

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

Response to the June 2018 discussion paper titled "An office for advocacy and accountability in Aboriginal Affairs in Western Australia".

1. The Office of the Inspector of Custodial Services (OICS) is an accountability agency with a strong focus on performance standards in custodial facilities and the rights of people in custody and staff. Almost 40 per cent of all prisoners in Western Australia are Aboriginal.
2. The interests of Aboriginal and Torres Strait Islander people are therefore always at the forefront of our work. We have developed Inspection Standards for Aboriginal Prisoners that represent our findings over 18 years, and that categorise parameters for improving outcomes for Aboriginal prisoners.
3. We have been particularly concerned about women in custody (50 per cent of whom are Aboriginal) and young people held at Banksia Hill Detention Centre (70 per cent Aboriginal).
4. We welcome all forms of collaboration that can improve understanding, engagement, and outcomes.
5. We strongly support, in principle, the establishment of an independent office known as the Aboriginal Commissioner or a similar position with responsibility for accountability and advocacy in Aboriginal affairs.
6. We agree that the new office should be led by an Aboriginal person who can effectively communicate with all Aboriginal communities and cultures.
7. Aboriginal communities are culturally diverse with varied opinions and priorities based on community needs. There is no state-wide representative structure for Aboriginal people. We strongly agree that input from Aboriginal communities is vital to the design of successful government service delivery. Otherwise, it will be a target of criticism.
8. The proposed structure and powers of the new office are similar to those held by OICS, enabling a strong sense of transparency and accountability in the pursuit of its objectives.
9. If the office is accountable to Parliament and independent of any Minister, it is appropriate that reports are tabled in Parliament. The embargoing of such reports is unnecessary and creates delays that impact the timeliness of their release.
10. The functions as currently suggested are consistent with the stated aims for the introduction of the new office. But they are very broad. Functions must be clear, precise and achievable if the new office is to be successful.
11. Similarly, the new office will need to develop robust accountability and evaluation frameworks.
12. We hope that the Department of the Premier and Cabinet (DPC) will develop the new agency as one that is accepted by, and can communicate with, all Aboriginal communities and cultures. We will also be interested in how the DPC determines its success in this venture.

13. While there may be some overlap with the work of OICS this an opportunity not a problem. The Inspector and the new Aboriginal Commissioner would be able to work in a collaborative manner, with benefits to both parties and to government and Parliament. This might include secondments between the agencies, and joint or complementary projects. For example, OICS remit is 'places of custody', but the new Commissioner might be able to undertake complementary work on community based justice initiatives around prevention, diversion, and support on release.
14. The Accountability Agencies Working Group recently submitted a report to the Department of the Premier and Cabinet in relation to the machinery of government (MOG) objectives to identify opportunities for reducing fragmentation, creating economies of scale and enhancing service capability among accountability agencies. The establishment of the new office will need to take into consideration any MOG decisions made by Government in relation to accountability agencies.
15. However, we are of the view that if the new office is to have proper independence, and to have credibility with Aboriginal people, it must be a stand-alone agency. It should not be integrated with any other office such as the Ombudsman or Children's Commissioner.