

23 May 2024

The Hon Paul Papalia MLA
Minister for Corrective Services
10th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Email: Minister.Paplia@dpc.wa.gov.au

Dear Minister

ELIMINATION OF LIGATURE POINTS IN PRISONS IN WESTERN AUSTRALIA

The Law Society of Western Australia wishes to raise with you as a matter of concern the issue of eliminating ligature points in cells in medium and maximum-security prisons in Western Australia.

His Honour Coroner Philip Urquhart in the matter of **Jomen Blanket** [2023] WACOR 6 recently stated as follows at [247]:

“- I will add my own views regarding the large number of cells in medium and maximum-security prisons in Western Australia that remain replete with ligature points that can be removed with relatively minor modifications:

The situation regarding the unacceptable provision of prison cells with a high number of ligature points remains an acute crisis; a crisis that this Court has now been pointing out for over 20 years. The Court will undoubtedly continue to encounter deaths in prison from hangings in cells that use these ligature points. All too frequently, these deaths involve First Nations young men and leave behind devastated mothers, fathers, partners, children and extended family members asking: “how was this allowed to happen?”.

The circumstances of Mr Blanket’s death were that he committed suicide by hanging whilst in prison following an unsuccessful application for parole. In his decision Coroner Urquhart was critical of the fact that Mr Blanket did not receive a reasonable opportunity to participate in rehabilitative treatment whilst in prison [see paragraphs 200-216 of the decision] but this is a separate matter to the issue of ligature points.

There has been a history of coronial decisions which have previously raised this issue of the elimination of ligature points in prison cells. As noted in an earlier decision of His Honour Coroner Jenkin in the matter of **Wayne Thomas Larder** [2022] WACOR 48 at [134] a significant number of prisoners have personality disorders and hanging is a method commonly used by prisoners to take their own lives. Coroner Jenkin was scathing in his decision of the lack of progress in providing ligature free cells. In relation to Hakea prison (where Mr Larder had committed suicide) His Honour stated at [136]:

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“Since at least 2006, the Department has been slowly adapting cells at Hakea so they are either fully-ligature minimised, or 3-point ligature minimised. However, the work is far from complete and progress has been painfully slow. As of September 2022, only 3.9% of cells at Hakea have been fully-ligature minimised, and a staggering 39.1% of cells are not ligature minimised at all. This is truly lamentable, given the vulnerable prison population housed at Hakea.”

After referring to earlier decisions of the Coroner’s Court, Coroner Jenkin concluded at [141]:

This court cannot continue to make these types of recommendations in the face of ongoing prisoner death by hanging. The Department must now take urgent action to address this appalling situation.

Of course, the issue of reducing ligature points dates back as a recommendation to the Royal Commission of Aboriginal Deaths in Custody which recommended the elimination of risk items in prisons which could be potentially used for self-harm including “hanging points” in cells (recommendation 165).

The Law Society of Western Australia strongly shares the concerns so forcefully expressed by the Coroner’s Court of WA concerning the lack of progress being made in relation to the elimination of ligature points in prison cells.

In the circumstances could you provide the Law Society with details on what progress has been made since the decisions of the Coroner’s Court referenced in my letter and what further commitment the Western Australian Government is able to make to ensure that the urgent action recommended by the Coroner’s Court is actioned.

If you have any questions or wish to discuss the above, please contact Susie Moir, General Manager Advocacy and Professional Development on smoir@lawsocietywa.asn.au or telephone 9324 8646.

Yours sincerely



Paula Wilkinson
President