issued under the Mental Health Act and apprehended by police for removal to a hospital may be held temporarily, pending arrangements for their transport. Because it is desirable to maintain the current arrangements for police to provide for the transport of involuntary patients, it is necessary for this Act to provide for their placement in the care of the chief executive officer pending their removal under the terms of the order.

The chief executive officer may enter into a contract with the private sector for the provision of court security and custodial services for and on behalf of the State. Arrangements may also be made with public sector providers or with the Commissioner of Police for all or part of the services. In the event that a contract is entered into, contract workers will be required to do the work. If an arrangement is made with, or there is a delegation to, the Commissioner of Police, police officers will do the work. If an arrangement is made with, or there is a delegation to, a member of the public sector, people defined in the Bill as "justice officers" will do the work. Because the Government will seek to enter into the most beneficial arrangements, there will be a combination of these approaches in some locations and certainly there will be a combination of these approaches in the remote areas of the State.

An essential element in the provision of any form of custodial service involving the management of potentially violent persons is the power to use reasonable force in defence of personal attack or to control obstructive persons. This is provided for in the Bill and is strengthened by amending the definition of "public officer" in section 1(1) of the Criminal Code to include persons under this Bill who are empowered to undertake "high-level security work". This provides them with the same protection as public officers in the legitimate conduct of their work.

It is a cornerstone of any custodial function that no persons in custody are permitted to escape from custody. This forms one of the key performance indicators of a service provided under a contract and any contractor will suffer an immediate penalty for each escape of persons in custody in their charge. An accountability provision in this Bill analogous to section 14(b) of the Prisons Act makes any authorised person liable for the escape or unlawful absence of a person in his charge.

The Bill provides that the minister may give a specific direction to the chief executive officer in respect of any function performed under the Bill. However, in so doing the minister is required, where practicable, to consult with the chief judicial officer in each jurisdiction to ensure there is no conflict between the direction the minister might wish to issue and the operation of the court. The subject matter of any director given to the CEO by the minister is to be recorded in the annual report of the Ministry of Justice.

For reasons of ministerial accountability the chief executive officer is required to inform the minister of serious events such as escapes, deaths of persons in custody and other serious irregularities. Provision is made for the separation of adults from juveniles and for the separation of persons by gender and by custodial status to safeguard and protect them from predatory and assaultive behaviours. These provisions reflect existing practice applicable under both the Young Offenders Act and the Prisons Act.

Bans may be imposed preventing people from visiting lockups and court custody centres if they are considered to pose a threat to the security of good order of the facility. The right of entry by judges and magistrates to inspect custodial facilities operated under the Bill is also provided as a means of allowing external independent scrutiny. The independence of the courts is reflected in requirements for the chief executive officer to consult with the chief judicial officer in each court jurisdiction on matters concerning arrangements for court security and court custodial services. This ensures that the needs of the courts are communicated and taken into account in the negotiation of arrangements and contracts. The role of liaison between the chief judicial officer and the chief executive officer rests with the sheriff of Western Australia who, for the purposes of this Bill, is given a statutory function as the representative of the chief judicial officer of each jurisdiction. In this way there is a greater opportunity for consistent application of standards and conditions in the management of the functions relevant to the administration of a contract for service.

Part 3 of the Bill sets out provisions for contracts for service delivery including minimum matters required to be contained in a contract. The chief executive officer is required to determine minimum standards applicable to the provision of a service under a contract and the minister is to table those standards before each House of Parliament. Those standards also form the basis of contract reporting arrangements.

Provision is made for free and unfettered access by the minister, chief executive officer or nominee to premises, facilities,

documents and equipment controlled by a contractor and to any person in custody in the charge of a contractor. This arrangement is designed to ensure compliance with the contract and any relevant legislation, and for ensuring the good management of a service provided under a contract. This provision is modelled on similar provisions adopted by New South Wales, in the NSW Prisons Act 1952, and by Victoria, in the Victorian Corrections Act 1986. It provides a statutory mechanism for the examination, audit, investigation and observation of services and makes provision for a penalty in the event that any person seeks to hinder access by a person authorised to have access.

The Bill provides for the chief executive officer to intervene or suspend a contractor's operations. It also sets out provision for the appointment of an administrator who, at the discretion of the chief executive officer, will have control over a contractor's operation in the case of suspension of, or intervention in, a contract. The accountability provisions contained in this Bill are further enhanced with a provision for the chief executive officer to set up an inquiry into any aspect of a contractor's operation, including "any matter, incident or occurrence" concerning services delivered.

The Bill requires the chief executive officer to make an annual report to Parliament on the operation of each contract and the extent of compliance, or otherwise, with standards of service attained in delivering a service under a contract. Contract workers will not be permitted to work in the provision of "high-level security work" unless the chief executive officer approves them to do so and issues a permit. High-level security work is front-line operational work by contract workers engaged in the direct provision of court security and custodial services, as distinct from ancillary tasks such as cleaning, secretarial or vehicle maintenance services. This enables the application of screening safeguards to ensure integrity and accountability in the selection, recruitment and ongoing monitoring of the contractor's or subcontractor's work force engaged in these services. The chief executive officer retains the right to determine what may constitute high-level security work, including that which requires access to persons in custody and confidential documents. The chief executive officer is required to make a declaration to that effect for inclusion in the *Government Gazette*. The chief executive officer is to satisfy himself that persons employed by a contractor are fit and proper people and that they are fully trained to perform all aspects of the work for which they are employed. Prospective employees of a contractor need to satisfy the requirements of a police clearance including a criminal history check and check of their driving records. A consequential amendment to the provisions of the Spent Convictions Act will also enable access to information not normally available but which may identify a prospective contract worker as unsuitable for employment in the provision of services under this Bill. A permit once issued may be suspended or revoked by the chief executive officer under certain circumstances.

The chief executive officer is empowered to intervene in a contract under circumstances in which an opinion is formed there is an emergency in the service or the contractor has failed to effectively deliver a service in accordance with the contract. Termination or suspension of a contract may occur under circumstances in which the chief executive officer deems there are grounds for doing so and if it is determined that it is in the public interest to do so. Reasons for suspending or terminating a contract may include events such as the contractor becoming insolvent, where a material breach of the contract occurs, or where there is failure to rectify a breach of the contract. In any such case the chief executive officer may appoint an administrator whose task is to manage the services until such time as alternative arrangements are put in place to provide the services.

Part 4 contains provisions to ensure accountability in the management of persons in custody through safeguards to ensure the continuity of legal custody during transfer from one authority to another. Mechanisms are provided in this Bill to ensure the continuity of legal custody is maintained in all circumstances. Police and other law enforcement officers are empowered to transfer an arrested or remanded person into the charge of an authorised person for the purposes of their transport, court appearance or detention in a lockup or court custody centre in accordance with a request. Provision is also made for the transfer of intoxicated detainees held under the provisions of part VA of the Police Act for the purposes of their temporary detention. Likewise, provision is made for the transfer to accommodate the temporary charge of involuntary patients in a lockup held pending arrangements for their transfer to a mental health facility pursuant to an order made under the Mental Health Act.

Part 5 of the Bill makes provision for offences against the Act which may pose a threat to the integrity of the services, the safety and security of people involved and the community. Courts are open institutions where the right of public access must under all normal circumstances be preserved in the interests of justice. However, the nature of the business before the courts sometimes makes those who work in them, or those who have business before them, vulnerable to external threat of attack and personal injury. Those persons responsible for the transport of persons in custody and for their security in public areas are also vulnerable. Therefore, specific provision is made in this Bill to impose a penalty for those convicted of the possession of firearms and other weapons at certain custodial places, including courts. An offence of this nature dealt with before a jury may bring a term of imprisonment of seven years. It is also an offence under this Bill to hinder or resist an authorised person in the conduct of his duties. This attracts a fine of \$6 000 or 18 months imprisonment. It is also an offence under this Bill to introduce articles that are likely to cause a threat to the security, good order or management of a place for which the chief executive officer has responsibility. The applicable penalty for this offence is \$6 000 or 18 months imprisonment.

Part 6 of the Bill provides a number of miscellaneous provisions. An indemnity exists to protect persons performing functions, exercising schedule powers and doing high-level security work in good faith. However, the contractor or subcontractor is not exempted from vicarious liability for any action of an employee. Contract workers are protected from actions for false imprisonment if they act on a request under part 4 and in good faith. Contractors are also protected from any vicarious liability they have for such a contract worker.

It is desirable that a provision exist to give appropriate protection for authorised persons who come into possession of prohibited drugs and other illegal substances, firearms and other related items, during searches of persons in custody.

Authorised persons will be protected from prosecution for possession as they may otherwise become liable under the Misuse of Drugs Act or the Firearms Act, until those items are handed to police to be dealt with according to law. A confidentiality provision modelled on the provisions in the Young Offenders Act is designed to safeguard against the inappropriate use of information relating to the management of persons or services provided for in this Bill. It will be an offence to contravene this provision, which attracts a fine of \$6 000 and imprisonment for two years.

It is essential to make adequate provision to safeguard the integrity of the judicial process by way of appropriate powers and protections. A balance must be achieved between the provision of powers for the adequate safeguarding of the judicial process and the rights of individuals under the law to have access to that process. Powers necessary to give effect to the services are set out in three schedules contained in the Bill. A person or class of persons employed to provide a service in relation to this Bill will be authorised to exercise a schedule power according to the type of service they are required to deliver. Powers relate to the exercise of measures to provide court security, custodial services or apprehension.

Authorised persons will be empowered to request identification of persons seeking to enter a court and to request them to declare their intended business. Persons creating a disturbance, behaving in a disorderly manner or failing to provide satisfactory reason for being on court premises may be prevented from entering, asked to leave or removed. People seeking entry to courts together with their personal effects may be searched by the use of electronic apparatus or by hand. Searches will be along lines similar to those carried out at airport barriers, and safeguards will exist with regard to privacy, decency and self-respect.

Power is also provided in the Bill for authorised persons to take fingerprints, photographs and personal details for the purposes of identification of persons in custody in accordance with section 50AA(2) of the Police Act. This is a time-consuming task currently undertaken by police whose time can be better utilised in more important roles. It is proposed that contract workers will provide this service in lockups operated by contractors. In the interests of safety and security, authorised persons will be empowered to conduct searches and to seize the property of persons in custody. Provisions are also made for the restraint of persons in circumstances when restraint is necessary to prevent escape and to prevent self-harm or injury to others. Appropriate safeguards exist to ensure the protection of personal dignity and rights, and further measures to ensure accountability will be provided for in regulations and the chief executive officer's rules. These powers are modelled on similar provisions contained in the Prisons Act that have worked effectively in preserving good order and security in prison management.

Measures for the preservation of the discipline of persons in custody are addressed through the use of the existing provisions of the Prisons Act in relation to adults, and the Young Offenders Act in relation to young people. Complaints concerning actions allegedly committed by persons affected by this Act may be referred to the appropriate prison superintendent or to the police. This approach ensures consistency with current procedures that protect the rights of persons in custody. Again, it is intended to establish an administrative process of monitoring by the chief executive officer for the purposes of contract management. Capacity will exist to preserve security of lockups and court custody centres by providing for the power to request identification from visitors to these facilities, to deal with disorderly behaviour by visitors and to search them as required for items which may pose a threat to security. Visitors may also be refused entry or be removed in circumstances in which their behaviour poses a threat to security or good order. Procedures governing visits and communications with persons in custody will be provided for in regulations.

An ultimate control measure which the Bill makes available to authorised persons engaged in the provision of court security and custodial services is the power of apprehension, and detention without warrant, of persons under certain circumstances. This power will apply when a person has committed an offence under this Act or has escaped from custody. Such a measure is essential in circumstances when an immediate remedy is necessary to secure the custody of a person.

This Bill includes provisions to ensure the preservation of high standards of accountability and responsibility for the provision of services. Operating in conjunction with the Court Security and Custodial Services (Consequential Provisions) Bill, the arrangements extend safeguards to persons in custody regardless of their status before the law. As indicated earlier, access is given to the Ombudsman, the Information Commissioner and the Anti-Corruption Commission. I advise members in this House against the inappropriate and somewhat emotive use of the term "privatisation" as it is often applied to the contractual procurement of services to government, and the notion that in the process government divests itself of responsibility and control. This Bill does not enable the Government to shed ownership and more essentially it does not enable the Government to shed control and responsibility for the services. Both this legislation and the contract contain requirements for the highest standards of performance and accountability; specifically requirements to ensure the highest level of scrutiny, monitoring and reporting against clearly articulated service requirements and performance standards. These requirements and standards will be reported on publicly as will the performance of the contractor.

Governments have traditionally bought services from the private sector. We have a logical and well-developed extension of those arrangements into an area in which police, prison officers and juvenile justice group workers have traditionally been engaged in largely perfunctory tasks outside the scope of their core roles; tasks which do not require the skilling levels the community demands from its police officers, prison officers and juvenile justice workers.

This leads me to reiterate an earlier key point which relates to the major objective set by the Government in commissioning the review of the services resulting in this Bill; that is, the direct and tangible benefits in the form of an enhanced capacity of our Police Service to return sworn police officers to front-line duties in the service of our community. The benefits of this initiative have been fully explored and reported on at length.

Consequential to this Bill, it will be necessary to amend a number of other statutes including the Anti-Corruption Commission Act, the Bail Act, the Coroners Act, the Criminal Code Act Compilation Act, the Freedom of Information Act,

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the Justices Act, the Parliamentary Commissioner Act, the Police Act, the Prisons Act, the Spent Convictions Act, and the Young Offenders Act. These necessary amendments are contained in the Court Security and Custodial Services (Consequential Provisions) Bill, which I read a short time ago.

Given the need to progress the Court Security and Custodial Services (Consequential Provisions) Bill and the Court Security and Custodial Services Bill together, I shall be seeking leave for these two Bills to be debated cognately. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.