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CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

COMMISSIONER JOHN MCKECHNIE QC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 13 FEBRUARY 2020, AT 9.49 AM

COUNSEL ASSISTING:

MS NADIA PANTANO

WITNESS:

ADAM MATTHEW TOMISON

1  
2 **TOMISON, ADAM MATTHEW CALLED AT 9.49 AM:**

3  
4 **THE COMMISSIONER:** Please be seated.

5  
6 **THE ASSOCIATE:** The Commission is conducting a number of  
7 examinations for the purposes of an investigation under the  
8 Corruption, Crime and Misconduct Act 2003. That  
9 investigation has been designated Operation Canopus.

10  
11 The scope and purpose of the Commission investigation is to  
12 examine how the Department of Justice prevents, identifies  
13 and deals with serious misconduct, including but not  
14 limited to implementation of the Corruption and Crime  
15 Commission's recommendations and measures to address  
16 serious misconduct risks in the supervision of section 95  
17 prisoners, contraband entering prisons, inappropriate  
18 associations between prison staff and prisoners, and the  
19 use of force against prisoners and reporting of use of  
20 force incidents.

21  
22 Before your examination begins, it is necessary for you to  
23 take an affirmation. Please stand and take the card in  
24 your right hand and read the affirmation out loud.

25  
26 **TOMISON, ADAM MATTHEW AFFIRMED AT 9.50 AM:**

27  
28 **THE ASSOCIATE:** Thank you. You may be seated.

29  
30 **THE COMMISSIONER:** Dr Tomison, you've been here so you  
31 know the score. I've appointed Ms Pantano as counsel  
32 assisting me. She'll ask questions on my behalf.

33  
34 Before we get under way, could I say that these are public  
35 examinations and in accordance with the Commission's  
36 practice over the last few years they have been live-  
37 streamed so that persons with computers could watch them,  
38 if not able to physically attend.

39  
40 I imagine that there were no doubt a number of people in  
41 Corrective Services who would have had great interest in  
42 the evidence that's been given during the last few days.  
43 Unfortunately, owing to computer problems which were not of  
44 the Commission's making but outside, transmission has been  
45 intermittent and I apologise to all of those who have had  
46 difficulty in logging on and observing the proceedings.

47  
48 The Commission will put the transcripts in due course on  
49 its website but even though it wasn't ultimately the  
50 Commission's responsibility, I still feel that an apology  
51 is in order for those people who've been disadvantaged.

1 I'm advised that the problem is corrected. We will see.

2

3 Ms Pantano.

4

5 **PANTANO, MS:** Please state your full name?---Adam Matthew  
6 Tomison.

7

8 And you're the current Director General of the Department  
9 of Justice?---That's correct.

10

11 Mr - sorry, Dr Tomison, before I begin my questions do you  
12 have some opening remarks you'd like to say to the  
13 Commission?

14

15 **THE WITNESS:** I do, thank you.

16

17 Good morning, Commissioner. Thank you for allowing me to  
18 make this opening statement to provide an overview of the  
19 Department of Justice's progress in addressing the  
20 recommendations arising from the Commission's six reports,  
21 which focused on responses to misconduct and integrity  
22 issues in Corrective Services.

23

24 I note that the level of misconduct and corruption - sorry,  
25 and corruption risk in the delivery of Corrective Services  
26 is unique within the public sector and is in addition to  
27 the risk common to all public sector agencies, such as  
28 fraud and the misuse of information.

29

30 In December 2017, you referred to the Department of  
31 Justice's search regime of prison officers as a joke and  
32 you questioned whether sufficient resources were being  
33 deployed to keep drugs out of gaols. You also noted that  
34 despite earlier warnings from the Commission and the  
35 Auditor General, that nobody seems to be listening.

36

37 I offer no excuses for this situation that the Department  
38 found itself in during that time, or for the inadequacy of  
39 our response. However, I do believe that the Department  
40 has demonstrated substantial improvements in the way in  
41 which misconduct and corruption is addressed, particularly  
42 as it relates to Corrective Services but also across the  
43 Department of Justice as a whole.

44

45 As you are aware, in 2017 there were changes in the  
46 management of the then Department of Corrective Services.  
47 Subsequent Machinery of Government changes resulted in the  
48 re-amalgamation of the Department of Corrective Services  
49 and the Department of the Attorney General, forming the  
50 Department of Justice and in that period I was appointed  
51 Director General of the newly-established department.

1  
2 I wish to assure you, Commissioner, that since that time  
3 I, and my management team, have been listening and  
4 I believe that this is clear in the evidence we've given  
5 you this week and in the progress reports that we have  
6 provided to date. Although we were slow to start, the  
7 Department has used the issues highlighted by the CCC as a  
8 launch pad to assess existing systems and controls and to  
9 shape the formation of new and improved systems and  
10 processes.

11  
12 A cultural uplift has resulted, reinforcing the expected  
13 high standard of professional and ethical practice across  
14 all the Department's operations in response to the  
15 Commission's 51 recommendations listed across those six  
16 reports. I note that these recommendations were  
17 operationalised into 39 unique recommendations for our  
18 action.

19  
20 You've already heard from my staff of many of the key  
21 improvements and challenges we have faced in addressing the  
22 Commission's recommendations, and in developing a robust  
23 anti-corruption response. I would like to highlight some  
24 of the changes we have made in responding to the  
25 Commission's concerns.

26  
27 I think we have made a good start, but I also recognise we  
28 have more work to do and that we must keep evolving and  
29 refining our responses to prevent and respond effectively  
30 to misconduct and integrity issues. Integrity and  
31 misconduct risk is dynamic, it's not static, and our  
32 responses much evolve to take into account and combat new  
33 as well as existing threats.

34  
35 The development and promotion of a risk based Justice  
36 Integrity Framework has been a foundational element of our  
37 approach to promoting ethical practice and behaviour, and  
38 in preventing and responding to misconduct and corruption.  
39 We followed this up with the development of a fraud and  
40 corruption plan, revisions to the Code of Conduct and also  
41 to other integrity policies such as the Public Interest  
42 Disclosure Policy and the Gifts and Benefits Policy.

43  
44 Interestingly, the former Department of Corrective Services  
45 dismantled its Professional Standards Division in 2014,  
46 despite it being created as a recommendation of the Mahoney  
47 Review in 2005, and then disaggregated its functions across  
48 operational areas of that department.

49  
50 Given the importance of setting and maintaining a high  
51 standard of professional ethics and integrity within the

1 Department, I have personally immersed myself in  
2 implementing the changes required to effectively prevent,  
3 identify and respond to integrity issues and misconduct.  
4 As part of that, I recognised that our existing structures  
5 were not enabling the process needed to address the  
6 Commission's concerns.

7  
8 As you have heard this week, in order to better manage and  
9 develop our integrity functions for the whole Department  
10 I have - and to also ensure our ongoing commitment to  
11 professional integrity, I re-established the Professional  
12 Standards Division in January 2019. That division reports  
13 directly to me, and the Executive Director Mr Maines is  
14 part of my corporate executive.

15  
16 The division has worked collaboratively with your staff at  
17 the CCC, other anti-corruption stakeholders, with  
18 Corrective Services particularly, as well as other parts of  
19 the Department to respond and act upon the Commission's  
20 recommendations. This has included hosting joint  
21 discussion and review sessions with the Commission,  
22 organising site visits for the Commission staff,  
23 coordinating the collation of evidence that demonstrates  
24 implementation of the Commission's recommendations.

25  
26 To ensure effective governance of our response to the CCC's  
27 recommendations and our ongoing integrity and misconduct  
28 strategic operations, I have formed and chair three  
29 committees. The first one is the Director General's  
30 Governance Group which provides strategic oversight and  
31 internal governance on the implementation of the  
32 Commission's recommendations.

33  
34 A Professional Standards inter-agency group has been set  
35 up, which brings together key anti-corruption and integrity  
36 stakeholders to advise the Department on its proposed  
37 actions and to improve coordination and cooperation on  
38 corruption prevention strategies between the Department and  
39 partner agencies.

40  
41 This group is comprised of senior representatives from the  
42 CCC, the Public Sector Commission, West Australian Police,  
43 the Department of Education, and also Department of Fire  
44 and Emergency Services and it provides an opportunity to  
45 share best practice strategies for addressing misconduct  
46 risks.

47  
48 The group has provided valuable advice on Professional  
49 Standards operations for the Department, particularly as we  
50 are re-establishing the Department and also it has also  
51 assisted us to continue to refine our operations.

1  
2 Finally, a Joint Professional Standards/Corrective Services  
3 Operations group meets every two weeks to ensure  
4 operational responses to misconduct, integrity and  
5 intelligence sharing across these two key divisions are  
6 integrated and coordinated.

7  
8 Through these bodies and the hard work of many, I'm pleased  
9 to note that over the past 12 to 15 months the Department  
10 has fully addressed more than half of the 39 unique CCC  
11 recommendations. Clearly though, addressing some of the  
12 Commission's recommendations will take more time to  
13 complete.

14  
15 While positive practical changes are evident in our  
16 response to address misconduct and integrity issues, such  
17 as our enhanced search strategy, the development of new  
18 operational Corrective Services policies has been a complex  
19 task and has taken a lot longer than I would like. A lot  
20 of effort is going into removing or revising the large  
21 number of outdated policies with the intent that we will  
22 reduce down to a manageable number of modernised,  
23 fit-for-purpose policies.

24  
25 Many of these replacements will be in place by the end of  
26 2020. The three most important policies governing the use  
27 of force and restraints, incident notification and  
28 reporting and searching will be implemented by the end of  
29 May 2020. It is likely some of the development of the  
30 electronic forms and processes that go along with the  
31 incident notification policy will still be being  
32 implemented at that point, but I'm assured by our IT  
33 services the bulk of the work will be done by the agreed  
34 implementation timetable, and I'll be monitoring that very  
35 closely.

36  
37 You've heard of the range of initiatives we've advanced  
38 over the hearings this week which are evidenced in the  
39 third progress report that we've provided. I'd like to  
40 briefly highlight and reflect on some key elements of our  
41 integrity and misconduct work.

42  
43 In addition to the policy reformation work being done -  
44 undertaken in Corrective Services, as you've heard  
45 resources have been invested in reinvigorating the  
46 operation of the Corrective Services intelligence  
47 directorate, with a focus on enhanced use intelligence to  
48 assist local superintendents to manage risk in their  
49 prisons, whilst also feeding intelligence to Professional  
50 Standards and key partners, like the CCC the Western  
51 Australia Police, to better identify integrity risks and to

1 enable misconduct operations to be successfully undertaken.  
2  
3 Having introduced a new prison drug strategy in late 2018,  
4 investments have been made to enhance our drug detection  
5 capabilities, more drug detection dogs and handlers, new  
6 testing equipment, and I've also invested in the  
7 capabilities of our special operations group, who play a  
8 significant role in undertaking our search operations and  
9 also in evaluating new surveillance technology and security  
10 equipment.

11  
12 In its reports, the Commission identified specific  
13 integrity and misconduct risks associated with the  
14 operation of section 95 activities undertaken outside of  
15 custodial settings, that is supervision of minimum security  
16 prisoners on work parties outside the prison.

17  
18 Commissioner Hassall noted that Corrective Services has  
19 implemented a number of changes to improve officer safety,  
20 the training of officers who are supervising section 95  
21 details, and also vehicle tracking to reduce the risk of  
22 misconduct. I can also confirm that, while the process is  
23 not yet fully embedded, as part of our response supervising  
24 officers from the prisons are doing unannounced visits out  
25 to section 95 sites as a further check that our policies  
26 and procedures are being followed.

27  
28 Commissioner Hassall also noted improvements being made to  
29 processes relating to the use of force in custodial  
30 environments. Initial prison officer training regarding  
31 independent, accurate and factual reporting of use of force  
32 incidents is being undertaken as part of our entry-level  
33 training program by all new prison officers, and refresher  
34 training is being made mandatory with work being done to  
35 determine the frequency of delivering that training and the  
36 consequence of not having completed the training.

37  
38 Commissioner, you noted the other day at one of the earlier  
39 hearings the police model where staff without current  
40 training can have - can be restricted from performing  
41 certain duties, and that's something we should be  
42 exploring. But that requires us also to ensure, as  
43 Commissioner Hassall noted, that our staff had adequate  
44 opportunities to do the refresher training in the first  
45 place, so it's an obligation on the Department as well.

46  
47 Turning to corruption prevention, a key element of the  
48 Department's integrity framework is to develop a strong  
49 preventative and early intervention approach with staff at  
50 risk of committing misconduct to go beyond the reactive  
51 investigations. The new corruption prevention education

1 directorate within Professional Standards has a mandate to  
2 provide education across all of their department. This is  
3 being tailored to the needs of employees and covers a range  
4 of areas in relation to ethical decision making, providing  
5 advice on the full suite of options that went on to report  
6 misconduct, including the Department's safe line where  
7 information can be supplied anonymously. That's an  
8 important element, I think, of our approach.

9  
10 Employees are also informed of the key integrity related  
11 policies which address corruption risks. The formal  
12 sessions are being evaluated and the corruption prevention  
13 directorate is working with human resources to record the  
14 attendance of staff.

15  
16 The Department is also committed to a robust pre-employment  
17 screening process, which applies to both contractors and  
18 employees. Pre-employment screening is an effective means  
19 of preventing fraud and corruption in the workplace. It  
20 enables the Department to make an informed decision about a  
21 person's suitability to be employed. The Department's  
22 employment screening unit has been relocated into the  
23 corruption prevention education branch, and has recently  
24 been restructured to ensure it's effective in meeting the  
25 needs of the Department.

26  
27 I would note, however, that whilst effective pre-employment  
28 screening is important, so is the development of ongoing  
29 screening. I believe we have robust pre-employment checks.  
30 There have been cases, certainly, which I have seen myself  
31 where we have identified risks and retracted employment.  
32 Authorisation - I'm sorry, retracted authorisation for  
33 staff during our recruitment training or probation periods,  
34 and on the final review of many of the appeals of these  
35 decisions - and I can tell you that the information  
36 provided is quite comprehensive.

37  
38 However, vulnerabilities to corruption and misconduct are  
39 dynamic. They change as individual circumstances change,  
40 so it's important we're aware of such changes in  
41 circumstances, to question changes in staff behaviour in  
42 the workplace and to intervene early with staff who may be  
43 at risk of committing misconduct.

44  
45 Studies show that it's often the staff who spent some time  
46 in service, who know the system, and who are being - and  
47 who are experiencing life or professional challenges who  
48 become vulnerable to grooming by prisoners or others, and  
49 to committing misconduct. Better identification or early  
50 intervention with these staff is key, but it's also not  
51 easy.



1  
2 It's in the interest of the staff that we nip such concerns  
3 in the bud, and it's in the interests of the Department to  
4 ensure we maintain staff integrity and retain good staff  
5 where we can. This is work we have begun, but more time is  
6 needed to recruit staff and fully action this element of  
7 our misconduct prevention strategy.

8  
9 Perhaps the most obvious areas where we have made progress  
10 in addressing the Commission's concerns relate to the  
11 assessment and investigation of suspected misconduct. A  
12 lot of work has gone into redeveloping our case triage and  
13 investigations processes. This enables us to determine  
14 more effectively an efficiency - and efficiently manners -  
15 matters that should be referred for formal investigation  
16 and those which don't meet the threshold for possible  
17 misconduct, and which are able to be dealt through  
18 improvement actions or other local management action.

19  
20 In September 2018, the Department entered into an  
21 arrangement with the West Australian Police Force to embed  
22 two detectives within our Professional Standards division.  
23 By seconding police members to the investigations branch,  
24 we have been able to assess and investigate matters that  
25 may involve criminal offending quickly and efficiently.  
26 I can tell you personally that there has been a significant  
27 change in how assessment investigation takes place compared  
28 with 2018. I'm contrasting that with 2019 and beyond.

29  
30 We have many less cases that are in our backlog to deal  
31 with. I'm seeing a quicker process, a more effective  
32 process with clearer outcomes for staff and for the  
33 Department, and I'm also seeing matters being reported back  
34 to superintendents with advice and support to them as to  
35 how they can best manage local performance matters.  
36 I'm very pleased with this action to date, but more has to  
37 be done.

38  
39 Professional standards has also led and been involved in  
40 intelligence-driven drug detection operations in  
41 partnership with Corrective Services, particularly the drug  
42 detection unit and special operations group, as  
43 Commissioner Hassall has increased drug detecting and  
44 search operations across Corrective Services' estate.  
45 Unfortunately, this has led to a number of staff being  
46 identified as having taken illicit drugs and attending work  
47 while under the effect of alcohol, some involvement in drug  
48 production or trafficking, or the movement of contraband  
49 into prisons.

50  
51 We have also had a number of staff committing

1 non-work-related criminal offences whilst off duty. The  
2 number of staff identified under these strategies is  
3 disappointing. They constitute less than one per cent of  
4 staff employed by the Department. But I think what has  
5 been demonstrated is the Department's intent to remove  
6 substance-affected staff and those committing other forms  
7 of misconduct in criminal offences, and our increased  
8 ability to detect such behaviour.

9  
10 As of 1 February this year, there are five employees on  
11 suspension, and one officer ordered away for drug use and a  
12 range of other criminal offences. Overall, since January  
13 2019, 15 staff have been suspended from duty for a period  
14 of time because of misconduct concerns. 31 staff members  
15 have received a sanction, either an improvement action or a  
16 written warning, and 17 staff have had their employment  
17 terminated or have resigned, most, but not all, in  
18 Corrective Services.

19  
20 Following advice from the State Solicitor's Office in July  
21 2019, I instructed Professional Standards to utilise the  
22 provisions of a loss of confidence process. The threshold  
23 test for preferring a loss of confidence process over the  
24 Public Sector Management Act process includes situations  
25 where a custodial officer has committed serious misconduct  
26 that calls the suitability of the officer into question.

27  
28 The LOC processes specifically include an example of a  
29 custodial officer who has been charged with a drug offence.  
30 Unlike the PSMA disciplinary process, the LOC process can  
31 continue when a custodial officer has been charged  
32 criminally, but has not yet been convicted before the  
33 court. We get a faster resolution of the matters through  
34 the loss of confidence process.

35  
36 The then Department of Corrective Services used loss of  
37 confidence provisions, which they introduced in 2016, only  
38 once. Since the middle of last year, I've authorised  
39 commencement of five loss of confidence cases. I've  
40 subsequently terminated one custodial officer under loss of  
41 confidence provisions, although the officer subsequently  
42 resigned pursuant to the provisions of that process. So  
43 I want staff to get this message.

44  
45 The vast majority of staff are ethical, professional and do  
46 a fantastic job for the State. But if you fail to uphold  
47 the Professional Standards you signed up to, you undermine  
48 the safety and security of our prisons or other areas of  
49 the justice system, or if you commit an illegal act, we can  
50 find you, we will act and you'll have no place in the  
51 Department of Justice.

1  
2 Changing organisational culture is a long process, but  
3 I believe it's a key - a key element of that process is  
4 having staff - giving staff the confidence in the  
5 Department's functions and processes to identify and  
6 respond to misconduct and unprofessional practice.

7  
8 I'd like to finish by noting the work of the Performance  
9 Assurance and Risk directorate which performs our internal  
10 audit function and the risk governance function for the  
11 Department. In September last year the Department's  
12 Internal Audit Committee endorsed an Enterprise Risk  
13 Management Framework. The framework details the components  
14 and requirements that will ensure the Department integrates  
15 risk management into all significant activities and  
16 functions.

17  
18 On 4 December last year, the Treasurer and Under Treasurer  
19 held a forum to explain the government's response to the  
20 alleged corruption at the Housing Branch of the Department  
21 of Communities. The governance response - the government's  
22 response included enhancements to governance and internal  
23 audit arrangements across the public sector.

24  
25 As a result, I have strengthened Performance Assurance and  
26 Risk branch's independence and objectivity by ensuring that  
27 it is not involved in the Department's daily operational  
28 activities. It continues to report directly to the  
29 Department's Internal Audit Committee and External Audit  
30 Committee, as well as to me as the accountable authority.

31  
32 In line with the Treasurer's Instruction in better  
33 practice, action has been taken to identify and appoint a  
34 suitably qualified independent chair, as well as to review  
35 the existing membership for the Audit Committee to further  
36 enhance accountability and transparency.

37  
38 Although I believe the Department of Justice has strong  
39 protections against fraud of the size and nature that have  
40 been allegedly occurring at Housing, I instructed  
41 Professional Standards to meet with the Executive Director  
42 Corporate Services and my Chief Financial Officer and have  
43 committed to a number of actions to further examine the  
44 Department's internal controls. This includes conducting  
45 an additional audit of controls on procurement and vendor  
46 payments.

47  
48 As the accountable authority, I remain actively involved in  
49 fulfilling my overall corporate governance and oversight  
50 responsibilities to ensure a strong culture of integrity in  
51 the Department.

1  
2 In closing, I am very pleased with the Department's  
3 progress to date. Although not all responses have been  
4 optimal, I have witnessed a significant change in the  
5 Department over the past 12 to 15 months. I have enforced  
6 a culture of continuous improvements and I expect to see  
7 continued refinement and increased effectiveness in our  
8 misconduct and integrity functions.

9  
10 I would like to thank my staff for their hard work in  
11 making this happen. This is the beginning of the journey  
12 it's not the end, and I have committed the Department to  
13 this path and I look forward to providing you with further  
14 updates on the Department's progress in the future. Thank  
15 you, Commissioner.

16  
17 **THE COMMISSIONER:** Thank you, Dr Tomison. Some of those  
18 matters will probably be also covered by counsel.

19  
20 **PANTANO, MS:** They will be, sir.

21  
22 Dr Tomison, before we explore some of those topics that  
23 you've raised in further detail I'd first like to establish  
24 some context. What is your function as Director General of  
25 the Department?---Well, as Director General I'm the  
26 accountable authority. Essentially, the buck stops with  
27 me. I'm responsible for all activities undertaken by the  
28 Department of Justice on behalf of government.

29  
30 And how long have you occupied that role for?---I was  
31 recruited to be the Director General of the Department of  
32 the Attorney General in December 2016, and then in May 2017  
33 with the Machinery of Government changes I was made Acting  
34 Director General of the Department of Justice and then  
35 substantively Director General of the Department of Justice  
36 in July; from 1 July 2017, so about three years.

37  
38 **THE COMMISSIONER:** I bet you never saw that coming?  
39 ---I certainly didn't, Commissioner.

40  
41 **PANTANO, MS:** Would you just briefly describe your career  
42 prior to your role as DG?---I'm a psychologist by training.  
43 My special areas, I guess, of expertise are around child  
44 protection and family violence prevention. So originally  
45 when I set up to work I guess outside of university,  
46 I joined the Australian Institute of Family Studies to set  
47 up and run a number of national research centres; National  
48 Child Protection Clearinghouse, Australian Centre for Study  
49 of Sexual Assault, and a few others. Having spent 10 years  
50 at Institute of Family Studies developing a reputation in  
51 the field, I was head-hunted to the Northern Territory

1 Government where I undertook a range of roles including as  
2 Director of Policy and Research for the Northern  
3 Territory's inquiry into the child sexual abuse of  
4 Aboriginal kids, called Little Children are Sacred, and  
5 then I then led reform of the Child Protection branch  
6 before becoming the Director of the Child Protection branch  
7 for Northern Territory. Following six years in the  
8 Northern Territory, I was recruited as the Director and  
9 Chief Executive Officer of the Australian Institute of  
10 Criminology in Canberra, which I essentially had all  
11 accountable authorities, you know, sort of responsibilities  
12 and was also obviously undertaking research and giving  
13 advice on criminological matters for the Australian  
14 Government, before making the move to Western Australia.  
15

16 And in your current position, who reports to you?---Quite a  
17 lot of people. Essentially, every one of my - the tier 2  
18 directors or our executive directors in the Department so  
19 Commissioner Hassall for Corrections, Executive Director  
20 Mr Shayne Maines for Professional Standards, all the  
21 business areas for the Department report to me at some  
22 point so I have quite a large number of direct reports.  
23

24 And who do you report to?---I report to two Ministers; the  
25 Attorney General, and also Minister for Corrective  
26 Services.  
27

28 And from where you sit as Director General, how would you  
29 describe the overall change in growth within Corrective  
30 Services over the last sort of 15, 16 months?---In terms of  
31 corruption prevention or in terms of just generally?  
32

33 Both?---Generally, the Department is a reforming department  
34 in the sense that the government has put significant  
35 responsibilities on myself and our department to make  
36 changes across the board in terms of our legislative change  
37 for the Attorney General, but in Corrective Services  
38 significant reform work to increase the number of prison  
39 beds, to update our facilities, to update our policies, our  
40 working models if you like, and also to plan in a more  
41 strategic way for the future delivery of Corrective  
42 Services across the State. There is a significant amount  
43 of work going on in the Department and as a result of which  
44 we've seen rapid change across the entire area of  
45 responsibility that I hold. In terms of corruption and  
46 prevention and misconduct prevention, again as you've heard  
47 we've done - we've committed significant work, including  
48 our new Professional Standards Division, to try and meet  
49 the - the recommendations identified in the six Commission  
50 reports that we got in 2018 and as I've indicated, that  
51 work took a while to get going, it was too slow I've got to

1 say and so I essentially took direct control of that work  
2 and made it one of my key priority projects and the result,  
3 I think, has been quite significant. We have now, I think,  
4 embedded a lot of the foundation work required to actually  
5 meet the Commission's concerns. There's more work to be  
6 done though. It is now a matter of continuous improvement  
7 and sort of refining our services. Some areas will take  
8 more work than others but I think overall I'm very happy  
9 with how - how we've gone to date, but there's always room  
10 for more.

11

12 Sure. So we've heard some evidence that the deadline for  
13 the Custodial - I'll make sure I get this right, the  
14 Custodial Operational Policies and Procedures project is  
15 the end of 2020. If it's not finalised by this deadline,  
16 is there funding available to extend the project?---The  
17 funding won't be - well, it will be a problem. It's always  
18 a problem.

19

20 Sure?---But, look, it won't be a problem. The issue  
21 I've got is I've set clear expectations in consultation  
22 with senior staff and Commissioner Hassall. I want the  
23 three main policies which are around notification of  
24 incidents, searching and I forget the last one, just give  
25 me a sec. I've actually - while I look for it,  
26 I've actually - I actually want those three policies to be  
27 in place. Use of force and restraints. I want those to be  
28 in place by May 2020. Now, whilst some of the IT-related  
29 sort of activity around putting those in place in an  
30 electronic sense will take a bit longer, I've been assured  
31 by everyone I'm speaking to they can meet that deadline so  
32 I expect to see if not full implementation, pretty much  
33 close to it by that point. Similarly, I expect the rest of  
34 the policies, pretty much all of them to be well and truly  
35 implemented by end of this year. If some of that work  
36 continues on it will certainly be funded, I'm not going to  
37 sort of remove any funding from it. But I'm keen to get it  
38 in place because it gives some certainty for our staff so  
39 they know what standards they're being held to and how they  
40 should operate, and we do need to update this work because  
41 it's been long overdue and the Commissioner and myself and  
42 well and truly on the same page here where we understand -  
43 Commissioner Hassall that is, where we understand that it  
44 is important to sort of have a more modern sort of set of  
45 policies to guide our work.

46

47 Sure. Dr Tomison, the Commission's aware that this isn't  
48 the first time Corrective Services have attempted to review  
49 its policies and procedures. I believe dating back to 2006  
50 was an initial review. What level of commitment can you  
51 provide that - well, to guarantee that the implementation

1 of the COPP project this time?---Well, I guess as I think  
2 I explained in my statement and I'm happy to go into it a  
3 bit more, I've set up a number of bodies to sort of provide  
4 me with oversight of what's happening. So I'm not a hands-  
5 off sort of a person, I'm more of a hands on. And I do  
6 think there's been some frustration for staff in Corrective  
7 Services' operational support areas around getting this  
8 work done because it is taking longer than we would hope.  
9 That's partly because they are complex areas and complex  
10 matters requiring legal advice, one matter has still got -  
11 is before the Industrial Relations Commission. But I do  
12 think we are making progress and a lot of the policies have  
13 actually been signed off so now it's just that - it's been  
14 called phase 3, the implementation. Now, a lot of work has  
15 to be done at individual sites there around setting up, if  
16 you like, local orders that relate back to the head office  
17 policy if I can call it that. And I'm expecting the team  
18 at head office to actually assist facilities to do that  
19 work. Progress is happening. I'm intending to meet every  
20 two weeks on this, as I already am, around the whole sort  
21 of integrity issues. I'm not going to sort of stop that,  
22 that sort of expectation of the meetings being held and my  
23 oversight. I can tell you we drilled down into quite  
24 specific case matters and I'll be drilling even further  
25 into the policy matters to essentially show clear process.  
26 So I guess my commitment is that I'm personally involved,  
27 as is Commissioner Hassall and we'll be essentially holding  
28 the Department to - sort of to account, because then we'll  
29 be held to account by the Commission and others at any  
30 rate.

31  
32 Sure?---So I guess it's the best I can provide you at the  
33 moment but I have seen good work done. It's just a matter  
34 of really bedding that down. Look, if it isn't  
35 100 per cent complete I'm not going to sort of lose too  
36 much sleep but I expect to see significant process -  
37 progress between now and end of this year.

38  
39 The local - - -

40  
41 **THE COMMISSIONER:** I think I was quite shocked by  
42 Commissioner Hassall's evidence previously in one of our  
43 reports of the number of policies, the number of  
44 inconsistent policies, which is neither his fault nor  
45 yours, it's what you've inherited. So I understand that  
46 you have to spend more time now on, as it were, cleaning up  
47 what should have been a continuous process from at least  
48 2006 and obviously wasn't?---Yes, Commissioner. I think  
49 one of the key things for us moving forward also will be  
50 around trying to restrict the growth in policies. Once the  
51 positions are established and I understand the need for

1 local orders because each prison environment's different  
2 depending whether maximum, medium, whatever the risk are.  
3 We don't want a flurry of new creativity around some of  
4 that, though. It has to be - the standard has to be  
5 maintained and that we've set the standard, if you like, in  
6 head office through the Commissioner's sort of signing off  
7 on the implementation of particular plans. You know, he's  
8 endorsed those plans. I've read the plans myself of the  
9 main - the main policies and also provided a review of them  
10 if you like. So what I'm expecting is that there'll be  
11 congruence between what's local and what's in head office  
12 if you like, setting that standard. But I think we will  
13 have to set some - some sort of restriction around how you  
14 adjust those things for local action, otherwise we're going  
15 to have another 2,000 in about five years' time.

16  
17 **PANTANO, MS:** You've talked about the deadline for the  
18 COPPs. Is there a deadline for the local orders?---What  
19 I'm advised is there'll be significant work attached to  
20 doing those orders and what I've already indicated is  
21 I think we should prioritise particular sites where I think  
22 certain policies, particularly I think, yeah, use of force,  
23 searching, incident notification, are more salient for  
24 particular sites than others. So as Commissioner Hassall's  
25 mentioned, Boronia is our pre-release centre for women.  
26 The security risks there are very low, you can literally  
27 jump the fence. But the women don't do that; I mean, it's  
28 very rare but you can do it. It's a minimum security  
29 facility, women are on section 95 activities in the  
30 community. That's very different to, say, Casuarina or  
31 Hakea which are maximum security men's facilities which are  
32 quite crowded at present. They have particular risks  
33 around for example outlaw motorcycle gang groups or other  
34 organised crime elements inside we have to keep separated.  
35 And around there you're going to get more incidents around  
36 use of force for example so it's important we prioritise,  
37 if you like, the implementation of policies at some of our  
38 key sites. So I'm looking to do that and I actually want  
39 to almost have a time line which gives us for each site -  
40 and I think Mr Elderfield, the Deputy Commissioner, already  
41 has this, I think he's shown it to me from memory, a  
42 listing of where we're going to go and where we're going in  
43 the next 12 months to get all that stuff done. But I do  
44 actually want the head office team to reach forward and  
45 assist the local team to do their work because they're  
46 fairly busy with the operational nature of, you know,  
47 running a prison day to day so I don't think it's fair to  
48 expect them to do all that sort of stuff on their own. So  
49 we will try and prioritise, we'll try and keep a clear time  
50 line of where we're going and I'll be holding the  
51 Corrective Services operational support area to account



1 around that, as will the Commissioner; Commissioner  
2 Hassall, that is. But I do think we can - sorry, you know,  
3 by structuring it a bit better we can probably make it a  
4 bit easier to demonstrate progress and also see where  
5 things are going off track. I wouldn't be surprised if in  
6 some cases the work will be harder than we expect, but  
7 overall we should be able to demonstrate really good  
8 success in this next 12 months.

9  
10 So is the 2020 deadline just for the COPPs or for the COPPs  
11 as well as the local orders to be finalised?---I'm hoping  
12 to see local orders finalised in this current year as well.  
13 I don't expect it all to be complete and as Commissioner  
14 Hassall indicated on his testimony, he was allowing up to  
15 another year potentially which is too long for my mind, but  
16 he was trying to indicate that some of the implementation  
17 will take longer. Some of the IT work could also  
18 potentially affect that, but from what I'm advised from our  
19 IT people who I've spoken to just throughout this week to  
20 make sure I'm on the money with my advice and testimony,  
21 they're saying that it is feasible to get most of the work  
22 done this year as well.

23  
24 Okay. And we've heard some evidence about proposed  
25 amendments to legislation - - -?---Mm hmm.

26  
27 - - - to expand the people who are to be drug tested within  
28 the prison environment. There was a comment by Mr Maines  
29 who was asked on Tuesday about an option that could be  
30 explored further regarding including people who have  
31 contact with offenders in the wider community being  
32 included in this proposed legislation and he said that it  
33 would obviously need to require more discussion with  
34 yourself. Are you able to provide any more detail around  
35 that?---Expanding drug and alcohol testing for staff is  
36 really a matter of changing regulations rather than  
37 legislative amendment, which makes it easier to do. And  
38 some work is certainly going on right now to extend drug  
39 and alcohol testing to public servants employed by our  
40 department and contractors engaged by the Department of  
41 Justice, not just to have uniformed prison officers.  
42 That's an important step which is well under way.  
43 Expanding further to our Corrective Services staff for  
44 example is something we'll have to work through and  
45 obviously would require some union consultation as well,  
46 but I think is feasible and in the right - in the right  
47 manner I'm certainly prepared to consider it and we've had  
48 some initial discussions around that.

49  
50 Are you able to give any time line around that or is too  
51 early stages?---What I can say is I expect the regulations

1 around extending existing sort of searching within prisons  
2 to be done within the next six months, that's my  
3 estimation. In terms of the Corrective Services element,  
4 I'm expecting it will probably take roughly a year. I've  
5 just made that timetable up but I'm happy to sort of stick  
6 with that and report back in that time without any problem.

7  
8 While many improvements have been made, the Commission and  
9 the Department has obviously acknowledged that there are  
10 still areas requiring additional work?--Mm hmm.

11  
12 Is there scope for any additional funding to be allocated  
13 for example to, say, the drug detection dog area?---The  
14 drug detection dog area is already doing pretty well  
15 anyway. We've actually increased the number of dogs by,  
16 I think, three or four; at least two, I thought three or  
17 four in the last year through various government funding as  
18 well as our own internal resourcing. And it's an important  
19 area of what we do and as you've heard, we are intending to  
20 move staff alcohol and drug testing away from the Drug  
21 Detection Unit to our Integrity areas, the Professional  
22 Standards area, but the Drug Detection Unit will still be  
23 involved in some of that searching as well as the stuff  
24 they do day to day around our prison environments. I'm not  
25 going to say no. I would say that we have made some good  
26 investments already but obviously the dogs are great and if  
27 we can get more of them I'd be certainly pleased to do  
28 that. We are also exploring the use of general purpose  
29 dogs which will have a drug-search function but also, if  
30 you like, I'm not sure how you would describe it, an  
31 ability to sort of be used around security tasks as well.  
32 And we're looking at doing that at the moment, seeing how  
33 that might work and bringing those dogs in as well, two of  
34 those. You can't let them search humans though because the  
35 nature of their - their other work means that they're not  
36 really - there's a danger to actually having them around  
37 humans. You need to actually - they can search lockers and  
38 equipment and cars. They can't search people, whereas our  
39 other drug detection dogs can actually - they'll sit. If  
40 they, you know, come near a person and smell something  
41 inappropriate they sit and then we know there's a sign  
42 there to do something. I've also invested over \$2 million  
43 a year in the Special Operations Group to enhance their  
44 training capabilities out in the regional areas which has  
45 come up in the hearing, it's an important area to keep a  
46 focus on regional areas. We have a big State, a lot of our  
47 estate is actually outside of the Perth metro area. So as  
48 part of that I'm expecting to see some gains in training,  
49 support for searching and also to increase our response  
50 capability for, if you like, critical incidents. So  
51 I'm investing there as well. Further investments would

1 require a case to be made, a business case to be made by  
2 Corrective Services and as always, I consider these matters  
3 as they come up and - but at the moment they're actually  
4 pretty well resourced.

5  
6 The Commission's aware that a business case has been  
7 completed and a budget submission made for body-worn  
8 cameras. Are you able to advise on the progress of  
9 that?---That's a matter before - I guess, it's a Cabinet  
10 in-confidence matter really, given obviously budget  
11 processes like that, until - - -

12  
13 **THE COMMISSIONER:** Well, we won't explore it further.

14  
15 **PANTANO, MS:** Thank you.

16  
17 You acknowledged in your opening that while effective  
18 pre-employment screening is important, so is the  
19 development of the ongoing screening and we've touched on  
20 that over the last three days as well. You said that this  
21 work's begun but more time is needed to fully action this  
22 element for your misconduct prevention strategy. Are you  
23 able to explain what has been done in that space?---As on  
24 previous days some of my staff have indicated there's been  
25 work done around corruption prevention education sessions  
26 so it's about, you know, identifying what the standards of  
27 professional behaviour are which we expect in the  
28 Department. It's about also talking about things like  
29 grooming and that was also part of the training for those  
30 who undertake section 95 activities, supervising prisoners  
31 outside of a prison evidence.

32  
33 So we're trying to get the message out about what the  
34 standards are, what risks can be for people, which they may  
35 not - may literally creep up on them if they don't actually  
36 realise they're actually at risk of being groomed or being,  
37 you know, if you like, put upon or blackmailed by a  
38 prisoner or someone else to do something wrong like bring  
39 in contraband or passing messages or whatever.

40  
41 So we've got to try and do more of that work around  
42 actually reminding - sending reminders to people about you  
43 need to be on guard, to be vigilant because these things -  
44 grooming by its nature is an insidious process. It's not  
45 about I come up to you today not knowing you and say, "Will  
46 you take some drugs into prison for me?" It's about, you  
47 know, making friends with someone potentially.

48  
49 It's about, you know, showing some interest in their  
50 wellbeing, especially they're - if they've been dealing  
51 with some hard stuff in their personal lives and then over

1 time creating a relationship which leads to small requests  
2 and that grow to bigger requests and once people get sucked  
3 in we have - you know, we have some real issues around  
4 potentially people bringing contraband into prisons as an  
5 example. So it's about, yeah, teaching that vigilance.

6  
7 It's also about through our intelligence holdings, the  
8 Corrective Services Intelligence branch but also through  
9 Professional Standards and the superintendents and their  
10 management structure identifying individuals who through a  
11 change in behaviour, so perhaps maybe they're behaving  
12 differently in the workplace or through allegations coming  
13 up of I don't know, inappropriate use of force or other  
14 behaviour which we think is concerning, bringing a person  
15 in and actually sitting down and saying, "What's going on?"  
16 and trying to intervene early to ensure they stay - they  
17 maintain the standard of behaviour we expect and they don't  
18 start going down a pathway towards misconduct or actual  
19 misconduct.

20  
21 It's much harder for us to intervene and help someone if  
22 they're actually already committing, for example, a  
23 criminal offence - and we've had some of those in the last  
24 year, which has been quite disappointing, but we've  
25 identified those and we've dealt with them. So what we're  
26 doing now is - the education training has started. The  
27 intelligence holding, how we use the intelligence holding,  
28 you've heard already we're looking at ramping up our iBase  
29 facility. In May, that will become a combined database.

30  
31 There's already work being done to make sure that  
32 Professional Standards has access to the whole intelligence  
33 side of it, but I expect we will also use that more  
34 effectively to start teasing out risk - people who are at  
35 risk, the vulnerable, and then doing some work, literally,  
36 going out and meeting with people and saying, "We think  
37 there's a problem here. What's going on? Can we assist?"  
38 And doing it that way, rather than waiting for someone to  
39 commit some sort of significant act and, where the choice  
40 is, "Well, there is no choice, you're going".

41  
42 I'd much prefer to keep our staff on the right track, and  
43 actually to redeem or assist people who are starting to  
44 struggle to keep on the right track, than to actually wait  
45 till they become involved in misconduct and then be  
46 required to leave the Department. People, I think, start  
47 with the right attitudes, right intentions, but, as I've  
48 said in my statements, it's often the case that people who  
49 commit fraud or other misconduct, who have often been in a  
50 position for a while, they've relaxed and they're not  
51 realising that things are changing and their standards are

1 starting to slip.

2

3 We want to try and get that early intervention around  
4 standards slipping as early as we can. And so, at the  
5 moment, we've actually hired a director of corruption  
6 prevention, we've got an assistant director in place; we're  
7 hiring the team around that. When we get that capacity  
8 fully going, then I expect to see more significant work  
9 over the next year. So that is an area where I think we  
10 will grow in the next 12 months quite significantly.

11

12 **THE COMMISSIONER:** Is there - it's the old argument about  
13 deterrence; you never know how many people are deterred by  
14 sentences and so forth?---Mm.

15

16 But there are researches in our sister organisations in  
17 other states that looked at this issue of grooming, and it  
18 does seem to be an area where corruption prevention and  
19 education does have a significant effect, because the  
20 people who are being groomed are not naturally criminally  
21 minded and are led down the track, and often are just  
22 naive, so I commend the approach for corruption prevention,  
23 because it does seem in other jurisdictions to have a  
24 positive effect?---Yes, Commissioner, I think it's an  
25 important area too. We are going to invest in it, we have  
26 invested in it.

27

28 **PANTANO, MS:** Just while we're on corruption prevention,  
29 you were instrumental in setting a clear mandate for the  
30 Department in establishing the Professional Standards  
31 directorate. What was your vision in establishing PSD?  
32 ---Look, I think there are probably three reasons why  
33 I established it. The first one was that our progress on  
34 addressing the Commission's recommendations was just too  
35 slow. We weren't getting enough traction, if I can put it  
36 that way. Look, as I've indicated, Corrective Services has  
37 had a significant workload. We've got the highest prisoner  
38 population ever at the moment; it keeps growing.

39

40 There's a lot of reform working being done by  
41 Commissioner Hassall, and I felt that it was hard to get,  
42 if you like, enough - enough focus with everything else  
43 going on on some of the areas that we wanted to progress  
44 faster. That was the first reason. The second one was  
45 sending a message. This is an important area, so important  
46 that I'm going to take a direct - a direct role with it.  
47 So I think that's important.

48

49 It's also about - this is an important area for all of  
50 Justice, not just Corrective Services, because even though  
51 Corrective Services is about 70 per cent of our workforce,

1 and 78 per cent of our activity, the reality is we have  
2 other areas in the Department where things can go wrong,  
3 and we've had those cases too, and I want to send a message  
4 to all our staff this is important, we will maintain  
5 standards. That was another reason.

6  
7 And I think having an independent sort of whole of agent  
8 functionality is important for any integrity area.  
9 I think, having it linked to a particular business area  
10 doesn't send the right message. You want to be independent  
11 so you can act objectively and take - go on from there. So  
12 I think they were the three motivations for doing it.

13  
14 What was my vision, I guess? Well, not surprisingly, what  
15 I'd like to see is the stamping out of misconduct in the  
16 workplace. Now, it's not going to happen ever, I don't  
17 think, but the reality is we can reduce it down much more  
18 than what it had been going on. I'd like to see staff, the  
19 good staff, who are the vast majority of people we employ,  
20 feeling confident that when they go to work that, if they  
21 do find something, (1) they can report it to us;  
22 secondly, we will action it very quickly and effectively,  
23 and if something bad is happening, that person will be  
24 removed from the workforce.

25  
26 We have to send that confidence, I think, to people. If we  
27 don't have that, why would you bother making a report? And  
28 I think that can be - sometimes can be an issue. There is  
29 some cultural stuff which the Commissioner mentioned in the  
30 hearing a couple of days ago around the importance of  
31 changing culture, and it's a long-term process.

32  
33 One area where I think we're seeing some traction, but  
34 I can't prove it, and I think it will be a longer-term sort  
35 of assessment, is around the searching of staff, drug  
36 searching and testing of staff, because there are some  
37 locations, which I'm not going to mention in a public  
38 hearing, where a number of individuals have been found  
39 using illicit drugs, and also coming to work with alcohol  
40 in their system, because of after hour or out-of-hours  
41 work. And the culture seems to be that we'll get away with  
42 that by coming to work affected by those substances. And  
43 that's not on.

44  
45 So the search activity that Commission Hassall, and also  
46 with the assistance that Professional Standards has been  
47 putting in place, it's been important to send a message,  
48 "We will get you". We are doing better at actually  
49 tracking this stuff down, which means, if you do this, you  
50 won't have a career, because there's - there's no way back  
51 from illicit drugs in your system. With alcohol abuse or

1 misuse - you know, coming to work with a little bit of  
2 alcohol in your system, there might be work-around  
3 remediation, discipline at work, you know, sort of - and  
4 treating that matter, if you like, as a monitoring issues,  
5 but there isn't much we can do with someone using illicit  
6 substances.

7

8 So I think we are getting the message out there, but it's a  
9 long way to go, but I do see some of these search  
10 activities - I mean, they are really disappointing for me  
11 personally in the sense that staff are doing these things,  
12 but I'm very pleased with finding it. If I was seeing  
13 nothing coming out, I'd be more concerned that we're  
14 actually missing the mark.

15

16 Yes?---I think moving the staff searching across to  
17 Professional Standards will actually help us enhance that  
18 responsibility, if you like, or that response.

19

20 You mentioned in your opening remarks that you sought  
21 advice in relation to the loss of confidence process. That  
22 was the catalyst for this?---What I want is tools that will  
23 allow us to remove people effectively and efficiently, with  
24 due process, of course, according to law, when someone is  
25 not a person we want to have in the Department, somebody  
26 who has committed serious misconduct and/or criminal  
27 actions. We can't have that person walking for us, whether  
28 they're in Corrections or somewhere else. And we have had  
29 examples of people, we can't use loss of confidence with  
30 them, where someone has misused information or committed  
31 fraud, and we've got rid of those people too. So what  
32 I want was the most, if you like, arrows in the quiver,  
33 most options that I've got, so that I can effectively take  
34 action when someone is doing the wrong thing. It's not a  
35 good look if someone does the wrong thing and is - it takes  
36 years to resolve that matter. It doesn't get closure for  
37 the person, the Department or for the person's peers. We  
38 need to sort of again, as best we're able to within  
39 process, take action once we've identified and  
40 substantiated a particular matter, so that that person  
41 isn't left hanging, and neither is the Department; it's  
42 either yes, or it's no. Yes, we can - you can stay, and we  
43 can work with you. There may be some remedial action or  
44 disciplinary process, including potential demotions or  
45 something, if it's really bad, but if it's seriously bad,  
46 you're out, and we have to make that happen as fast as we  
47 can - but again, by due process. I'm not looking to break  
48 the law or get called in front of the Industrial Relations  
49 Commission.

50

51 Sure. Just - you've spoken a bit about messaging and the

1 messaging that's going out, not only to the wider community  
2 but also within the Department itself, and we've also heard  
3 evidence that you yourself conduct many broadcasts?

4 ---Mm hmm.

5

6 Can you provide a little more detail around these?---Sure.  
7 Usually every week, sometimes it's every week-and-a-half,  
8 depending on how fast we get to them, I put out a little  
9 broadcast of things that are going on in the Department.  
10 And as part of that, when we've had key integrity messages  
11 going out, or we've wanted to put out, I've actually  
12 incorporated that - those messages as part of the  
13 broadcast. It then gets put onto our Just Us intranet site  
14 as well, so staff can see it. So, for example, the most  
15 recent one has been around gifts and benefits. We've got a  
16 revamped policy. We've got a new online form, and that  
17 was - if anyone wanted a form - it became active last week,  
18 so as part of that there was messaging which I put out  
19 saying, "The new form's there, and this is how you do it.  
20 This is the process, and this is what you've got to report  
21 on". And that's part of a process I put in place after the  
22 last three years to reduce our acceptance of gifts and  
23 benefits generally. That's what the public expects, and  
24 that's what I expect too. But it does still happen.  
25 Sometimes you have to, and it's minimal staff, but I want  
26 it captured to we know whose lobbying us, who's offering us  
27 things, and who's - what's being accepted and when. So  
28 that's a good example, where I've put a message out, is it  
29 just us, or other communications as well that go out  
30 through the managerial levels as well.

31

32 And we've heard evidence from Mr Maines that you are also  
33 involved in corporate inductions. Can you provide a little  
34 more detail about our involvement in these inductions?

35 ---Look, I guess our biggest inductions are the recruitment  
36 and swearing in of Corrective Services officers. Now,  
37 I don't generally get to go to those, I haven't got the  
38 time, but Commissioner Hassall goes to a lot of those, and  
39 he actually sends his own expectations about what we expect  
40 from people joining the Department. But there are also  
41 general Department inductions which often happen, um, at  
42 David Malcolm Justice Centre where I'm based, and with a  
43 half hour's notice I sort of get down there and add my sort  
44 of welcome to the Department. Usually, there's a positive  
45 message around for all staff and a various levels of the  
46 Department. It's a positive message about what we can do  
47 for you, what you can do for us, have a great career, all  
48 that sort of stuff. But I've also added in messages around  
49 expectations of standards of behaviour, and what happens if  
50 they're not met. And sometimes I think I've probably gone  
51 a little bit hard, because when I leave there's a lot a wet



1 eyes in the room, not quite tears, but yeah - so I think  
2 it's important that I send the message, "This is going to  
3 be a great experience for you, but we have expectations you  
4 have to meet, and we do - you know, we have these areas  
5 that are going to work on addressing this conduct if it  
6 occurs. So if you've got trouble, if you're having  
7 problems, you need to tell us so we can help you before it  
8 gets, you know, too far down the track". So that's been an  
9 important part of what I've been doing as well. It's only  
10 a 10 or 15-minute exercise, but I think it shows  
11 importance, that I'm interested in it, our senior  
12 management in Commissioner Hassall goes out, he's  
13 interested in it, and if I can't do it, one of our other  
14 sort of tier 2 managers will do that for me, but I think  
15 it's important to send those messages. So when I get an  
16 opportunity, I'll - I'll make those comments. I actually  
17 go to Corrective Services officers' graduations. I usually  
18 make a speech, unless the Minister is able to attend, the  
19 Minister for Corrective Services, and the Commissioner does  
20 as well. And in my speech I usually talk about integrity  
21 elements as well. I actually make a very broad comment,  
22 because that's meant to be a celebration of these people  
23 graduating, but I will say, you know, we have these  
24 standards, we expect you to uphold them and, you know, you  
25 should have a great experience. But, wherever I can,  
26 I send the message.

27

28 Thank you. We also heard some evidence over the last few  
29 days that there may be discussions with yourself about a  
30 centralised area for any complaint that comes into the  
31 agency?---Mm.

32

33 Are you able to provide some detail on that?---There are a  
34 number of pathways for different complaints into the  
35 agency. For example, there's an access service where  
36 prisoners can complaints. They can also complain to the  
37 Minister directly. There's a whole range of other ways  
38 that they can complain as well. But then we have a range  
39 of opportunities for staff to sort of make allegations, you  
40 now, report suspicious behaviour, et cetera, et cetera.  
41 Now, some of these things will actually be misconduct, or  
42 worthy of investigation, and that's where the assessment  
43 triage comes in. Others will be more, if you like,  
44 performance management issues. That would be around  
45 bullying and harassment, which could lead to misconduct, or  
46 could just be an issue more of an HR issue, or human  
47 resources issue. The argument had been made that, to make  
48 it simpler, we should actually just centrally triage all  
49 those matters, and then we can distribute them equally, or  
50 appropriately, to the area that should deal with it. So it  
51 it's a performance matter, or a bullying and harassment

1 matter of a relatively small concern, that can go to human  
2 resources for assistance. If it is misconduct, or  
3 suspected misconduct, of course that would be Professional  
4 Standards, and may then involve police officers, if it's  
5 criminal offence as well. If it's a prisoner complaint,  
6 that should go, obviously, to the operational support area  
7 of Corrective Services, so it's about trying to streamline  
8 things, making it easier for people who actually do want to  
9 tell us something's going on, and also hopefully improving  
10 our - our response to those complaints, and also mapping  
11 that a bit better, so we actually know what's happening.  
12 E D Maines talked about the importance of when we pass  
13 things back for local improvement action, actually tracking  
14 and seeing that action is actually taking place, and if  
15 superintendents or senior staff need assistance in what  
16 they should be doing around that, providing that support,  
17 which I think is really important, and it's a good thing.  
18 So it's about - yeah, just sort of making our system -  
19 refining it, enhancing it, and it gets to our continuous  
20 improvement sort of approach, which we're doing. There has  
21 been a number of areas where the foundational Professional  
22 Standards division is now in place, but we are still  
23 tweaking our - our methodology to actually improve it, and  
24 I think this will be one the things we do in the future to  
25 sort of make things easier to sort of manage the  
26 notifications.

27  
28 Over the last three days we've heard about the influence of  
29 the unions. What impact do you see the unions having on  
30 the Department?---Well, the first thing is, it's important  
31 we consult with significant changes we're expected to on,  
32 you know, in terms of our bargaining agreement, in terms of  
33 government expectations, and that's an important thing also  
34 for our employees, that they feel their representatives  
35 know what's going on for significant issues.

36  
37 Unions can also send good messages around, or clear  
38 messages, around integrity and importance of integrity, not  
39 just - well, for their members and for all staff. If  
40 you've got an organisation which is allowing bad behaviour  
41 to flourish, that impacts on the safety and security of  
42 other - of other people, and people who are innocent. And  
43 what we want to do is send the message that the union has a  
44 role in supporting their members, but misconduct is  
45 misconduct, and it's important that we also weed that out  
46 and deal with it effectively, so that the rest of the staff  
47 actually feel safer and better able to do their work.

48  
49 I'd like to see that happen - it does happen, I want to see  
50 more of it. Obviously, the union also has a role - I'm  
51 thinking particularly of the Prison Officers' Union, who we

1 deal with quite a lot. Commissioner Hassall has a lot of  
2 time - spends a lot of time with them around specific  
3 matters. They advocate for their - their staff, as they  
4 need to, sometimes in misconduct matters, sometimes on  
5 policy and practice changes they think are important, and  
6 we take those into account when we're making our decisions  
7 on how things go.

8  
9 At the end of the day though, the management has to manage  
10 the Department effectively, and we have to, you know - we  
11 have to take action that we think is best, having done that  
12 consultation. I think the unions can be powers for  
13 facilitating corruption prevention and misconduct. I think  
14 they do - they do that to an extent. They can also, of  
15 course - they have to also look after their members and,  
16 perhaps at times, could send stronger messages around where  
17 support stops.

18  
19 If someone is seriously committing offences, criminal  
20 offences, there may be an obligation on unions to assist  
21 those people with their defence, but at the end of the day  
22 we don't want them in our system, and I think what we'd  
23 like to see is the union's early involvement with some of  
24 these cases, and telling someone, as Mr Maines mentioned,  
25 if it's a minor matter of, perhaps, around use of force, if  
26 you acknowledge the fact that you may have done the wrong  
27 thing, we can work with that. If you're going to take a  
28 hard-nosed line that the Department is wrong, I'm right,  
29 you're wrong, it's very hard for us to make any change with  
30 that individual, which means we have limited options in  
31 terms of how we manage their behaviour.

32  
33 So we're really interested in people who - people are going  
34 to make mistakes; I make mistakes occasionally. It's about  
35 what can we do when that happens, lessons learned. Having  
36 an attitude around I might have done this incorrectly, or I  
37 could have perhaps done this another way, and learning  
38 those lessons. If you're going to take a belligerent  
39 attitude to it, it's a lot harder for us to actually work  
40 with a person; so I think there's a union role with that in  
41 terms of trying to send the message.

42  
43 We aren't after - we aren't out to get staff, we're trying  
44 to make the most of what we've got, and have our system  
45 work effectively for all staff, including myself and my  
46 management team. Not taking - taking a positive attitude  
47 to errors can be a good thing, and allows us more room to  
48 sort of make positive changes, but I guess it's for the  
49 unions to work out. I certainly can't control them, and  
50 I'm not intending to.

1 **THE COMMISSIONER:** Use of force is something which has,  
2 I was going to say concern, but it's the wrong word - which  
3 the Commission has a close interest in, particularly in  
4 police, but also in other areas, and I acknowledge  
5 immediately that it is not an easy area of law. A prison  
6 officer is entitled to use force in certain situations, but  
7 not entitled to use excessive force. What may be excessive  
8 to one may not be to another, and also the Criminal Code  
9 provides quite complex conditions in relation to  
10 self-defence, and so we are well aware that it is not an  
11 easy area.

12  
13 The police deal with their own, sometimes by criminal  
14 charge, sometimes by managerial intervention, although  
15 their managerial structure is somewhat different from  
16 yours, and probably gives some greater discretion. But as  
17 a general rule, the Commission is not going to be  
18 interested in excessive use of force cases that are  
19 properly investigated and resolved by the Department with  
20 the exercise of a discretion, even if I might have  
21 exercised the discretion differently. So we're aware of  
22 that, nevertheless.

23  
24 We reported on three matters, partly because there didn't  
25 seem them to be any coherent action by the Department, and  
26 because one of our themes are vulnerable people. I might  
27 seem odd to say that a prisoner is a vulnerable person, but  
28 they have restricted ability to make decisions and so forth  
29 and often, obviously, as we know, have mental health  
30 issues.

31  
32 So from the Commission's point of view, we're likely to be  
33 largely satisfied, if there is a proper procedure and  
34 proper consideration of each case, even if we might  
35 disagree with the result - we don't run prisons,  
36 Commissioner Hassall does, and if the process has been  
37 properly followed, then we're likely to leave it with the  
38 Department to deal with?---Thanks, Commissioner. I mean,  
39 I've seen some blatant cases on CCTV which I felt were way  
40 beyond the pale, and which we've taken action on. And some  
41 of those were still - there's some actions going on.  
42 I think we were slow on those, and I think our initial  
43 assessment was perhaps - well, was lacking, but I think we  
44 can prove that.

45  
46 I think the process is improving, and the Use of Force  
47 Committees in prisons I think is working better, but will  
48 take us longer to actually demonstrate that more  
49 effectively to the Commissioner's satisfaction. That's my  
50 feeling, but I've talked - I've been having discussions  
51 about around how the committees work, and how the

1 headquarters-based overarching committee also works, and  
2 how it assesses what they consider to be, if you like,  
3 tier 2 and 3, which are the more serious use of force  
4 matters that appear to have something to answer for.

5  
6 Critical incidents, we had a critical incident notification  
7 scheme, and every use of force is meant to be reported up  
8 through that, and I see them daily, as does all the senior  
9 staff in Corrections and Professional Standards, and we do  
10 see use of force matters some through that way, and at  
11 times, the Commission or myself will actually ask questions  
12 and sort of start that process, but the Use of Force  
13 Committees are starting to be, I think, a valuable tool to  
14 help us address - these are a relatively regular  
15 occurrences, because of the nature of the people we're  
16 dealing with, but addressing the ones that, if you like,  
17 require a more intensive assessment, and they still get  
18 referred to Professional Standards, who sit on those  
19 committees as well, to sort of - for assessments.

20  
21 I think we're improving. I don't think we've actually got  
22 it totally overed yet, and I think incident reporting,  
23 which is one of the key policies - there will be further  
24 work required to really bed that down, and then they'll  
25 sort of demonstrate that it's achieving what it needs to  
26 around stopping, for example, collusion between officers.  
27 I think that will be an important element, so I think we're  
28 on the path. I'm certainly seeing some positive signs, but  
29 I'm not going to pretend it's sort of 100 per cent done  
30 yet.

31  
32 No.

33  
34 **PANTANO, MS:** Dr Tomison, before we finish up for the  
35 morning you sat through some or all of the previous three  
36 days of evidence, is there anything you wish to add or  
37 clarify?---Thanks. I think the staff actually have done a  
38 pretty good summary of what we've done and of course we  
39 provided a progress report to try and cover off on things  
40 we mightn't have remembered when we're actually being  
41 questioned. I think you've covered, or I've covered today  
42 as well, pretty much everything I would mention.

43  
44 Probably around CCTV, I'd probably refer back to that and  
45 the importance of CCTV footage in actually identifying  
46 things like use of force incidents and we've got pretty  
47 patchy coverage. CCTV in like the pre-existing  
48 infrastructure when I first came in works well in some  
49 areas, there's a lot of black spots in other areas. The  
50 best way we can, I guess, act to upgrade our coverage is  
51 when we build new things and we're building at the moment,

1 we've just finished a build at Bunbury and also some new  
2 units at Casuarina, what we've actually done is put the  
3 best CCTV options in as part of those buildings, those new  
4 builds, to try and, if you like, raise the standard.

5  
6 So Eastern Goldfields Prison which is our - our newest  
7 prison and also the recent builds at Bunbury, 160 beds at  
8 Bunbury, we're now doing 860 beds at Casuarina in different  
9 units, they've got things like digital CCTV footage in  
10 common areas, in the accommodation support buildings. The  
11 CCTV is set up to undertake constant slow-frame recording  
12 which speeds up to real time if an alarm is triggered,  
13 things like that, which means when we come to review these  
14 incidents we've got a lot better chance of actually seeing  
15 what's gone on. We are also trying to upgrade some of our,  
16 if you like, existing systems.

17  
18 So there is a plan at Casuarina Prison to upgrade their  
19 security management system in late 2020, including the CCTV  
20 system itself and looking at a large number of cameras and  
21 how we use those. There's a review going on of the Hakea  
22 Prison which is our other maximum security male prison, our  
23 remand prison, to see where we can actually improve  
24 coverage, whether we go for a Rolls-Royce coverage or more  
25 of a cut-down coverage and just maybe use that with  
26 body-worn cameras in a different way to improve coverage.

27  
28 We're looking at that at the moment, too. We have  
29 developed a priority maintenance program as part of our  
30 Strategic Asset Plan which will look at funding existing  
31 upgrades to - upgrades to existing CCTV and TV system sort  
32 of cameras around our network, and we are going to look at  
33 how we use body-worn cameras and expand that use as well.  
34 That won't be a panacea but again I think through all these  
35 things we'll actually end up with a system that gives us  
36 better coverage, and then I think that will actually help  
37 us to get the evidence, if you like, of what's going on and  
38 get a very clear view on what are happening in incidents  
39 that may be called into question over the - over the nature  
40 of the prison, the prison estate.

41  
42 Certainly the CCTV I've seen is very helpful. There's one  
43 particular case which I won't go into here, where it was  
44 very clear to me that the person was excessive in the use,  
45 were not justified in their use and we've certainly taken  
46 action against that particular case. But I think apart  
47 from that, I think I'd like to thank the staff for what  
48 they've done and the hard work they've put in. I think we  
49 are showing the gains in what we're trying to achieve and  
50 we've got more work to do but that's okay, but thank you.

1 No further questions, sir.

2

3 **THE COMMISSIONER:** Thank you.

4

5 This concludes the public examinations and I will shortly  
6 adjourn, but before doing so I would make these comments.  
7 The Commission has power and exercises it regularly to make  
8 recommendations in respect of misconduct and also has a  
9 function to assist agencies in dealing with misconduct.

10

11 Over the last five years, the Commission has exercised this  
12 power in a number of ways. Possibly the most visible  
13 example was the Commission's investigation into the police  
14 in relation to Operation Avonmore which involved the  
15 prosecution of a young man who subsequently has been  
16 acquitted by the Court of Appeal.

17

18 The Commission reported and then has held over the years a  
19 number of reviews of police action on recommendations.  
20 Police took it very seriously and have made continuous  
21 improvements which, in the Commission's view, were  
22 necessary. When the Commission reported as it did in  
23 relation to Corrective Services, it was concerned about the  
24 matter and made a series of recommendations, possibly too  
25 many, and the purpose of this review has been to track  
26 progress, which in the main seems to be very encouraging.

27

28 The Commission has as has been outlined, the Department has  
29 given the Commission a great deal of cooperation, a lot of  
30 documentation which has been analysed. There have been  
31 site visits, meetings and so forth. There have been  
32 private examinations as well, culminating in these public  
33 examinations. The Commission will in due course report.

34

35 Without pre-empting that report, it is likely that quite a  
36 number of recommendations will be considered by the  
37 Commission as having been completed and therefore will be  
38 closed. But there is also likely to be other  
39 recommendations, which has been frankly acknowledged by all  
40 witnesses that there is work to be done and still  
41 continuing, which we're likely to leave open and conduct a  
42 further review next year.

43

44 But I would like to thank the Department for its  
45 cooperation in this exercise. I won't say we're from the  
46 Commission, we're here to help you, because nobody would  
47 believe that but in fact we both agencies have a common aim  
48 of ensuring that the maintenance of prisons and prisoners  
49 conforms with the highest standards and best practice.

50

51 And so thank you for the assistance and, Dr Tomison, you

1 are free to go and we will adjourn.

2

3

(THE WITNESS WITHDREW)

4

5

AT 10.54 AM THE MATTER WAS ADJOURNED ACCORDINGLY



**Certificate Made Under Section 50A of the  
Evidence Act 1906**

The transcript of Adam Matthew Tomison heard on Thursday,  
13 February 2020

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Certified on this 13th day of February 2020 by: Glenda Judge  
and Sheila Robbshaw

Full Name: Glenda Judge  
Sheila Robbshaw

Occupation: Transcriber and officer of the Commission under the Corruption, Crime and Misconduct Act 2003 ss 182, 3 who has taken an oath before the Commissioner.

Signature: (Glenda Judge) (Sheila Robbshaw)

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