

Good intentions hampered by process, contract, and infrastructure

In 2014, prisons holding women in Western Australia were in a state of crisis. For many years they, and Bandyup Women's Prison in particular, had suffered from neglect, indifference, and structural inequality (OICS, 2018, p. 1). In December 2014, the Department announced that Units 11 and 12 of Hakea Prison would be transformed into a 256 bed, maximum-security, remand and reintegration facility for women.

Tenders were called for, and in July 2016 it was announced that Sodexo Australia Pty Ltd had won the right to manage the new facility. After an extremely short time frame the Melaleuca Remand and Reintegration Facility (Melaleuca) commenced operations on 15 December 2016.

No other prison in Australia provides exclusively remand and reintegration services on one site, for very good reason. The two groups require markedly different services and supports. In addition, Melaleuca's infrastructure was, and remains, totally ill-suited to supporting either of these two groups. This has, and continues to create problems for the contractor.

This, our first inspection of Melaleuca took place in November 2017, less than 11 months after the new prison opened. We are required to inspect each prison every three years, and generally will conduct our first inspection of a new prison within 18 months of its opening, after giving it a chance to bed in. Given the reports we had of problems at Melaleuca, however, we brought that inspection forward.

What we found was that while there had been significant issues, the prison had started to improve. However, there remained major concerns, and because of this we have made 25 recommendations. For comparison, over the last three years the average number of recommendations per inspection has only been 15, although we made 40 recommendations following our 2014 inspection of Bandyup Women's Prison.

To some extent the number of issues reflects the rush by the Department to open Melaleuca, and its abandonment of the previous robust, yet cautious approach adopted to contracting prison services, for example with Acacia and Wandoo. The mere four-month period between the signing of the contract in July 2016 and the commencement of operations in December was a high-risk strategy; particularly for a new site, a new concept, and a new contractor (one not only new to the State, but to Australia).

That risk may have been exacerbated by the contractual price. In 2016–2017, Melaleuca made a significant operating loss. This loss included costs associated with mobilisation and operation of the facility in the first year. However, Sodexo forecasts a further increase to that operating loss in its second financial year of operating the facility.

Unfortunately, this operating loss directly impacts on the operation of the facility. This is reflected in lean staffing levels in all areas, and a lack of adequate services for prisoners. It also means that Sodexo has limited capacity to add to the existing infrastructure.

Another factor impacting on the situation is the contract itself, which at 543 pages is overly aspirational, highly prescriptive, and lacks clear priorities. Sodexo's failure to ensure that they properly understood the terms of the contract created risks for themselves, the women, and the Department. Notwithstanding this, Sodexo signed that contract and the Government is entitled to expect the company to deliver against it.

The above problems were exacerbated by the fact that the critical issue of coordination with other prisons and services (in particular Bandyup) were left to be negotiated on the go. This continues to have serious implications today and resulted in our recommendation that the Department:

Develop clear guidelines for the transfer of prisoners from Melaleuca to Bandyup, prioritising their safety, health, and mental health care needs (Recommendation 23).

The Department indicated that it and Sodexo were currently finalising a number of Memorandums of Understanding relating to prisoner transfers between Melaleuca and Bandyup; including mental health, dental, pregnancy, punishment, and routine transfers (Appendix 4).

It is unacceptable that these agreements were still not in place almost 18 months after Melaleuca had first opened.

Despite its failings, Melaleuca's opening has significantly improved the situation for women prisoners in this State. If Melaleuca had not commenced operations Bandyup, with a design capacity of 209 at 30 June 2016 (OICS, 2016a, p. 6), would today be holding over 517 prisoners. Also improving the situation for women prisoners, was the enthusiasm and passion Melaleuca custodial staff showed for working with the women, with positive and respectful interactions observed during the inspection between staff and prisoners.

The transformation of Wandoo into a dedicated drug and alcohol rehabilitation prison for women has the potential to further improve the situation, and to increase placement options for women. Details on Wandoo remain scant, however, and any potential improvements will only be fully realised if the lessons identified in this report are taken to heart and acted on. Particularly by ensuring that sufficient weight is placed on the State Supply Commission's requirement that "a public authority must ensure that its procurement of goods and services achieves the best value for money outcome" and not simply focus on cost (SSC, 2007).

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