



Youth Parliament of Western Australia

Rehabilitative Arts Programs in Prisons Bill 2024

Explanatory Memorandum:

The Western Australian correctional system has faced significant scrutiny in recent years, struggling under the weight of rising incarceration rates and increasingly finite resources. The burden of this, alongside negative social attitudes regarding the safety and wellbeing of incarcerated persons, has resulted in a correctional environment that is unable to support the often-complex needs of the adult populace.

Research released in 2023 by the ABS notes this pressing issue, as Western Australia's rate of incarceration ranked highest amongst all Australian states, at a rate almost 50% greater than the national average. Despite this, there has been a lack of attention and investment offered to early prevention, diversion, and evidence-based alternatives outside of the justice system, especially those centred on artistic or cultural programs which have often been mischaracterised as non-essential, even though they have the potential to facilitate the highly individualised journey of resistance against criminal behaviour.

This Bill seeks to re-centre artistic and cultural services as essential, introducing effective mechanisms of rehabilitation and desistance for the adult prison population. This Bill establishes Rehabilitative Arts and Cultural Programs in Prisons in all adult correctional facilities within Western Australia, utilising a needs-based identification and referral process to ensure services are made accessible to vulnerable incarcerated individuals. Qualified RACPP Officers will provide artistic and cultural programs to incarcerated persons with a high degree of sensitivity and inclusion whilst ensuring the safety of all participating in the program.

The RACPP service will continue to encourage artistic and cultural engagement through the funding and allocation of additional resources to appropriate community organisations that are able to provide support to recently released individuals. Through small grants, appropriate training, and continued involvement from RACPP officers, such affiliated programs will act under the purview of the RACPP Advisory board.

Through this Bill, Western Australia has an opportunity to increase investment in community-led services that create effective diversionary options through the beneficial intersection of arts and cultural programs and correctional services.



Western Australia

Rehabilitative Arts Programs in Prisons Bill 2024

Contents

Explanatory Memorandum:	ii
Part 1 — Preliminary	
1. Short Title	2
2. Commencement	2
3. Terms used	2
Part 2 — Overview and Purpose of the RACPP	
Division 1 — Establishment and implementaion	
4. Arts and cultural activities	9
5. Implementation	9
Division 2 — Purpose of the RACPP Program	
6. Purpose of the RACPP	10
Part 3 — Nomination Process, Tiers	
Division 1 — Nominating a participating incarcerated person	
7. Participating incarcerated cohort	11
8. Needs-based identification at the start of or during an incarcerated person's sentence	11
9. Incarcerated person self-nomination	14

	Division 2 — Incarcerated person’s removal from participation in the program	
10.	Reasons for Incarcerated Person’s removal from participation in the program	15
11.	End of probationary period	15
12.	Replacing removed Incarcerated Person	16
	Division 2 — Incarcerated person tier allocation	
13.	Incarerated Person security classification	16
14.	Incarcerated Person Tier allocation	16
15.	Tier re-allocation	17
	Division 3 — Tiered engagement in rehabilitative cultural/art programs	
16.	Tier 1 or Tier 2	19
17.	Tier 3	21
	Division 4 — RCAPP Rehabilitative Officers and RCAPP Safety Officers	
18.	Roles of RCAPP Rehabilitative Officers and RCAPP Safety Officers	22
19.	Eligibility criteria for RCAPP Rehabilitative Officers and RCAPP Safety Officers	23
20.	Training for RCAPP Officers and RCAPP Safety Officers	25
21.	Payment for RCAPP Officers and RCAPP Safety Officers	26
22.	Oversight and accountability of RCAPP Officers and RCAPP Safety Officers	27
	Part 4 — Local Community Group Engagement, Funding and Training to Engage Recently Released Persons Post-Sentence	
23.	Organisations service eligibility	28
24.	Organisational grants and funding eligibility	29
25.	Intended purpose of funding	29
26.	Organisation member training eligibility	30
27.	Creation of affiliated organisations	30
28.	Program affiliation and service termination	31

Part 5 — Post-Sentence Engagement

Division 1 — Foundational aspects

29.	Offers of engagement	32
30.	RCAPP Governing Board	32
31.	Limiting factors for engagement	33
32.	Addressing limiting factors	33
33.	RCAPP Travelling Team	34

Division 2 — Facilitation of Services

34.	Transitioning formerly incarcerated persons into their placement with the affiliated organisation	34
35.	Transition Manager	34
36.	Subsidies provided by the RCAPP Governing Board to the community organisations	35
37.	Reporting attendance	36

Part 6 — RCAPP Governing Board

Division 1 — Establishment and Functions

38.	Establishment	38
39.	Functions	38
40.	RCAPP Governing Board	40
41.	RCAPP Governing Board to act efficiently and economically	41
42.	Delegation	41
43.	Managing director	41
44.	Appointment of staff and consultants	42
45.	Termination of members of RCAPP Governing Board	43
46.	Review of the RCAPP Governing Board	43



Youth Parliament of Western Australia

Rehabilitative Arts Programs in Prisons Bill 2024

No. 6 of 2024

A Bill for

**An Act —
to implement artistic, cultural, and community rehabilitative
programs for offenders with the intent of reducing recidivism and
facilitate their transition back into society post-sentence.**

[Assented to 29 JULY 2024]

The Youth Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short Title

This is the *Rehabilitative Arts Programs in Prisons 2024*.

2. Commencement

This Act comes into operation on the day on which this Act receives the Youth Governor's Assent.

3. Terms used

In this Act —

ABS means the Australian Bureau of Statistics;

Affiliated organisation means an artistic or cultural group that is endorsed and supported by the RCAPP;

Aptitude test means for an employer to assess a candidate's ability to perform tasks and react to situations at work, through a variety of different testing formats.

Appeal decisions means the decisions resulting from an appeal. An appeal is when the court is asked to reconsider a guilty decision or the penalty that was given in a criminal court case;

APS Level 2 refers to the APS Work Level Standard 2, as defined by the Australian Public Service Commission;

APS Level 4 refers to the APS Work Level Standard 4, as defined by the Australian Public Service Commission;

Artistic and cultural organisations means community organisations whose primary purpose is the deliverance of activities that have artistic or cultural value;

Australian Public Service Commission is an independent statutory authority within the Australian Government, playing a role in the oversight and administration of the Australian Public Service;

Australian Public Service Agency Payscale are paycales that are based upon industry standards and recommendations as outlined within the *Public Service Award Act 1992*;

Assistant Superintendent means an individual whose role primarily involves the senior management of the prison, involving activities within and external to the prison;

Certificate means a certificate obtained through the completion of a Technical and Further Education (TAFE) Course or another certified tertiary institution;

Community organisations means an association incorporated, or taken to be incorporated, under the *Associations Incorporation Act 2015*; or (b) a company limited by guarantee that is registered under section 150 of the *Corporations Act 2001* of the Commonwealth; or (c) a company holding a licence that continues in force under section 151 of the *Corporations Act 2001* of the Commonwealth;

Contraband Items means anything introduced or found in a prison that is not permitted by the prison;

Correctional officers means those employed to work with prisoners and to ensure appropriate behaviour;

Corrective services means the organisation responsible for WA's adult prison and youth detention populations as well as adults and young people managed by community corrections;

Department Integrity Assessment means Part IABA of the *Crimes Act 1914* and provides for the authorisation of integrity testing operations to be conducted on a staff member of the Department. Integrity tests are operations designed to test whether a public official will respond to a simulated or controlled situation in a manner that is unlawful. Integrity testing operations are designed to ensure that the subject of a test is provided with an equal opportunity to pass or fail the test;

Desistance means the process of personal growth through which offenders become non-offenders;

Dangerous activities and equipment means activities and equipment which contain hazards that may cause harm;

Director of Clinical Governance and Innovation means a role that works closely with stakeholders to effectively manage the rehabilitation of adults in the justice system. The position is accountable for clinical governance of treatment assessments and ongoing evaluation of programs. It must develop and monitor clinical standards and oversee innovative rehabilitation and reintegration projects;

Early discharge Review means the assessment process which determines whether an inmate may be released, conducted prior to the completion of their sentence;

Early Eligibility Date means the Earliest date an offender can be released;

Excessive Force means force that, considering the totality of the circumstances in which it is used, is greater than that which a person in the position of the person using such force would reasonably believe necessary to ensure their safety or the safety of others;

External treatment team means a team providing assessment and treatment of prisoner's subject to the *Criminal Law (Mentally Impaired Accused) Act 1996*, where on an individual basis it is deemed necessary in consultation with the Director of Clinical Governance and Innovation;

First aid qualification means a nationally recognised qualifications and units of competency regarding the provision of first and immediate assistance given to any person with either a minor or serious illness or injury, with care provided to preserve life, prevent the condition from worsening, or to promote recovery until medical services arrive;

Forensic Psychological Assessment Team means the team of people who provide Mental health services, including

assessment and treatment, of Incarcerated Persons with a mental illness;

High Risk Serious Offenders Continuing detention order is an order issued under Part 4, Division 1 of WA's *High Risk Serious Offenders Act 2020*, entailing. This legal measure extends an offender's detainment beyond original;

IIMP means Initial Individual Management Plan;

Incarcerated persons means individuals in the custody of law enforcement agencies (including WA Police) who have been convicted of a crime;

Incorporated body means an organisation incorporated under the *Associations Incorporation Act 2015*;

Leader of artistic and cultural organisation means a registered voting member of an artistic or cultural organisation that is serving in an elected role outlined by the organisations constitution;

Local community means a group of people who live in a common location and share similar services;

Low-Medium security means a security level in which incarcerated persons are transitioning between minimum and medium security incarceration;

MAPS means Management and Placements Sentencing;

Maximum security means a security level for incarcerated persons seen as being at a high risk of escape or a high risk to the safety of the public and correctional employees;

Medium security refers to a security level in which incarcerated persons cannot reside in an open prison due to security concerns, but do not present as having the resources or inclination to flee or pose significant danger to others;

Member of artistic and cultural organisation means a registered, voting member of an artistic and cultural

s. 3

organisation that is not serving in an official elected role as outlined in the organisations rules and/or constitution;

Minimum security refers to whereIn which incarcerated persons need a low degree of supervision and control within the prison;

Minister means the head of the Western Australian government’s department responsible for Corrective Services and/or Police;

National Criminal History check is a process involving the identification and release of any relevant Criminal History Information (CHI) subject to relevant spent convictions/non-disclosure legislation and/or information release policies. This is a process that involves all Australian police services;

Offender means people who have been proven in a court of law to have committed an offence;

Parole means a parole order authorises a person’s release from prison. The person must consent to the conditions in the parole order before they can be released. During a parole period an offender is allowed to serve the remainder of their prison sentence in the community, subject to conditions. In the case of a life sentence, the parole and supervision periods will be specified in the parole order. For all other sentences, the parole and supervision periods will generally be the time remaining on the sentence on the date of the person’s release from prison;

Physical Readiness test means a test has been developed by WA Corrective Services in conjunction with leading experts in occupational fitness, to examine an applicant’s suitability for the day-to-day duties of the role. It involves two phases. Phase One is timed and consists of seven components each to be performed three times. This phase tests baseline fitness, agility and mobility. Applicants have seven minutes to complete the circuit. Phase Two is untimed and focuses on dexterity, in particular grip and pinch strength;

Prison means a building in which incarcerated people are held;

Prison offence is any contravention of the *Prisons Act 1981*, in this use, by Incarcerated Persons;

Prison Security Rating means that a security rating given to incarcerated persons upon admission to a prison in Western Australia, either on remand or as a sentenced prisoner. Security ratings are determined in accordance with Executive Director's Rule 2B. The Executive Director's Rules are made pursuant to the *Prisons Act 1981* and apply to all prisons in Western Australia;

Prison service means the management, control, and security of a prison, and the welfare of the incarcerated people while at the prison;

Qualified treatment assessor means an individual working with incarcerated persons;

RCAPP means rehabilitative cultural/arts prison programs;

RCAPP advisory board means the body that oversees the working of the RCAPP, ensuring accountability;

RCAPP auditors office means the body that oversees the working of the RCAPP, ensuring accountability;

RCAPP officers means those employed to provide RCAPP;

RCAPP Program Budget means a plan for all costs associated with the RCAPP Program, developed by the RCAPP;

RCAPP review board means the misconduct review board;

RCAPP safety officers means those that are employed to provide protection to RCAPP officers;

RCAPP Standards refers to a set of guidelines established by the RCAPP Governing Body to limit and guide the content of RCAPP sessions;

RCAPP Travelling Team means the outreach team developed to provide RCAPP services to remote areas;

Recently released persons means individuals who were in the custody of law enforcement (12 months);

Remand warrant means a warrant issued by a court under the *Criminal Procedure Act 2004* or the *Sentencing Act 1995* that orders that an accused be kept in custody while a case is adjourned;

Rehabilitative Arts Programs in Prisons (RAPP) BILL means the bill from the Parliament of Western Australia that is to implement the RCAPP in Western Australian prisons;

Sentence Release Date means the date on which an Incarcerated Person is legally entitled to release following the completion of their court-mandated sentence;

Small grants means a grant between AUD\$3,000 and \$5,000 in value;

Tier 1 means the Tier assigned to Maximum security inmates;

Tier 2 means the Tier initially assigned to Medium and low-medium inmates, although minimum security inmates may be re-allocated to this Tier;

Tier 3 means the Tier initially assigned to minimum security inmates, although medium and low-medium inmates may be re-allocated to this Tier;

Treatment Assessment Report means a report completed by qualified treatment assessors to determine the treatment intervention needs for eligible prisoners;

Western Australian Police Force means the primary law enforcement agency of the state of Western Australia.

Part 2 — Overview and Purpose of the RACPP

Division 1 — Establishment and implementation

4. Arts and cultural activities

- (1) Artistic and cultural activities that are included within the purview of the program are—
 - (a) visual arts;
 - (b) performance of theatre art;
 - (c) film and photography;
 - (d) music;
 - (e) literature;
 - (f) language studies; and
 - (g) cultural heritage, including First Nations material.
- (2) In addition to these classifications, the artistic and cultural activities provided within this program will be adjusted to reasonably align with the personal and cultural context of the incarcerated individual, but must act in accordance to the security measures outlined in Division 3.

5. Implementation

- (1) This program will be implemented by the RACPP Advisory Board under the Department of Justice alongside the Department of Local Government, Sport, and Cultural Industries.
- (2) RACPP services shall be delivered by RACPP officers alongside the pre-existing employees of the correctional facility.
- (3) Security services will be provided by existing Correctional Officers but may be supported by the additional involvement of RACPP-specific security officers.

Division 2 — Purpose of the RACPP Program

6. Purpose of the RACPP

- (1) The RCAPP Program as established in accordance with Division 1 of Part 2, is established to beneficially enrich the prison experience of incarcerated persons within Engaged Tier Cohorts.
- (2) The Program, therefore, is designed to—
 - (a) foster positive changes in self-identity;
 - (b) enhance the confidence and self-esteem of Incarcerated Persons;
 - (c) acknowledge and celebrate the development of Incarcerated Persons engaged in the RCAPP;
 - (d) model and promote positive relationships between engaged Incarcerated Persons and RCAPP Rehabilitative Officers within a secure environment;
 - (e) establish engaged Incarcerated Persons as valued members of their assigned Tier Cohort;
 - (f) ensure Incarcerated Persons feel recognised and uplifted by RCAPP Rehabilitative Officers, who serve as professional and positive role models;
 - (g) highlight the value of cultural and artistic engagement as a means of enjoyable self-expression and emotional and psychological catharsis; and
 - (i) improve the experiences of the Incarcerated Person in relation to matters discussed in Part 3, Division 1.8 5c.

Part 3 — Nomination Process, Tiers

Division 1 — Nominating a participating incarcerated person

7. Participating incarcerated cohort

- (1) The Participating Incarcerated cohort primarily consists of those identified in need.
- (2) Incarcerated Persons may also self-nominate; however, placement is not guaranteed.

8. Needs-based identification at the start of or during an incarcerated person's sentence

- (1) An Incarcerated Person may be identified as in need of participation in an RCAAP.
- (2) This may occur at the start of an Incarcerated Person's sentence during any of the following—
 - (a) the initial completion of the Incarcerated Person's MAPS checklist;
 - (b) the construction of the Incarcerated Person's initial IMP;
 - (c) the construction of an initial IMP for Incarcerated Persons serving a sentence of 6 months or less at the discretion of the relevant Assistant Superintendent or delegation, where information gathered during the completion of a MAPS Checklist identifies significant risks in need of further assessment;
 - (d) the construction of an initial IMP for incarcerated persons subject to a Custody Order under the *Criminal Law (Mentally Impaired Accused) Act 1996*; and
 - (e) the construction of an initial IMP where incarcerated person is subject to a HRSO Continuing Detention Order.
- (2) Identification may also occur during—

Rehabilitative Arts Programs in Prisons Bill 2024

Part 3 Nomination Process, Tiers

Division 1 Nominating a participating incarcerated person

s. 8

- (a) a scheduled review of an Incarcerated Person's IMP occurring every 6 months, for sentences between 6 months and 3 years; and
 - (b) a scheduled review of an Incarcerated Person's IMP occurring every 12 months for sentences longer than 3 years, until 3 years prior to a scheduled Early Eligibility Date, Early Discharge Review or Sentence Release Date, where the IMP will be reviewed every 6 months.
- (3) Alternatively, identification may occur during an unscheduled review of an Incarcerated Person's IMP occurring because of the imposition of further sentencing where—
- (a) the sentence is in excess of 1 year; or
 - (b) the nature of the new offence is—
 - (i) different to the offences addressed by the initial IMP;
 - (ii) additional remand warrants are issued; or
 - (iii) an appeal decision which reduces or increases the sentence by 2 years or more;
 - (c) the new offence reflects a change in the Incarcerated Person's circumstances, including—
 - (i) conviction for a prison offence;
 - (ii) significant conflict with other prisoners or prison staff, or other serious misconduct;
 - (iii) significant deterioration in prison behaviour; the denial, adjournment or cancelling of Parole;
 - (iv) appeal against conviction or sentence;
 - (v) placement on an HRSO Continuing Detention Order;
 - (vi) significant deterioration in a prisoner's family or business circumstances;
 - (vii) medical (aged or permanent/severe injury or ailment);

-
- (viii) an Escape attempt during the current term of imprisonment; or,
 - (ix) refusal to participate in a recommended treatment program.
- (4) Identification may also occur before nomination, to assess the suitability of the program for an Incarcerated Person, a Treatment Assessment Report shall be completed by a—
- (a) qualified treatment assessor;
 - (b) forensic Psychological Assessment Team; or
 - (c) an external treatment team for—
 - (i) Incarcerated Persons subject to the *Criminal Law (Mentally Impaired Accused) Act 1996*;
 - (ii) where it is deemed necessary on an individual basis; and
 - (iii) in consultation with the Director of Clinical Governance and Innovation.
- (5) The identification of need shall occur during the construction of a Treatment Assessment Report and shall consider factors such as—
- (a) the positive alignment of the program’s goals with the incarcerated person’s specific rehabilitative needs;
 - (b) the suitability of the program to the particular contextual factors of the incarcerated person, which may include—
 - (i) cultural and personal background;
 - (ii) offending, substance use, personal and health and mental health history; or
 - (iii) sentence length.
 - (c) the perceived ability of the program to positively impact the Incarcerated Person’s—
 - (i) health and mental health;
 - (ii) substance abuse;

- (iii) societal reintegration;
 - (iv) processing of personal history or trauma; or
 - (v) likelihood of recidivism.
- (6) If nomination occurs during an Incarcerated Person's sentencing resulting from factors discussed in section 8, Treatment re-assessment must be conducted following the guidelines established, in section 8.
- (7) Upon nomination, the Treatment and Assessment section of an Incarcerated Person's IMP shall reflect their participation in the Program.

9. Incarcerated person self-nomination

- (1) An Incarcerated Person may self-nominate to participate in the RCAPP.
- (2) An Incarcerated Person's eligibility is contingent on factors discussed in section 8.
- (3) An Incarcerated Person that has self-nominated is not guaranteed a placement in an RCAPP Tier Cohort.
- (4) An Incarcerated Person that has self-nominated will be given a placement only if there is sufficient—
 - (a) RCAPP Officers to run the programs;
 - (b) Correctional Officers or RCAPP Safety Officers to supervise the programs; and
 - (c) capacity in the Incarcerated Person's relevant Tier cohort, including—
 - (i) space and facilities; and
 - (ii) materials used in programs.
- (5) If accepted, an Incarcerated Person's IMP must be updated to reflect their participation in the program.

Division 2 — Incarcerated person's removal from participation in the program

10. Reasons for Incarcerated Person's removal from participation in the program

- (1) An Incarcerated Person will be disciplined if they—
 - (a) exhibit disruptive, aggressive, or non-compliant behaviour;
 - (b) pose a threat to their own safety or that of others supervising or participating in RCAPP Programs;
 - (c) have health or mental health issues arise that hinder their ability to participate;
 - (d) continuously fail to attend program sessions; or
 - (e) the program is deemed no longer suitable for the Incarcerated Person's rehabilitative goals.
- (2) Disciplinary action may include—
 - (a) re-allocation to a Tier that better reflects their current state; and
 - (b) placement on a 2-month probationary period.

11. End of probationary period

- (1) At the end of the probationary period, the incarcerated person shall remain in the program in their newly assigned tier if—
 - (a) the Incarcerated Person has positively corrected their behaviour; or
 - (b) the program is deemed suitable to the Incarcerated Person's rehabilitative goals.
- (2) If the Incarcerated Person is unable to satisfy the conditions discussed at Part 3, Division 2, 11.2 , the Incarcerated Person shall be removed from the program.

- (3) The Individual IMP of the Incarcerated Person removed from the program shall be amended to reflect this change.

12. Replacing removed Incarcerated Person

- (1) If removed, any Incarcerated Person who was referred to the program under section 8 but was denied participation due to insufficient capacity shall be offered the vacancy.
- (2) If there are no Incarcerated Persons referred to the program under section 8 to fill nascent spots, any self-nominated Incarcerated Persons who were not afforded the opportunity shall take their spot.

Division 2 — Incarcerated person tier allocation

13. Incarcerated Person security classification

- (1) All Incarcerated Persons are assigned a security classification—
 - (a) through the MAPS Checklist; or
 - (b) their initial IMP.
- (2) Classifications indicate the perceived risk posed by the Incarcerated Person may be classified as—
 - (a) Maximum security;
 - (b) Medium security;
 - (c) Low-Medium security; or
 - (d) Minimum security.

14. Incarcerated Person Tier allocation

- (1) Each Incarcerated Person shall be allocated to Tiers 1, 2 or 3.
- (2) The allocated Tier shall correspond to the Incarcerated Person's Security Classification.
- (3) Incarcerated Persons classified as Medium Security and Low-Medium Security shall be initially allocated to Tier 2

and Incarcerated Persons classified as Minimum Security shall be initially allocated to Tier 3.

- (4) The Tiers and their corresponding Incarcerated Person Security Classification are—
- (a) Tier 1 shall include only Maximum Security Incarcerated Persons;
 - (b) Tiers 2 shall include Medium and Low-Medium Security Incarcerated Persons and Minimum Security Incarcerated Persons where deemed appropriate in accordance with Part 3, Division 2, 15;
 - (c) Tiers 3 shall include Minimum Security Incarcerated Persons and Medium and Low-Medium Security Incarcerated Persons where deemed appropriate in accordance with Part 3, Division 2, 15.
- (5) Incarcerated Persons allocated to Tier 1 initially or upon review, shall not be eligible for a change in their Tier Allocation.

15. Tier re-allocation

Incarcerated Persons may be assigned an alternate Tier under the following conditions:

- (a) Incarcerated Persons initially allocated to Tier 2 may be re-allocated to Tier 3 in the case where—
 - (i) there has been a scheduled or unscheduled review of their MAPS Checklist;
 - (ii) there has been a scheduled or unscheduled review of their IMP; and
 - (iii) the Incarcerated Person's security risk has been reclassified as Minimum Security.
- (b) The Individual's treatment team as outlined in Part 3, Division 1 section 8.4 in conjunction with the RCAPP Governing Board deems through a Risk Assessment Process that the Incarcerated Person has demonstrated—
 - (i) positive behavioural changes;

Rehabilitative Arts Programs in Prisons Bill 2024

Part 3 Nomination Process, Tiers
Division 2 Incarcerated person tier allocation
s. 14

- (ii) responsible behaviour and adherence to guidelines; and
 - (iii) emotional stability.
- (c) The above behaviours must be exhibited in—
 - (i) RCAPP; and
 - (ii) more generally in behaviour exhibited whilst incarcerated.
- (d) The Incarcerated Person would reap therapeutic benefits from engaging in a different RCAPP Tier.
- (e) Incarcerated Persons classified as minimum security and initially allocated to Tier 3 may be re-allocated to Tier 2 in the case when—
 - (i) a scheduled or unscheduled review of their MAPS Checklist has been conducted;
 - (ii) a scheduled or unscheduled review of their has been conducted;
 - (iii) the incarcerated person’s security risk has been reclassified as Low-Medium Security or Medium Security (for re-allocation to Tier 2); or
 - (iv) the incarcerated person’s security risk has been reclassified as Maximum Security (for re-allocation to Tier 1).
- (f) This re-allocation shall occur where an RCAPP Officer deems, in conjunction with the qualified treatment assessor, Forensic Psychological Assessment Team, and external treatment team completing the individual treatment Assessment Report through a Risk Assessment Process, that the incarcerated person has demonstrated—
 - (i) negative behavioural changes;
 - (ii) a lack of responsible behaviour and defiance of guidelines; or
 - (iii) emotional instability.

- (g) The above behaviours are exhibited in—
 - (i) RCAPP; and
 - (i) more generally in behaviour exhibited whilst incarcerated.
- (h) It is deemed that the Incarcerated Person would reap therapeutic benefits from engaging in a different RCAPP Tier.

Division 3 — Tiered engagement in rehabilitative cultural/art programs

16. Tier 1 or Tier 2

- (1) Incarcerated Persons allocated to Tier 1 or Tier 2 engage in RCAPP delivered within the prison.
- (2) Each Tier 1 or Tier 2 cohort shall participate in an RCAPP once per week for an hour.
- (3) Each Tier 1 or Tier 2 cohort shall be composed of no more than 5 incarcerated persons.
- (4) These RCAPPs shall be delivered in the Prison in—
 - (a) common areas;
 - (b) exercise yards;
 - (c) education and program rooms;
 - (d) library or learning resource centre;
 - (e) chapel or multi-faith room;
 - (f) counselling or therapy room; or
 - (g) any room that is—
 - (i) available for the RCAPP scheduled time slot;
 - (ii) suitable for an RCAPP; and
 - (iii) sufficiently large to accommodate all participating incarcerated persons.

Rehabilitative Arts Programs in Prisons Bill 2024

Part 3 Nomination Process, Tiers

Division 3 Tiered engagement in rehabilitative cultural/art programs

s. 16

- (5) These RCAPP may follow any of the formats outlined in Part 2, Division 1 given the RCAPP aligns with the purposes/goals of the rehabilitative programs as outlined in Part 2, Division 2.
- (6) Tier 1 and Tier 2 Incarcerated Persons shall not participate in RCAPPs that have the potential to cause harm to themselves or others and shall not use art supplies deemed to be potentially harmful to themselves or others, which may include—
 - (a) sculpture-making;
 - (b) ceramic or glass art;
 - (c) mosaic or tile work;
 - (d) print-making;
 - (e) projects requiring the use of large or heavy objects; or
 - (f) Any other projects deemed harmful by—
 - (i) RCAAP Officers;
 - (ii) Relevant Correctional Officer;
 - (iii) RCAPP Governing Board;
 - (iv) the prison;
 - (v) the Incarcerated Person's qualified treatment assessor;
 - (vi) Forensic Psychological Assessment Team; or
 - (vii) an external treatment team.
- (7) Interactions between Tier 1 incarcerated persons during the RCAPP shall be closely monitored by the RCAPP Officer and Correctional Officers and/or RCAPP Safety Officers.
- (8) Tier 1 incarcerated persons shall not participate in any collaborative or group projects during RCAPP.
- (9) Tier 2 Incarcerated Persons shall be permitted to participate in collaborative/group projects during the RCAPP.
- (10) The RCAPP Programs shall be delivered by trained RCAPP Officers as per Division 4, section 20.

-
- (11) The Tier 1 Rehabilitative Programs shall be supervised by two Correctional Officers or RCAPP Safety Officers for every 5 Incarcerated Persons to ensure—
- (a) the safety and well-being of those running the program; and
 - (b) The safety and well-being of incarcerated persons engaging in the program.
- (12) Tier 1 Incarcerated Persons shall be always supervised and closely monitored when participating in the RCAPP by the RCAPP Officers and Correctional Officers.
- (13) Whilst Tier 2 Incarcerated Persons shall also be always supervised, their interactions and expression shall be less stringently monitored by RCAPP Officers and Correctional Officers during their participation in the program.

17. Tier 3

- (1) Incarcerated Persons allocated to Tier 3 engage in RCAPP delivered within the prison.
- (2) Each Tier 3 cohort shall participate in an RCAPP once per week for an hour.
- (3) Each Tier 3 cohort shall be comprised of no more than 10 Incarcerated Persons.
- (4) Tier 3 cohorts shall have access to a full range of art supplies.
- (5) Tier 3 cohorts shall be permitted to work in groups.
- (6) Tier 3 cohorts shall be permitted to continue to work on their project, outside of scheduled RCAPP sessions, however, they will not be permitted to use any of the objects listed in section 16(6) whilst doing so.
- (7) These RCAPPs shall be delivered in the locations identified in section 16(4).
- (8) Section 16(5) and 16(10) shall apply to this cohort as well.

- (9) The Tier 2 Rehabilitative Programs shall be supervised by one Correctional Officer or RCAPP Safety Officers for every 5 Incarcerated Persons to ensure—
- (a) The safety and well-being of those running the program; and
 - (b) The safety and well-being of Incarcerated Persons engaging in the program.

Division 4 — RCAPP Rehabilitative Officers and RCAPP Safety Officers

18. Roles of RCAPP Rehabilitative Officers and RCAPP Safety Officers

- (1) RCAPP Officers shall conduct Tier 1, 2 and 3 RCAPP programs.
- (2) The role of the RCAPP Officers may include, but are not limited to—
- (a) utilising the RCAPP curriculum to develop sessions that incorporate various Art forms
 - (b) facilitating RCAPP group sessions that—
 - (i) prioritise the creation of a supportive environment conducive to artistic and emotional expression;
 - (ii) foster artistic and cultural creativity; and
 - (iii) empower Incarcerated Persons with the RCAPP cohorts;
 - (c) demonstrating artistic or cultural techniques, expressions or formats that are replicable and approachable for the incarcerated persons of RCAPP Cohorts;
 - (d) addressing any manageable behavioural or emotional crises that may arise during the session, and referring cases beyond their expertise to the Prison Psychologists or Psychiatrists;

- (e) maintaining comprehensive records of conducted RCAPP sessions, including—
 - (i) the activities engaged in;
 - (ii) the progress of incarcerated persons within the Engaged Tier Cohorts; and
 - (iii) any challenges encountered during the sessions.
- (3) RCAPP safety officers shall be deployed in circumstances where an insufficient number of Correctional Officers are available to supervise the RCAPP programs.
- (4) The Role of the RCAPP Safety Officers may include, but are not limited to—
 - (a) ensuring the safety of Incarcerated Persons and within the engaged Tier Cohorts and the RCAPP Officers;
 - (b) conducting inspections prior to the commencement and following the conclusion of an RCAPP session to ensure that no contraband items are in the possession of participating Incarcerated Persons;
 - (c) monitoring the activities of engaged Tier Cohorts to prevent disruptions or crises;
 - (d) mediating any disputes that arise between participating Incarcerated Persons;
 - (e) intervening in case of physical violence, emotional or psychological emergencies; and
 - (f) coordinating with Correctional Officers if additional support is needed when responding to emergencies.

19. Eligibility criteria for RCAPP Rehabilitative Officers and RCAPP Safety Officers

- (1) To be eligible for appointment as either an RCAPP Officer or an RCAPP Safety Officer, an applicant must—
 - (a) be an Australian citizen, or hold Australian permanent residency;

Rehabilitative Arts Programs in Prisons Bill 2024

Part 3 Nomination Process, Tiers

Division 4 RCAPP Rehabilitative Officers and RCAPP Safety Officers

s. 19

- (b) possess, or be willing to obtain, and provide a current First Aid qualification which at the time of appointment must still be valid for another 9 months;
 - (c) receive clearance through a National Criminal History check and the Department of Justice's Integrity Assessment; and
 - (d) complete all relevant pre-employment medical, physical, psychological, and other selection assessments as determined by the Department.
- (2) Selection assessments for RCAPP Officers may include, but are not limited to—
 - (a) a written application;
 - (b) aptitude test;
 - (c) personality questionnaire;
 - (d) selection interview;
 - (e) reference checks;
 - (f) criminal history and integrity screening; or,
 - (g) any other assessments noted in the job advertisement and deemed necessary by the RCAPP Governing Board.
- (3) Selection assessments for RCAPP Safety Officers may include any of the assessments noted in section 19(2) and will also include—
 - (a) medical assessment; and
 - (b) Physical Readiness Test.
- (4) RCAPP Safety Officers must have either—
 - (a) a Certificate in Correctional Practice, Security Operations, Security Risk Management, Close Protection operations or Transport Security Protection;
 - (b) at least two years of experience working in Security Operations or Correctional Facilities; or

- (c) any other degree, certification or experience deemed relevant to the role of an RCAPP Officer by the RCAPP Governing Board.

20. Training for RCAPP Officers and RCAPP Safety Officers

- (1) All RCAPP Safety Officers must obtain a Security Officer License before acting as an RCAPP Safety Officer.
- (2) All newly hired individuals must obtain a Security Officer License if not already in possession of one.
- (3) To obtain a Security Officer's License candidates must—
 - (a) complete of an approved training course with an approved training provider, as approved by the Western Australian Police Force;
 - (b) complete a written examination based on the content of their approved training course; and
 - (c) submit an application including—
 - (i) a Certificate II in Security Operations; and
 - (ii) a current First Aid Certificate.
- (4) All RCAPP Safety Officers will complete 3 weeks of on-the-job training before commencing their role.
- (5) All RCAPP Officers must possess—
 - (a) First Aid Certification;
 - (b) Mental Health First Aid Training;
 - (c) Occupational Health and Safety Training;
 - (d) Justice System Legal and Ethical Training;
 - (e) Justice System Legal and Ethical Training; and
 - (f) Trauma-informed Care Training.
- (6) If the individual does not possess a relevant qualification in Arts or Arts Therapy, or at least two years of experience in a relevant professional environment, as endorsed by the RCAPP

Rehabilitative Arts Programs in Prisons Bill 2024

Part 3 Nomination Process, Tiers

Division 4 RCAPP Rehabilitative Officers and RCAPP Safety Officers

s. 21

Governing Board, they must complete an RCAPP Art Facilitation Workshop.

- (7) The RCAPP Art Facilitation Workshop shall train individuals on the techniques involved in and the instruction of selected arts activities.
- (8) If the individual does not possess a relevant qualification in Correctional Practices or Criminal Justice, or at least two years of experience in a relevant professional environment, as endorsed by the RCAPP Governing Board, they must complete an induction training provided by the Prison which they have been allocated to.
- (9) If the assigned prison does not have an Induction Program, the hired individual must attend the induction program of another prison.
- (10) Transportation (and accommodation where necessary) required to attend the induction program will be subsidised by the RCAPP Governing Board.
- (11) Any training to be completed by hired individuals before commencing their role as either an RCAPP Safety Officer or an RCAPP Officer will be subsidised by the RCAPP Governing board.

21. Payment for RCAPP Officers and RCAPP Safety Officers

- (1) The wages of RCAPP Officers and RCAPP Safety Officers will be benchmarked against equivalent level positions on the Australian Public Service Agency Pay Scales.
- (2) RCAPP Safety Officers shall be assigned a work level standard of Level 2, as per the requirements established by the Public Service Award 1992.
- (3) RCAPP Officers shall be assigned a work level standard of Level 3, as per the requirements established by the Public Service Award 1992.

22. Oversight and accountability of RCAPP Officers and RCAPP Safety Officers

- (1) An RCAPP Officer's or RCAPP Safety Officer's contract will immediately be terminated if they—
 - (a) provide contraband items to Incarcerated Persons;
 - (b) use excessive force deemed to be disproportionate to the incident it was responding to;
 - (c) release confidential information;
 - (d) engage in relationships with Incarcerated Persons that are deemed inappropriate;
 - (e) are under the influence of drugs or alcohol while on duty;
 - (f) demonstrate dishonest or fraudulent behaviours; or
 - (g) any other actions deemed inappropriate by the RCAPP Governing Board.
- (2) Any criminal incidents must be reported to the Western Australian Police Force.
- (3) Any incidents that are not criminal but deemed inappropriate in some capacity shall be referred to the RCAPP Overview Board who, in conjunction with the warden of the Prison the individual was working at, will decide as to the individual's employment.

**Part 4 — Local Community Group Engagement,
Funding and Training to Engage Recently Released
Persons Post-Sentence**

23. Organisations service eligibility

- (1) Local artistic and cultural organisations shall be eligible to receive support and endorsement during a recently released person's transition back into civilian life if—
 - (a) the service is artistic or cultural in nature;
 - (b) the service is deemed to be of therapeutic, artistic or cultural value;
 - (c) the service does not expose the recently released person to dangerous activities, implements or equipment;
 - (d) the organisation itself is not politically partisan;
 - (e) the organisation is not religiously affiliated.
- (2) The organisation must be an incorporated body as laid out by the *Associations Incorporation Act 2015 (WA)*.
- (3) The organisation must—
 - (a) actively be holding events and/or activities;
 - (b) have more than six members during its affiliation.
- (4) The organisation must be willing to submit to oversight from the governing body for the duration of their engagement.
- (5) The organisation must make their activities known to local law enforcement if—
 - (a) they are affiliated; and
 - (b) recently released persons are using the program.
- (6) The prison associated with the released prisoner is to determine additional requirements for affiliation and personnel training.

- (7) The organisation's staff must complete the required training programs before the program commencement date.

24. Organisational grants and funding eligibility

- (1) Artistic and cultural organisations affiliated with a recognised release program providing services for recently released persons shall be eligible for funding opportunities.
- (2) The funding provided is to assist artistic and community organisations in rendering support to recently released people.
- (3) Funding opportunities shall cease upon the termination of such services for recently released persons.
- (4) Funding opportunities shall cease upon the termination of such services for recently released persons.
- (5) Funding shall cease one year after the release of the recently released person

25. Intended purpose of funding

- (1) The funding is to facilitate the provision of services by the artistic and cultural organisation to recently released persons.
- (2) Examples of unacceptable funding use include—
- (a) reimbursement of members or leaders for services provided;
 - (b) purchase of club equipment for the club's benefit alone such as purchasing members equipment and asset acquisition;
 - (c) purchase of services for the club that do not support its ability to provide services for the affiliation program such as website hosting and hall hire for general meetings; or
 - (d) subsidising general membership cost.
- (3) Examples of acceptable funding use include—

- (a) subsidising recently released or Incarcerated Persons' membership costs;
 - (b) subsidising equipment purchases for recently released or Incarcerated Persons;
 - (c) venue hire for incarcerated programs; or
 - (d) subsidising venue hire costs for recently released affiliated programs.
- (2) All specific uses of program funding must be recorded and available for auditing upon request by the Governing Body.

26. Organisation member training eligibility

- (1) Members of the Artistic and Cultural Organisation within affiliated programs shall be eligible to receive appropriate training on supporting mental health and wellbeing strategies.
- (2) Persons leading affiliated programs are required to receive additional management and leadership training as well as risk management and mental health support training.
- (3) Upon non-renewal of program affiliation, members and leaders may complete in-progress training but may not begin new training until the resumption of services.

27. Creation of affiliated organisations

- (1) Artistic and Cultural Organisations that are newly founded may receive additional support if—
 - (a) the expected area of service does not have a pre-existing affiliated organisation;
 - (b) the organisation's starting member count is six or more;
 - (c) the organisation is incorporated or is undergoing the process of incorporating; or
 - (d) the expected area of service is within a currently incarcerated person's expected living environment when released, given that—

- (i) the incarcerated person has elected to partake in the program; and
 - (ii) is expected to be released within one year.
- (2) Allocated funding under the club creation grant is to support the development of the club.
- (3) Funding may not be used to compensate members for services rendered unless it is to reimburse personal costs.
- (4) Use of funding is to be documented and available for audit upon request by the governing board.

28. Program affiliation and service termination

- (1) Programs shall be terminated immediately without possibility of renewal if—
 - (a) there is disbandment of the artistic or cultural organisation;
 - (b) the organisation assists incarcerated persons in violating the terms of their imprisonment;
 - (c) the organisation assists a paroled offender in violating the terms of their parole;
 - (d) there is insolvency of the organisation; and/or
 - (e) the organisation misuses funding.
- (2) Programs may be suspended if joining requirements and training requirements are allowed to lapse.

Part 5 — Post-Sentence Engagement

Division 1 — Foundational aspects

29. Offers of engagement

Upon the completion of their sentence, formerly incarcerated persons are to be extended information for opportunities to join artistic/cultural community programs. These opportunities can include—

- (a) artistic/cultural programs provided through the formerly incarcerated person's local community and/or region;
- (b) contact information for arts and culture organisations in the formerly incarcerated persons' local community and/or region; and
- (c) the option to sign up for a year-long placement as a sponsored participant with an RCAPP affiliated organisation.

30. RCAPP Governing Board

- (1) Formerly incarcerated persons that take part in this sign-up process will be given the option to opt-in to participating in a review facilitated the RCAPP Governing Board 6 months after signing up, for the purposes of reflecting on the outcomes of participating with the organisation, any difficulties faced while awaiting placement with an organisation, and feedback to further develop the program.
- (2) Formerly incarcerated persons that take part in this sign-up process will be given the option to opt-in to participating in a review facilitated the RCAPP Governing Board at the end of their placement with an affiliated organisation for the purposes of reflecting on the outcomes of participating with the organisation, any difficulties faced while awaiting placement with an organisation, and feedback to further develop the program.

- (3) In the event that there are no available placements for affiliated organisations within the formerly incarcerated person's local community and/or region, signing up will place them on a waiting list.

31. Limiting factors for engagement

A formerly incarcerated person may express interest in continued engagement in artistic/cultural community programs, but opportunities may be limited or unavailable due to extenuating circumstances, such as—

- (a) living in a remote area;
- (b) living with limiting physical disabilities, mental disabilities or mental illness;
- (c) facing significant economic barriers;
- (d) legal or parole restrictions; or
- (e) any other circumstance the RCAPP Governing Board deem as a limitation to a recently released individual's engagement with artistic/cultural community programs.

32. Addressing limiting factors

- (1) Should a formerly incarcerated person express interest in continued engagement in artistic/cultural community programs, the RCAP Governing Board must investigate the availability of programs based on—
- (a) living in a remote area;
 - (b) living with limiting physical disabilities, mental disabilities or mental illness;
 - (c) facing significant economic barriers;
 - (d) legal or parole restrictions; or
 - (e) any other circumstance the RCAPP Governing Board deem as a limitation to a recently released individual's engagement with artistic/cultural community programs.

- (2) In such a circumstance, the RCAPP Governing Board may provide small grants to select community groups allowing for the provision of—
 - (a) online engagement with artistic/cultural community programs;
 - (b) visitation by an RCAPP Travelling Team; or
 - (c) subsidisation of the travel or accommodation of recently released persons to attend artistic and cultural programs.

33. RCAPP Travelling Team

- (1) The RCAPP Travelling Team shall be deployed under the authority of the RCAPP Overview Board to serve Recently Released Persons living in remote communities who cannot engage with artist/cultural community programs through online platforms due to insufficient internet access.
- (2) The RCAPP Travelling Team shall be deployed to the remote communities where the recently released persons reside once a month if there are a minimum of 5 recently released persons in that area.

Division 2 — Facilitation of Services

34. Transitioning formerly incarcerated persons into their placement with the affiliated organisation

A formerly incarcerated person's placement officially starts upon attending their first program, meeting or official communication with the affiliated organisation they are placed with.

35. Transition Manager

- (1) Formerly incarcerated persons may use a Transitioning Manager to facilitate transition into post-sentence programs.
- (2) Formerly incarcerated persons may use a Transitioning Manager as a point of contact to organise transfer into these positions.

- (3) Formerly incarcerated persons may report any concerns that may arise during participation in community art programs to the community organisation themselves or the Transitioning Manager.

36. Subsidies provided by the RCAPP Governing Board to the community organisations

- (1) RCAPP Governing Board shall subsidise the costs of the intake of formerly incarcerated persons by the RCAPP Governing Board for the 12 months following intake.
- (2) The simultaneous intake capacity of formerly incarcerated persons shall be determined on an individual basis by the RCAPP Governing Board, in conjunction with the community organisations dependent on the capacity of each community organisation.
- (3) To receive this subsidy, the community organisation must provide the RCAPP Governing Board with—
- (a) the quantity intake of formerly incarcerated persons;
 - (b) a budget proposal, detailing expected costs of intake of formerly incarcerated persons; and
 - (c) the community organisation's financial statements.
- (4) The community organisation must also—
- (a) document the subsidy received;
 - (b) provide a report to the RCAPP Governing Board as to the use of these subsidies; and
 - (c) the impact of the use of these subsidies.
- (5) The community organisation must provide a sustainability plan demonstrating the program's operation with the intake of formerly Incarcerated Persons once the RCAPP Governing Board's subsidies cease.

37. Reporting attendance

- (1) An annual report will be commissioned to review the initial and continued participation of formerly Incarcerated Persons in community arts programs during—
 - (a) the 12 months following their release from prison; and
 - (b) the 3 years following this.
- (2) A formerly Incarcerated Person's placement with an RCAPP-affiliated organisation may end if—
 - (a) the formerly Incarcerated Person's placement reaches the end of its 12 month duration; and
 - (b) the formerly Incarcerated Person's placement with an RCAPP-affiliated organisation cannot be extended.
- (3) Should the formerly Incarcerated Person wish to continue participating with the organisation after their placement, they may approach the organisation to discuss remaining with it through other means, such as—
 - (a) volunteering with the organisation;
 - (b) working for the organisations; or
 - (c) continue participating in the program as a participant through the formerly incarcerated person's own means.
- (4) Should the formerly Incarcerated Person wish to end their engagement with the RCAPP-affiliated organisation before the 12-month period is over, they may contact an RCAPP Officer to discuss an early cessation of their engagement.
- (5) The affiliated organisation may express concerns to the RCAPP Governing Board, such as those regarding—
 - (a) the organisation being no longer able to provide services;
 - (b) the formerly Incarcerated Person is identified as causing issues for the organisation; or

- (c) the organisation deems itself a poor fit for the formerly incarcerated person.
- (6) Should the formerly Incarcerated Person cease contact with the organisation and does not participate with the group for two months an RCAPP Officer will check in with the person to identify if limiting factors are preventing attendance.
- (7) If the RCAPP Officer finds that the formerly Incarcerated Person still wishes to participate with the program, and the factors preventing the formerly Incarcerated Person from doing so was outside of their control, the RCAPP Officer may discuss with the affiliated organisation, the person in question and the RCAPP Governing Board to see what can be done to assist the person with future engagement in the placement.
- (8) If the RCAPP Officer, RCAPP Governing Board, affiliated organisation and the formerly Incarcerated Person find a solution and agreement in which the formerly incarcerated person can then re-engage with their placement, they may continue their placement with the affiliated organisation.

Part 6 — RCAPP Governing Board

Division 1 — Establishment and Functions

38. Establishment

The RCAPP Governing Board is established to oversee the functioning of the RCAPP Program.

39. Functions

- (1) The RCAPP Governing Board shall oversee the governance and direction of the RCAPP Program, including—
 - (a) the establishment of the RCAPP curriculum, which—
 - (i) may incorporate any artistic or cultural forms in accordance with section 4 to the exclusion of forms discussed in section 16(6) or those that make use of materials in 16(6);
 - (ii) aligns with the objectives of the RCAPP in accordance with section 6;
 - (b) continuously monitoring and evaluating the RCAPP's effectiveness in achieving its objectives as outlined in section 6; and
 - (c) facilitating forums and platforms for the provision of feedback from participating Incarcerated Persons, Prison Staff, RCAPP Safety Officers and RCAPP Officers.
- (2) The RCAPP Governing Board shall ensure the RCAPP—
 - (a) complies with all relevant laws and regulations;
 - (b) adheres to safety protocols and standards established by the prisons, particularly with relation to the tiered allocation and engagement of Incarcerated Persons;
 - (c) updates any legislation or regulations pertaining to the RCAPP program to ensure it aligns with any changes in requirements; and

- (d) establishes any relevant policies that align with the goals of individual prisons with that of the RCAPP.
- (3) The RCAPP Governing Board shall oversee the finances of the RCAPP, including—
 - (a) establishing an RCAPP budget;
 - (b) ensuring the RCAPP operates within the established budget; and
 - (c) seek any funding opportunities available and relevant to the RCAPP.
- (4) The RCAPP Governing Board shall oversee the staffing of the RCAPP, including—
 - (a) the recruitment and training of RCAPP Safety Officers and RCAPP Officers; and
 - (b) continuing professional development opportunities to ensure the provision of knowledge of contemporary and evolving arts/cultural practices to RCAPP Officers.
- (5) The RCAPP Governing Board shall ensure the safety of participating incarcerated persons and RCAPP including—
 - (a) reviewing any reported instances involving Incarcerated Persons;
 - (b) reviewing any reported instances involving the immediate termination of contract of an RCAPP Officer or RCAPP Safety Officer as established in section 22;
 - (c) reviewing any instances of ambiguity in relation to the continued employment of an RCAPP Officer or RCAPP Safety Officer and taking any actions deemed necessary, which may include—
 - (i) the termination of the RCAPP Officer's or RCAPP Safety Officer's contract;
 - (ii) the issuing of a warning or probationary period; and/or

- (iii) any other actions deemed appropriate in response to the reported incident.
- (6) The RCAPP Governing Board shall facilitate relationships with Community groups that Recently Released Incarcerated Persons who were engaged with the RCAPP Program in prison, which shall include—
 - (a) the provision of Small Grants to subsidise the engagement of Recently Released Incarcerated Persons with Community Arts and Cultural Programs in accordance with section 33; and
 - (b) facilitating and co-ordinating the provision of Community Cultural/Arts programs via Online platforms in accordance with sections 33 and 34.
- (7) The RCAPP Governing Board shall ensure the RCAPP Program remains transparent and reports on performance, finances and outcomes to any Relevant stakeholders.
- (8) The RCAPP Governing Board shall act as an advocate for the implementation of arts and cultural programs within pdsrison systems.

40. RCAPP Governing Board

- (1) The RCAPP shall have a Board of governors comprising—
 - (a) no less than 6 and no more than 9 persons appointed as Board members by the Governor on the nomination of the Minister; and
 - (b) the managing director who shall be a RCAPP ex officio.
- (2) One of the RCAPP Board members shall be appointed by the Governor on the nomination of the Minister to be chairman of the Board and another of those members shall be appointed to be deputy chairman of the RCAPP Governing Board.
- (3) The RCAPP Governing Board is the governing body of the RCAPP with authority to exercise and perform the powers,

functions and duties conferred or imposed on the RCAPP under this Act.

- (4) A Board member shall be paid out of the funds of the RCAPP such remuneration and travelling and other allowances as are determined in the case of that member by the Minister on the recommendation of the Public Sector Commissioner.
- (5) Members of the RCAPP Governing Board must have either—
 - (a) A Certificate in Correctional Practice, Security Operations, Security Risk Management, Close Protection operations or Transport Security Protection;
 - (b) At least two years of experience working in Security Operations or Correctional Facilities; or
 - (c) Any other degree, certification or experience deemed relevant to the role of an RCAPP Governing Board Member by the RCAPP Governing Board.

41. RCAPP Governing Board to act efficiently and economically

The Board shall perform its functions and exercise its powers in an efficient and economic manner and shall use its best endeavours to ensure that its revenue is sufficient to meet its expenditure.

42. Delegation

The Governing Board, in the name and on behalf of the RCAPP, may, by instrument in writing approved by resolution, delegate to a committee of the Governing Board, or to an officer or employee of the RCAPP all or any of the powers or duties of the Commission, except this power of delegation.

43. Managing director

- (1) There shall be an office of managing director of the RCAPP Governing Board.

- (2) The managing director shall be the chief executive officer of the RCAPP and shall, subject to the control of the Board, administer the day-to-day operations of the RCAPP.
- (3) The managing director shall be appointed by the Governor on the nomination of the Minister.
- (4) Subject to sections 44(6) and 44(7) the managing director shall hold office for such period, not exceeding 5 years, and is eligible for reappointment.
- (5) Subject to the *Salaries and Allowances Act 1975*, the remuneration and allowances payable to, and the conditions of service of, the managing director shall be such as are determined by the Minister on the recommendation of the Public Sector Commissioner.
- (6) The managing director may resign his office by notice in writing delivered to the Minister.
- (7) The managing director may be removed from office by the Governor for actions that violate the principle of the RCAPP, Public Service code of conduct, or otherwise disrupts the provision of RCAPP services.
- (8) The Minister may appoint a person to act in place of the managing director during any period when he is absent or unable to carry out his duties.

44. Appointment of staff and consultants

- (1) The RCAPP Governing Board may appoint such officers and employees, either full-time or part-time, as the Board considers necessary to enable the RCAPP to carry out its functions.
- (2) Subject to any relevant order, award or agreement under the *Industrial Relations Act 1979*, the RCAPP Governing Board may determine the remuneration and other terms and conditions of service of its officers and employees.

45. Termination of members of RCAPP Governing Board

Any member of the RCAPP Governing Board is viable for termination if they—

- (a) are unable to adhere to the Western Australian Public Sector Code of Ethics;
- (b) disrupt the provision of RCAPP; or
- (c) are unable to fulfil the requirements of their position within the RCAPP governing Board.

46. Review of the RCAPP Governing Board

- (1) The RCAPP Governing Board shall be subject to annual review by the Western Australian Office of the Auditor General as outlined under the *Auditor General Act 2006*, concerning both—
 - (a) financial audits; and
 - (b) performance audits.
- (2) The Auditor General may prepare and sign a report on these examinations or investigations carried out upon the Governing Board and may submit the report to—
 - (a) both Houses of State Parliament; or
 - (b) the Public Accounts Committee and the Estimates and Financial Operations Committee.