



---

**Parliament of Tasmania**

---

**LEGISLATIVE COUNCIL SELECT COMMITTEE**

**CORRECTIONAL SERVICES AND  
SENTENCING IN TASMANIA**

**MEMBERS OF THE COMMITTEE**

**Mr Wing (Chair)  
Mr Squibb**

**Mr Parkinson**

**Secretary :** Ms Inta Mezgailis  
Mrs Sue McLeod (from 9 June 1998)

## TABLE OF CONTENTS

	PAGE
<b><u>CHAPTER 1</u> – EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b><u>CHAPTER 2</u> – SUMMARY OF RECOMMENDATIONS .....</b>	<b>10</b>
<b><u>CHAPTER 3</u> – APPOINTMENT OF COMMITTEE .....</b>	<b>14</b>
<b><u>CHAPTER 4</u> – ACKNOWLEDGEMENTS .....</b>	<b>16</b>
<b><u>CHAPTER 5</u> – PURPOSE OF PRISONS .....</b>	<b>17</b>
<b><u>CHAPTER 6</u> – PRESENT FACILITIES .....</b>	<b>22</b>
Risdon Maximum Security Prison.....	22
Ron Barwick Medium Security Prison .....	26
Risdon Prison Hospital .....	26
Women’s Prison .....	27
Hobart Remand Centre .....	27
Hayes Prison Farm.....	27
Launceston Remand Centre .....	28
Burnie Police Cells .....	28
<b><u>CHAPTER 7</u> – SUITABILITY AND ADEQUACY OF     PRESENT FACILITIES .....</b>	<b>32</b>
<b><u>CHAPTER 8</u> – INTERSTATE AND OVERSEAS INSPECTIONS .....</b>	<b>38</b>
<b><u>CHAPTER 9</u> – FACILITIES RECOMMENDED FOR TASMANIA .....</b>	<b>65</b>
<b><u>CHAPTER 10</u> – PUBLIC, PRIVATE OR CONTRACTING OUT? .....</b>	<b>74</b>
Terminology .....	74
Historical Development of Private Prisons .....	76
Rationale for Private Prisons.....	78
Arguments Against Private Prisons.....	79
Evaluation of Arguments For and Against.....	80
The Extent of Cost Savings.....	88
Procedure for Contracting out in Other States .....	93
Transparency and Openness .....	96
Monitoring .....	97

	<b>PAGE</b>
Capture .....	99
Organisational Structure and Prison Tendering Procedures.....	99
Accountability .....	102
Financing.....	104
The Victorian Approach.....	105
<b><u>CHAPTER 11 – PRISON INDUSTRIES AND PROGRAMMES</u> .....</b>	<b>108</b>
<b><u>CHAPTER 12 – SENTENCING OPTIONS</u> .....</b>	<b>112</b>
Introduction .....	112
Custodial Sentencing of Fine Defaulters .....	117
The option to impose a fine without conviction .....	119
Probation.....	119
Parole.....	121
Victim-Offender Mediation.....	123
Periodic Detention .....	124
Leave of Absence Programme.....	131
Deferment of Commencement of Sentence .....	134
Serving Sentences During Annual Leave and .....	136
Other Specified Times	
Home Detention .....	138
Community Service Options.....	140
<b>APPENDIX ‘A’ – INTERSTATE MEETINGS</b> .....	<b>149</b>
<b>APPENDIX ‘B’ – OBJECTIVES OF THE VICTORIAN GOVERNMENT’S NEW PRISON PROJECT (NPP) ....</b>	<b>152</b>
<b>APPENDIX ‘C’ – ACHIEVEMENTS AND STRUCTURE OF VICTORIAN GOVERNMENT’S NEW PRISON PROJECT (NPP) .....</b>	<b>154</b>
<b>APPENDIX ‘D’ – COMMERCIAL ARRANGEMENTS WITH CONTRACTORS VICTORIAN GOVERNMENT’S NEW PRISON PROJECT (NPP) .....</b>	<b>157</b>
<b>APPENDIX ‘E’ – PROBATION AND PAROLE - TASMANIAN LEGISLATION .....</b>	<b>163</b>
<b>APPENDIX ‘F’ – INTENSIVE CORRECTION ORDERS .....</b>	<b>167</b>

<b>APPENDIX 'G' – OTHER JURISDICTIONS NOT VISITED .....</b>	<b>169</b>
<b>LIST OF REFERENCES.....</b>	<b>171</b>
<b>ATTACHMENT 1 – LIST OF WITNESSES .....</b>	<b>173</b>
<b>ATTACHMENT 2 – WRITTEN SUBMISSIONS TAKEN INTO EVIDENCE.....</b>	<b>175</b>
<b>ATTACHMENT 3 – DOCUMENTS TAKEN INTO EVIDENCE .....</b>	<b>177</b>
<b>ATTACHMENT 4 – MINUTES OF PROCEEDINGS.....</b>	<b>185</b>

## Chapter 1 - EXECUTIVE SUMMARY

In his epic autobiography “Long Walk to Freedom”, former President of the Republic of South Africa, Nelson Mandela wrote:

“It is said that no-one truly knows a nation until one has been inside its gaols. A nation should not be judged by how it treats its highest citizens, but its lowest ones – and South Africa treated its imprisoned African citizens like animals”.<sup>21</sup>

Applying this test to our State, Tasmania would not be judged well.

The overall conditions at the Maximum Security Prison at Risdon are worse than in any other prison visited by members of the Select Committee in Victoria, the A.C.T., New South Wales, Queensland and South Australia. This unfavourable comparison applies also to the prisons visited by one member of the Committee in England, New Zealand and Swaziland.

A former General Manager of Corrective Services in Tasmania has concluded that “the only institution in our society with which this facility could be closely compared is a zoo”.<sup>22</sup>

By contrast, the new Hobart Remand Centre, first occupied in January 1999, compares favourably with any of the prisons visited. It is not elaborate, but basic and secure. It provides acceptable working conditions for staff and an environment in which inmates may retain a reasonable degree of self-esteem. Similar conditions should be replicated in all sections of the Tasmanian prison system. This would bring them into line with modern prisons in other jurisdictions and increase the chances of successful rehabilitation of prisoners.

Conditions in other sections of the Tasmanian prison system are generally below reasonable standards. This Report deals with each separately.

The majority of prisoners are kept at the Risdon Maximum Security Prison. As conditions in most parts of the prison range from inferior to appalling, there is a compelling need either to upgrade or replace them.

The grossly inadequate facilities impose unnecessary strains on staff and prisoners alike. Unless replaced it is likely that tensions will erupt into a continuation of the damaging incidents at the Prison which have recurred with troubling regularity in recent months.

---

<sup>21</sup> Mandela, Nelson, *Long Walk to Freedom*, 1995 Edition, p. 233.

<sup>22</sup> Marris, Ben, *The Future of Prisons in Tasmania*, December 1995, p. 46.

Tasmania has a higher number of staff per prisoner than most other Australian jurisdictions due to the small size of Tasmania's prisons and their design.

The design of this prison was considered to be several decades out of date when it opened in 1960 and it is inappropriate for the Tasmanian climate. Any attempt to upgrade it to appropriate and acceptable standards and design would be unsuccessful and prohibitively expensive.

The Committee has concluded that Risdon Prison should be replaced and that this should be done with a degree of urgency.

Further, a full-scale review of all Corrective Services' facilities should be made with a view to developing a total prison structure in which the design and location of all facilities are appropriate to the needs and conditions in our State.

There is no doubt that successive governments have baulked at taking this action because of the high costs involved. Inaction has been aided by the lack of public awareness of the extent of inferior conditions at Risdon and the fact that there are no votes in prisons.

In the light of these circumstances the action of the previous Government in building the impressive new Hobart Remand Centre was both appropriate and commendable. The goal should now be to provide equivalent standard facilities throughout the prison system in Tasmania.

It is recommended that use of the Ron Barwick Medium Security Prison and the Risdon Maximum Security Prison should be discontinued as soon as possible – unless further refurbishment of the Ron Barwick Medium Security Prison makes it suitable, if considered necessary, for use as a periodic detention centre.

The Committee further recommends that the Hayes Prison Farm be closed and disposed of.

After careful consideration of all factors detailed in the body of this Report, the Committee has concluded that two new prisons should be constructed. One should be in Southern Tasmania and the other in the north at a location which makes it reasonably accessible to relatives of prisoners from the North and North West Coast centres.

Both should contain maximum, medium and minimum security sections together with a women's section, if practicable. In addition there should be provision for an induction section, the separation of protection prisoners, youthful and first offenders, periodic detainees and future expansion if required.

The design of each prison should be suitable for unit management in single cells with the number in each prison to be determined by the policy of the Government following consideration of the various recommendations in this Report.

Although the Committee favours a women's unit being included in each of the two new proposed prisons, it is acknowledged that the small number of women prisoners could cause social isolation for some of them. This would need to be taken into account before a final decision is made as to whether, regrettably, it may be necessary to continue to accommodate all women prisoners in only one of the two new recommended prisons; in this event, suitable transport arrangements should be made to facilitate family visits.

It must now be considered whether such proposals can be financed by the Government by conventional means or whether consideration should be given to alternative means of funding, such as some form of contracting out, commonly, but not entirely accurately, referred to as privatisation.

It is acknowledged that the Government may have difficulty in funding such a programme by conventional funding methods without significantly increasing the State debt. At a time when it is considered essential to reduce the State debt it is apparent that the archaic prison facilities are unlikely to be replaced if the Government needed to borrow money to finance this.

For Tasmania to have an appropriate prison system of acceptable standards alternative methods of funding may therefore need to be considered.

The Committee's first term of reference requires it to make particular reference to the "privatisation of prisons including design, financing, construction and administration".

In the course of discharging this responsibility the Committee has considered a large body of material including both written and oral submissions and transcripts of evidence. Visits have been made to a number of private and public prisons outside Tasmania, during the course of which many views and much valuable information has been obtained.

For the detailed reasons contained in this Report, the Committee is of the view that each facility and service in the Tasmanian prison system should be put out to tender on the basis that the Tasmanian Corrective Services Division and private companies experienced in providing corrective services should be eligible to tender.

It should be a requirement of the tendering process that at least one of the two new prisons remain under public management.

This would create a desirable and continuing competitive environment at both management and administrative levels and encourage cross-fertilisation whereby the better features of each system could be adopted by the other.

It would also help preserve, as far as possible, the valuable pool of experienced Correctional Services' staff and create new opportunities for those officers who may seek to transfer between the two systems for career opportunities.

If both new prisons were contracted out to the private sector, this would create a monopoly with potentially the same resultant problems as are evident in the present system; a total contracting out would also be unique in the world.

The most positive advantage for the State would be in the boost to the building industry exceeding \$40m to achieve two new prisons plus the recurrent cost savings estimated to be in the order of \$2m per annum below the present cost of just operating the existing outmoded system.

The plan envisaged by the Committee provides the Government with the means of building partnerships with the private sector to build, finance, own, operate and maintain this essential infrastructure in line with its innovative Industry Audit response.

Organisational structures must be put in place to ensure that there is an independent body responsible for seeking tenders and awarding contracts with total impartiality.

It is essential that the contracting out of any correctional service facility or service be accompanied by measures which ensure transparency and openness, probity, full accountability and appropriate monitoring.

The Committee believes that in keeping with the principles of restorative justice the sentencing process should aim to use imprisonment as a last resort for all but serious crimes and repetitive offenders.

Parliament should continue the practice of setting maximum penalties and should avoid setting minimum penalties as far as possible.

In relation to fine defaulters the Committee's view is that it makes economic nonsense to continue the policy of gaoling people who default in the payment of fines. Legislation should be enacted to enable asset seizure of non-essential chattels from the fine defaulter. Fine defaulters should also be permitted to register for and perform community service work in lieu of fine payments, without the need to return to court.

In appropriate cases Courts should be given the discretion to impose a fine upon a finding of guilt, without proceeding to a formal conviction.



Victim – Offender mediation programmes should be further explored and developed as part of the sentencing process and as a method of restoring property damage where appropriate.

Sentencing alternatives such as periodic detention and home detention give courts the appropriate flexibility to impose punishment relevant to the nature of the offence, the particular circumstances of the offender and the best interests of the community. These alternatives also provide a more cost-effective method of dealing with offenders where some deprivation of liberty is warranted short of the penalty of full-time imprisonment.

In appropriate cases, where a term of imprisonment has been imposed, offenders should be given a limited period of time to put their affairs in order prior to commencement of the prison term.

In cases where an offender is sentenced to a term of imprisonment not exceeding 3 months, courts should be given the discretion to order that the term be served during successive periods of annual employment leave.

The Community Service Order (CSO) sentencing scheme should be extended to include the “user pays” system developed in South Australia. The CSO scheme generally should also be used in conjunction with the home detention and periodic detention schemes.

Hon D.G. Wing MLC  
**Chairman**

Parliament House, Hobart  
3 September 1999

## Chapter 2 - SUMMARY OF RECOMMENDATIONS

1. That each facility and service in the Tasmanian Corrective Services Division be put out to tender on the basis that the Tasmanian Corrective Services Division and private companies, experienced in providing Corrective Services, should be eligible to tender.
2. That funds be made available on an emergency basis to ensure that all suspension or "hanging points" are removed from any facility under the jurisdiction of the Tasmanian Corrective Services Division.
3. That whilst Hayes Prison Farm continues to be used as a Correctional Services Facility, the former staff cottages be used to accommodate prisoners prior to their release to help them prepare for the resumption of normal life in the community.
4. The Committee recommends that the Risdon Maximum Security Prison, the Ron Barwick Medium Security Prison, the Women's Prison and Hayes Prison Farm all be replaced by two new prisons – one accessible to the main centres of population in Southern Tasmania and another in the northern part of the State, reasonably accessible to both northern and north-western Tasmania.
5. That each prison should :
  - (a) accommodate male and female maximum, medium, minimum and protection classification prisoners,
  - (b) include an induction unit,
  - (c) contain units for youthful offenders and prisoners entering prison for the first time for less serious offences,
  - (d) contain a medical centre,
  - (e) cater for periodic detainees, provided the Government adopts the Committee's recommendations to introduce a periodic detention scheme; and
  - (f) contain provision for expansion, if necessary.
6. Each new prison should contain facilities for industry, training and educational programmes.
7. The Committee recommends that contracts for private prisons and operational manuals be readily available for public inspection and scrutiny, subject only to the exclusion of very limited material of a commercially confidential nature in contracts and of security procedures in operation manuals.

8. That the Tasmanian Ombudsman continue to have jurisdiction to monitor complaints made in any section of the Corrective Services Division, with authority to make recommendations to the Attorney-General and to make reports to Parliament.
9. That the Ombudsman be empowered to appoint appropriate people as official visitors to inspect Corrective Service facilities on a regular basis with power to report both to the Minister for Corrective Services and the Ombudsman.
10. That the responsibility for Corrective Services in Tasmania be divided between two bodies. The first to be a Commission responsible for overall control of Corrective Services, including policy making, regulation and audits. The second body is to be a government owned corporation responsible for the public prison system in Tasmania as a service provider.
11. Consideration be given to redrafting the Tasmanian Criminal Code Act to group categories of offences relating to similar subject matter and to provide maximum penalties for each group which reflects parliament's view of the level of severity which is appropriate;
12. That a Business Unit be established within the Tasmanian Prison System to train and employ prisoners in industries which are relevant for future employment opportunities. As far as possible these industries should be conducted in co-operation with private enterprise.
13. That all prisoners be required to be involved either in prison industry employment, prison work or educational, vocational, rehabilitative or personal development programmes for a significant part of each day.
14. Appropriate offences over which the Court of Petty Sessions has jurisdiction be grouped or banded to provide consistency between offences, thereby enabling courts to determine the place in the sentencing range that the particular offence deserves;
15. That legislation be introduced to facilitate asset seizure of non-essential chattels of fine defaulters.
16. That a mechanism be established to enable fine defaulters to register for and perform community service work in lieu of payment of fines, without the necessity to return to court.
17. That Section 7 of the Sentencing Act 1997 be amended to give courts the power, having already made a finding on the question of guilt, to impose a fine without proceeding to record a conviction.

18. That a Periodic Detention Scheme be implemented in Tasmania providing for:
  - (a) the establishment of Periodic Detention Centres which are accessible to the three regions, whether in the two prisons recommended by the Committee or in other suitable facilities;
  - (b) offenders ordered by Courts to be held for the term of their sentence in a legally proclaimed prison or Periodic Detention Centre for two consecutive days within a one week period – either at weekends or during the week; and
  - (c) a Stage 2 of the programme requiring offenders order by the court to be held only during the day for only eight hours for two days within a one week period – either at weekends or during the week.
19. That the Leave of Absence programme be continued in accordance with the relevant provisions of the Corrections Act 1997.
20. That where appropriate, offenders be given a limited period of time to put their affairs in order after being sentenced and prior to the commencement of imprisonment.
21. That in the case of prison sentences not exceeding three months, courts be empowered in appropriate cases, to order that sentences be served over a period not exceeding three years, during the prisoners annual leave or such other periods that the court deems appropriate.
22. That a Home Detention Scheme be introduced in Tasmania and electronic surveillance be used to monitor participants.
23. That where appropriate, a combination of both Home Detention and Community Service Orders be used.
24. That Community Service Orders continue to be used as a sentencing option.
25. That consideration be given to implementing a “user pays” Community Service Orders Scheme, along similar lines to that operating in South Australia.
26. That the outsourcing of part-custodial an non-custodial programmes be market tested
27. In the event of the Launceston Remand Centre and the Burnie Police Cells continuing to be used that they be substantially upgraded.

28. That all persons directly involved in the making and administration of laws, such as members of Parliament, judges, and magistrates should periodically inspect prison facilities and operations.
29. That the Tasmanian Government consider the establishment of a forum, representative of local government, education, justice, police, youth and other relevant agencies to meet regularly to discuss issues relating to all aspects of crime prevention.

### **Chapter 3 - APPOINTMENT OF THE COMMITTEE**

The Select Committee was appointed by the Legislative Council on the 14th day of October 1997 "to inquire into and report upon the operation of Correctional Services and Sentencing in Tasmania, with particular reference to –

- (1) privatisation of prisons including design, financing, construction and administration;
- (2) sentencing involving the deprivation of liberty of offenders;
- (3) rehabilitation and parole of persons serving terms of imprisonment and allied matters;
- (4) matters incidental thereto;

and that -

- (5) hearings of the Committee be open to the public and accredited representatives of the media unless the Committee resolves otherwise;
- (6) the Select Committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the Committee prior to such evidence being reported to Council."

The Select Committee was disbanded due to prorogation on 17 March 1998 and re-established on 24 March 1998 and disbanded again on 29 July 1998 for the State election held on 29 August 1998 and re-formed on 6 October 1998.

Twenty-five written submissions were received and verbal evidence was given by sixteen witnesses in Tasmania.

In addition the Committee interviewed more than fifty witnesses and inspected Correctional Service facilities in the A.C.T., and the mainland States referred to in the Executive Summary and detailed in Appendix A. Individual Committee members also separately visited other facilities in other States and overseas. The witnesses included many who have considerable expertise and experience in prison administration, design, construction and financing and others who were experienced and learned in matters of sentencing.

Valuable information was also gained from the learned work of Professor Richard W. Harding of the University of Western Australia entitled "Private Prisons and Public Accountability".<sup>23</sup>

---

<sup>23</sup> Harding, Richard W., *Private Prisons and Public Accountability*, 1997.

## **Chapter 4 - ACKNOWLEDGEMENTS**

The Committee extends its appreciation and thanks to all who participated in this inquiry. The information and support given during all interstate and overseas visits was of great benefit.

In particular the Committee would like to recognise and thank Ms Inta Mezgailis, Mrs Sue McLeod and Ms Marina Furescu for their valued assistance, as well as those who have provided secretarial assistance.

The Committee is especially grateful to the Secretary of the Department of Justice and Industrial Relations in Tasmania and officers of the Corrective Services Division for their assistance throughout the inquiry.



## Chapter 5 - PURPOSE OF PRISONS

In any democratic society there is a general community expectation that the system of criminal justice will deal effectively, appropriately and efficiently with people who break the law. This includes the notion of punishment and condemnation of criminal behaviour, with appropriate provisions for reparation for the victim and rehabilitation of offenders to reduce re-offending.

In modern democracies the community expectation of prisons is that imprisonment should be the punishment of last resort and this is the position adopted in theory by Tasmanian and other Australian jurisdictions for the following reasons (inter alia) :

- the rehabilitation of most offenders is demonstrably more effective when the offender remains a part of the wider community.
- prisons can and do increase the risk of re-offending through association, and young offenders are particularly vulnerable in this regard.
- imprisonment may impose severe economic and personal hardship on otherwise innocent family members.
- prison is the most expensive option for the community in dealing with offenders.
- the spread of infectious diseases within the prison environment and ultimately back to the wider community poses a more recently recognised potential problem for prisons.

While imprisonment is generally considered the punishment of last resort, it can be the most appropriate response to criminal behaviour in some cases for the following reasons : -

- the need to protect the community at large by removing the offender from the opportunity to re-offend for a period of time.
- the need for society to demonstrate that serious offending behaviour will not be tolerated and can be dealt with in an appropriate way.
- The need for an alternative penalty for people who fail to respond appropriately to non-custodial sanctions.

It has long been recognised that "it is particularly inappropriate for young people to be detained in prison, unless there are exceptional circumstances. There is

substantial evidence that the experience of prison is more likely to confirm young people into a criminal career than to deter or rehabilitate them”<sup>24</sup>. The vulnerability of the young to sexual abuse in prisons is also a recognised fact.

Table 1 sets out the ages of persons sentenced over the ten years between 1990 and 30 April 1999.

**Table 1 – Sentenced Persons Age Groupings**

Year	16-17	18-19	20-24	25-29	30-39	40-49	50-59	60 & over
1990	11	69	230	141	125	54	26	3
1991	13	72	234	164	82	70	25	6
1992	19	84	280	154	164	63	30	6

Year	16-17	18-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 & over
1993	7	71	255	199	127	76	34	29	14	6	7
1994	8	70	260	174	125	74	35	42	9	8	8
1995	14	76	196	149	113	65	44	24	9	9	6
1996	22	82	174	148	95	69	34	33	4	6	2
1997	17	71	182	120	95	75	42	37	11	9	10
1998	23	69	171	130	83	65	42	27	9	6	0
1999*	25	82	216	143	110	70	43	33	19	4	10

\* Figures for 1999 are to 30 April only

Former General Manager of Corrective Services, Tasmania, Mr Ben Marris, cites a useful quote from a United Nation’s publication by L Fairweather,

“There have been three main, overlapping, epochs in the history of prisons in the western world. The first was one of revenge and repression; it lasted many centuries and was characterised by private dungeons and personal spite. The second was brought about by religion (the Roman Catholics and the Quakers) but society still demanded retribution. The third and much more recent, offered restitution and rehabilitation in an effort to protect society and reform the offenders; but even this has been dubbed as ‘uniformly ineffective’.

There has to be a fourth, or perhaps it is a development of the third. The key words in this epoch are community and normality.”<sup>25</sup>

<sup>24</sup> Tasmanian Government 1992, *Corrective Services and the Response to Crime Tasmania – Policy Paper*.

<sup>25</sup> Fairweather, L. in Marris, Ben, *The Future of Prisons in Tasmania*, 1995, Corrective Services, Tasmania, p. 12.

Over the past 25 years the notion that a prison can, on the one hand, be a place of incarceration separating offenders from society for varying periods, and yet on the other operate as an integral part of the wider community, has assumed increasing prominence. This is in tandem with the search for a system to minimise the incidence of re-offending (recidivism), and thus the overall cost to society in both social and economic terms.

There is a view that the Committee believes underscores the required aims of the system. That view in effect says “that all the prison system can hope for is to ensure that prisoners leave the system no worse than when they entered”. The learned author, Mr Rupert Cross subscribes to this view in the following passages :

“...the chances of deterioration in prison are at least as great as those of reform”,<sup>26</sup> and the “...main aim of prison reform should be the prevention of prisoners’ deterioration”.<sup>27</sup>

In his report to the Victorian Government in 1988 on the Leave of Absence Programme for Prisoners, the Hon. B.L. Murray QC, CBE made the following statements :

“...most people recognise – certainly there would be little dispute amongst the judiciary – that placing a person in prison is [a] grave step. There is little evidence to suggest that prisons have been, are, or will be, places of reformation; on the contrary, they are places that can, by their very nature, cause considerable damage”.<sup>28</sup>

“We must always keep in mind that as part of its obligations, the OOC [Office of Corrections] must not only protect society from prisoners while they are in prison; it must also equip them in a way that lessens their potential to create more victims on their release”.<sup>29</sup>

In his evidence to the Committee, Mr Peter Roach stated :

“...first of all you must recognise that for some there is no alternative for imprisonment as we know it; secondly the imprisonment is rarely, if ever, an effective cause of reform and, thirdly, it commonly encourages criminality”.<sup>30</sup>

---

<sup>26</sup> Cross, R., *Punishment, Prison and the Public*, 1971, p. 84.

<sup>27</sup> *Ibid.*, pp. 85-86.

<sup>28</sup> Murray, B.L., Review of the Leave of Absence Programme for Prisoners, August 1988, p. 20.

<sup>29</sup> *Ibid.*, p. 25.

<sup>30</sup> Roach, P. Transcript of Evidence – 21 July 1998, p. 11.

“...crime must be punished and effectively punished. There must be a real deprivation, but it should not be destructive or corrupting”.<sup>31</sup>

The Hon. F.M. Neasey A.O. emphasised the importance of humane treatment of prisoners and the need to prepare them for reintegration into the community to minimise the risk of their re-offending in the following terms:

“...a humane and efficient prison service provides as well as it is able for the needs of its prisoners in such areas as health, welfare, psychological and vocational needs.

It makes good sense to do this for a number of reasons. Prisoners who feel that a genuine attempt is being made inside the prison to help them learn how to lead a more orderly and constructive life tend to reduce tension and aggression between themselves and between prisoners and staff. They are more likely to become accustomed to lawful and regular patterns of living, and to adopt them when they are released.

Almost all prisoners must eventually return to the ordinary community. It is better for the community and for them if they can remain law-abiding when they do return. There is more chance of their doing so if they have been humanely and justly treated within the prison and given opportunities for self-development.

Besides, it is immoral for the State to lock people up and wholly waste their time, rather than try to use it constructively.

The cost to the community of running prisons decreases as security levels decrease; and obviously, if rates of recidivism and crime rates generally can be reduced or at least contained, the community benefits”.<sup>32</sup>

As Mr Marris further points out,

“... there has been a growing recognition that traditional, large ‘fortress’ prison institutions generate an internal social culture which is largely inconsistent with normal community values and cultures. If a prisoner becomes well adapted to this environment then he is almost certainly maladjusted to the rest of the world.

In response to this most new prison buildings in recent years have divided the inmate population into separate living units which have some semblance of normality. Cells open to living areas with

---

<sup>31</sup> Roach, op. cit., p. 16.

<sup>32</sup> Neasey AO, The Hon. F.M., *Report of an Inquiry into the System of Classification of Prisoners in Tasmania and Other Related Matters*, 1993, pp. 5-6).

kitchens and dining spaces enabling relatively normal or 'domestic' recreation. This contrasts with the traditional cell block and recreation pacing in a walled or fenced yard.

The emphasis on 'rehabilitation' to which Fairweather refers has moved on to place a greater emphasis on 'reintegration' or preparation to return to the community."<sup>33</sup>

In following the principle that prisons should only be used as a last resort in the sentencing process, and in order to reduce the social and economic costs of imprisonment, most Australian jurisdictions have in recent years moved further down the path of alternative sentencing options. Expanded community service programmes, home detention, and periodic detention are examples of this.

With individual prisoners, the modern emphasis is to structure their term by developing programmes to prepare them for their eventual return to society.

In well-managed prisons, prisoners are far from idle. On the contrary their days are filled with a range of programmes through which they progress in accordance with individual pre-assessed needs.

In these programmes professionally trained Corrective Services personnel work with offenders with the aim of preventing them from continuing to commit crime. Programmes target factors directly related to the offending, which are amenable to change. These include anti-social attitudes, self-control, problem-solving skills and substance abuse. There are also educational and vocational based programmes, including prison industries.

In this way prisoners have the opportunity to acquire a range of personal, social and work related skills to better equip them for a responsible and productive role upon their return to society.

Likewise it is recognised that the placement and design of smaller prisons nearer to the local communities from which people are sentenced is a far more effective way to deal with those persons who must be imprisoned.

The purpose of a prison is not to further punish. The Courts in sentencing the prisoner determine the punishment and prison is the place where that punishment is served; but once there, the role of "prison" is to manage the eventual return of the prisoner to the community. In commodity terms the aim is to improve the product, not to oversee its deterioration, otherwise the community in general will be the worse for the experience in the longer term.

"One goes to prison as punishment not *for* punishment".<sup>34</sup>

---

<sup>33</sup> Marris, Ben, op cit, p. 13.

<sup>34</sup> Harding, op. cit., p. 92.

## **Chapter 6 - PRESENT FACILITIES**

### **Overview of Corrective Services Facilities in Tasmania**

At the outset it is appropriate to provide a broad description of each of the facilities of the Tasmanian Prison System, based on written submissions, verbal evidence and personal observations.

These comprise:

- Risdon Maximum Security Prison
- Risdon Prison Hospital
- Ron Barwick Medium Security Prison
- Women's Prison
- Hobart Remand Centre
- Hayes Prison Farm
- Launceston Remand Centre
- Burnie Police Cells

### **Risdon Maximum Security Prison**

This 349 cell prison was opened in 1960 as a maximum security prison. The basis of the design emanated from the United States of America and it was considered to be several decades out of date when it opened. It was certainly inappropriate for the Tasmanian climate – temperate though it is.

The number of cells far exceeded any likely requirements at the time of construction or since. The Corrective Services Division advised that between 1992 and 1997 the entire prison system had an average of between a total of 250 and 300 inmates spread through all the facilities. Only a small percentage of these required maximum-security accommodation so the provision of 349 maximum security cells at Risdon alone has been quite excessive and operationally expensive.

The conditions at this prison range from satisfactory in some parts to appalling in others. In a paper prepared in December 1995, Mr Ben Marris had this to say of the Maximum Security Prison:

“The system is dominated by the Risdon Maximum Security Prison which was built to an American “self-enclosed” design and was opened in 1960. In commenting on this architectural style Fairweather

says that *“these prisons are not satisfactory...Administration is difficult; proper classification is impossible; the placing of the various units is dictated by the peculiar plan arrangement; space within the prison is restricted”*. He then quotes Hopkins as saying *“This is one way to economise on wall, but at the expense of good prison planning. The designer who tries to make any building serve two purposes ends by making it successful in neither”*.

While some recent modifications have enabled the introduction of a form of unit management, this facility is still fundamentally inappropriate. It operates as a series of cages and cells which open to exposed yards. It is devoid of any of the normal features of a dwelling or residential facility.

The only institution in our society with which this facility could be closely compared is a zoo. It would be difficult to design an institution which would be more calculated to promote an alienated sub-culture, entirely inconsistent with desirable normal social behaviour and values”<sup>35</sup>.



**N Division – Risdon Maximum Security Prison**

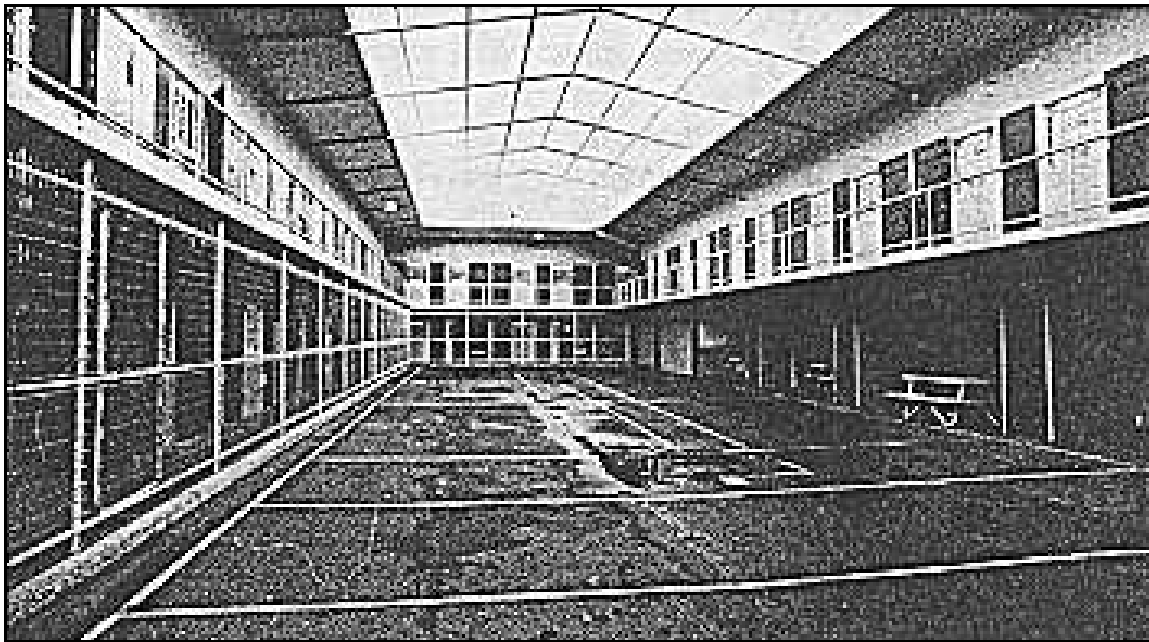
---

<sup>35</sup> Marris, Ben, op. cit., p. 46.

In an interview on ABC Radio, Mr Marris added to these comments as follows :

“I think you’ve got a prison that basically treats people like animals. It comes from an era when they thought prisons were excessively about retribution and repression. ... It’s very difficult when you’re locking people up in cages as though they’re animals, to also treat them decently and also prepare them to return to the community”.<sup>36</sup>

The main divisions at Risdon Prison consist of two storeys of cells which surround a small rectangular bitumen area which, until very recently, has had little protection from inclement weather.



### **Risdon Prison Exercise Yard**

When it rains the bitumen surface becomes wet, making the area totally unsuitable for recreation, especially during cold weather.

This is in direct contrast to modern prisons where the cells open into enclosed living areas. It is said that comparisons are odious, and they certainly are in this case.

The whole situation mitigates against normality, successful rehabilitation and adequately preparing prisoners for reintegration into the community.

The conditions in N Division (reminiscent of solitary confinement) represent an affront to humanity and the damp conditions alone must have been repeatedly

---

<sup>36</sup> Marris, Ben, Transcript of ABC Radio interview – 1 April 1999.



health threatening. The conditions in this section of the prison are totally unsuitable for both inmates and staff. It is surprising that health authorities have not condemned these cells as being unfit for human habitation.

When members of the Committee described N Division to a NSW Superintendent of Corrections he responded - "can I tell you my experiences with people in conditions like that, you treat them like animals and they react like animals".

Following the closure in February 1997 of the Ron Barwick Medium Security Prison for budgetary reasons, part of the recreation area in A Division was enclosed to accommodate inmates classified as medium security.

The outdated, sub-standard conditions in this prison are aggravated by the lack of funding to provide for maintenance, equipment replacement and the increased number of personnel required to operate the inefficiently designed facility.

The Committee was told that the antiquated infrastructure at Risdon was costly to maintain and that the situation has been exacerbated by a reduction in funding and of maintenance staff to three.

The industries section is under-staffed. Four more staff are needed to generate the appropriate level of activity to help keep inmates occupied and to provide vocational training.

The Committee was told that there is a cumbersome roster with high levels of overtime, especially in the escorting area of operations.



**Aerial view of Risdon Prison**

## **Ron Barwick Medium Security Prison**

This is located outside the perimeter of the Maximum Security Prison and contains thirty six cells and an indoor recreation area.

The use of this prison provided an incentive for inmates of the Maximum Security Prison to strive to achieve a medium security classification in order that they may be transferred to the better conditions in the Ron Barwick Prison.

The closure of this prison in February 1997 for budgetary reasons reduced this incentive which was obviously helpful to staff in managing inmates. As a result, medium security prisoners are now kept in a medium security unit which has been developed within the maximum security complex. This was achieved by separating two of the six cell divisions with physical barriers and providing a new entrance to this unit and some limited enclosed recreational accommodation.

Evidence was taken that the unavailability of the Medium Security Prison means there is now one fewer option available in determining where to locate inmates resulting in numbers in the remaining divisions becoming correspondingly greater. This naturally creates additional management pressures both in the maximum security section and also at Hayes Prison Farm as the flow-on effects have slightly increased the population at Hayes in recent years.

Some cells in this prison have been refurbished as temporary accommodation for six male youths from the Ashley Detention Centre.

## **Risdon Prison Hospital**

The Risdon Prison Hospital was constructed in 1978 and the Committee was told that it provides the following four types of service to the whole prison system:

- Medical assessment on reception;
- Outpatient care;
- Inpatient care; and
- Inpatient psychiatric care.

The Risdon Prison Hospital is located within the Risdon Maximum Security Prison and has 28 single cells. The atmosphere is significantly better than in the cell divisions of the main prison but it is considered by some to be poorly designed.

Some pressure will be removed from the Risdon Prison Hospital as a result of a recently approved proposal involving a re-development of facilities in the Royal Derwent Hospital at New Norfolk, including the construction of a new Forensic Psychiatric Unit. This will assist in catering for a small number of psychiatrically disturbed inmates who have to date been housed at the Risdon Prison Hospital.

## **Women's Prison**

This independent unit, situated outside and adjacent to the Risdon Maximum Security Prison, was built in 1963 as a maximum security facility. Although it accommodates all classifications of female inmates, it continues to operate as such. A system of compensatory privileges applies in relation to medium and minimum classified prisoners.

The Women's Prison comprises 23 single cells and is able to cater for young children of inmates, where it is considered to be in the best interests of the child to remain with its mother.

Both the atmosphere and physical environment of this facility are superior to the men's maximum security prison. One significant contributing factor is the design of the women's complex with cells and other indoor areas entirely enclosed and interconnected by corridors. This is in direct contrast to the way both levels of cells in the men's prison open more or less directly into courtyards largely open to the elements.

The Women's Prison, though clearly retaining its institutional character, benefits further from a large aviary as well as pleasant lawns and gardens, visible from many parts of the interior of the complex. The effect produced by most women inmates, regardless of the length of time they spend in custody, tending to personalise their cells and contributing less obviously to the general wear and tear of their surroundings should also not be underestimated.

## **Hobart Remand Centre**

This multi-level Centre was first occupied in January 1999 and is set back from Liverpool Street, adjacent to the Hobart Magistrates Courts and Police Headquarters. It contains 40 remand cells and 10 cells for watch-house cases.

It is of modern design with up-to-date electronic security equipment. In terms of Correctional Services facilities for remandees, it is of a high standard and comparable to similar modern facilities in other states and overseas.

## **Hayes Prison Farm**

Located close to New Norfolk, this minimum security prison accommodates up to 70 inmates, although the average population is approximately 48.

A two-storey fifty-cell boomerang shaped block was built in 1964. At the same time a building was constructed to house administration, stores, dining, kitchen and ablution facilities. In 1966 a rectangular single storey block of twenty cells was built.

Some prisoners work in the dairy industry on the farm, others are engaged in prison maintenance, vegetable growing and processing, with light fabric manufacturing and worm farming being recent additions to the activities.

It is an open prison, not enclosed by walls or security fences, although inmates are locked in their cells overnight. The cell-block design and conditions are below average standard.

## **Launceston Remand Centre**

This has been described as an “horrendously bad building”<sup>37</sup> and since the mid 1970s has provided short-term accommodation with 33 cells. It is located in the main Launceston Police building and provides short-term remand and watch-house accommodation.

The centre was transferred from Police to Corrective Services in 1991 and modified. Bars on the doors were replaced with solid doors. There are two observation cells.

## **Burnie Police Cells**

These are in the basement of the Burnie Police building and were built in 1987. There are 24 cells which are poorly ventilated and of inferior standard.

These cells are only for watch-house purposes. Sentenced prisoners are transferred to Launceston.

The table below sets out the operational capacity and average occupancy levels of the available accommodation in Tasmanian facilities during 1997-98 and from July 1998 to 30 April 1999.

**Table 2 – Occupancy Levels**

<b>Institution</b>	<b>Staffed Operational Capacity</b>	<b>Average Occupancy 1997-98</b>	<b>Average Occupancy 1998-99 to 30 April</b>
Risdon Maximum Security (Male)	216	142.67	186.20
Prison Hospital	28	18.71	21.63
Medium Security Division	45	29.82	34.05
Women's Prison	23	7.48	12.54
Hayes Prison Farm	68	58.09	56.62
Launceston Prison	33	9.09	13.88
Ashley Detention Centre*		2.76	3.47
<b>TOTAL</b>	<b>413</b>	<b>268.62</b>	<b>328.39</b>

<sup>37</sup> Marris, Ben, *Transcript of Evidence* – 14 April 1999, p. 22.

Table 3 shows the distribution of the prison population on 30 June over the past seven years to 1998 and the distribution of the prison population on 30 April 1999.

**Table 3 – Prison Population Distribution 1993 to 30 April 1999**

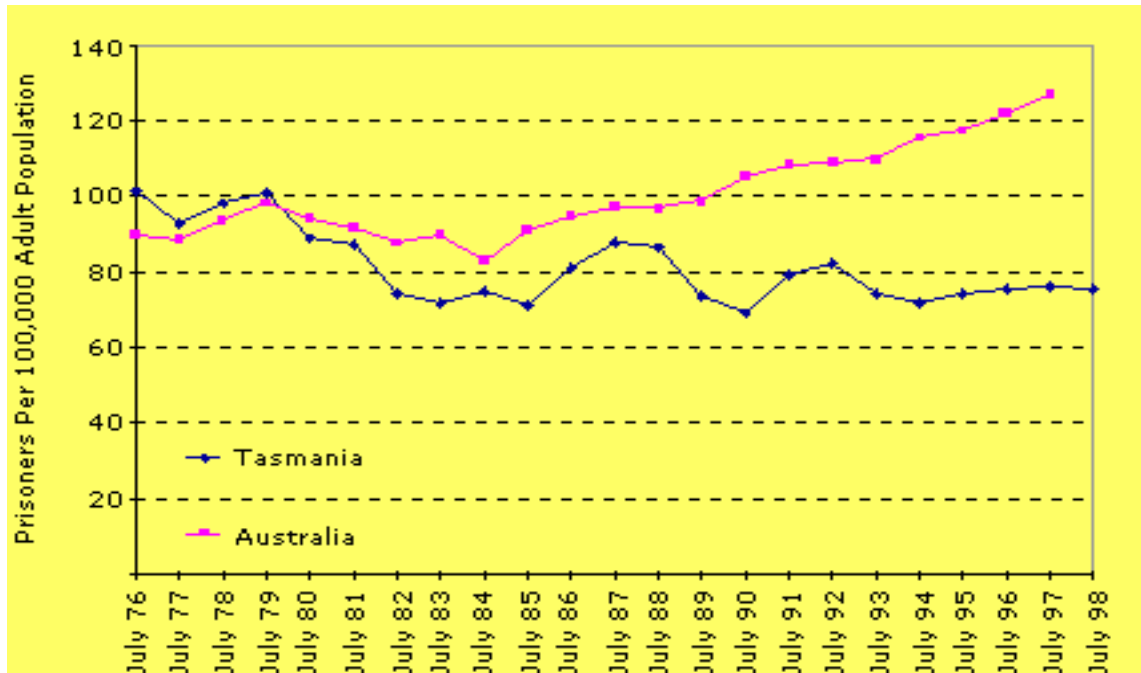
Year	Risdon Male #	Women's	Medium Security	Hayes	L'ton	Ashley*	Total
1992	153	5	31	62	15	3	269
1993	171	8	26	45	11	4	265
1994	160	8	28	48	7	7	258
1995	160	6	27	39	11	1	244
1996	197	8	26	47	3	4	285
1997	146	5	34	64	12	2	263
1998	182	13	34	67	14	4	314
1999	213	15	30	56	13	3	330

\* These statistics relate only to detainees in the Ashley Detention Centre under the control of the Corrective Services Division, Department of Justice. All others are the responsibility of the Department of Health and Human Services.

# Maximum includes prison hospital

The following table contains details of the rates of imprisonment since 1976 in Tasmania, compared with the Australian average.

**Table 4 – Imprisonment Rates per 100,000 persons over 18 years of age Australia and Tasmania comparison**



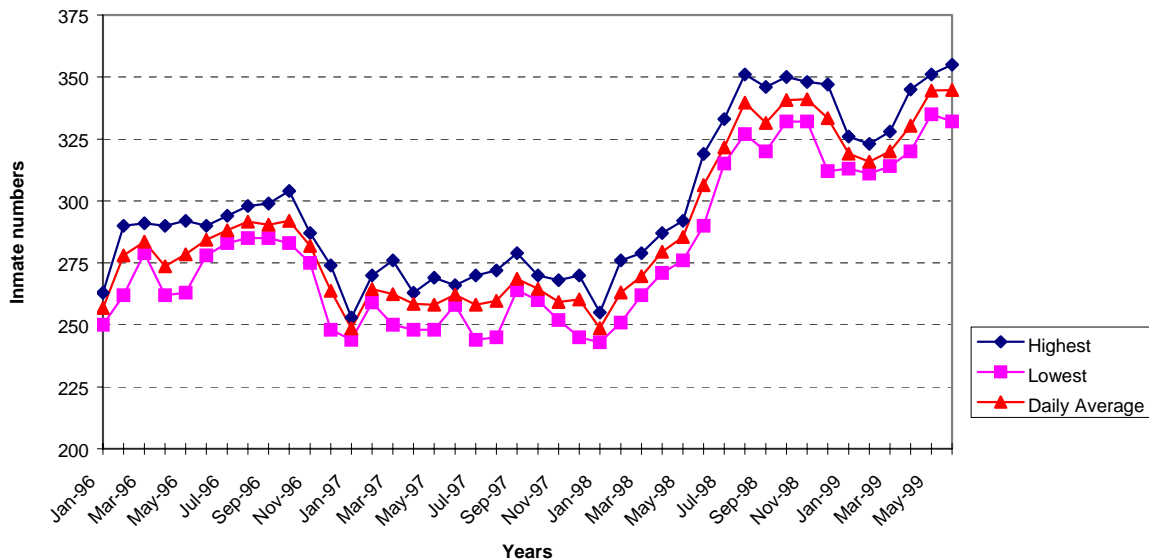
Prison numbers in all Australian jurisdictions since 1988 are set out in Table 5. These show that until recently Tasmania did not follow the national trend of steady increases in numbers.

**Table 5 – Prison Numbers June 30 – 1988 to 1998**

	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUS
1988	4691	2071	2374	1649	844	297	381	14	12321
1989	5261	2256	2390	1568	871	245	351	22	12964
1990	6366	2316	2296	1720	931	237	415	24	14305
1991	7103	2310	2094	1726	1042	265	465	16	15021
1992	7485	2277	2017	1893	1152	269	447	19	15559
1993	7632	2272	2068	2029	1163	265	422	15	15866
1994	7711	2522	2491	2137	1348	258	455	22	16944
1995	7749	2467	2870	2205	1401	244	471	21	17428
1996	7691	2440	3528	2254	1475	285	482	38	18193
1997	7957	2643	3839	2245	1492	263	606	37	19082
1998	7810	2858	4466	2352	1385	314	635	37	19906

Sudden increases in prison numbers naturally cause difficulties for prison management. The extent of the recent escalation in numbers in Tasmania can be seen clearly in the following table, which shows movements in terms of months.

**Table 6 – Tasmanian Prison Population statistics showing monthly levels from January 1996 to June 1999**



The sharp increase in prison numbers in recent years was largely unexpected. The predictions made by Mr Marris in 1995 are therefore understandable.

“There is no statistical basis on which to anticipate an increase in the total prison population. However, allowing for some increase through policy changes it is reasonable to anticipate that the total number of prisoners and remandees will continue to fluctuate between 200 and 300 with some potential for reduction.

Given an anticipated maximum demand of 300 it is recommended that 345 beds be provided. This is 30% above average population and 15% above the anticipated maximum”.<sup>38</sup>

The Committee can well understand any sense of frustration which may have been felt by the Secretary of the Department of Justice, Mr Richard Bingham, when he wrote to the Ombudsman in the following terms:

“...the incident of 12 October was one of a series of major incidents of escape and prisoner disturbance which occurred during a period in which the Prison Service was endeavouring to cope with a significant, and rapid, increase in inmate numbers without any concomitant increase in resources. On 12 October 1997 262 inmates were in custody. By 12 October 1998 this number had risen to 339 – a 29.4% increase”.<sup>39</sup>

A Department starved of funds with deficient facilities is ill-equipped to provide a standard of service to which it undoubtedly aspires.

The Committee’s recommendations pave the way for Tasmania to have an affordable prison service of which all citizens may be proud.

---

<sup>38</sup> Marris, *op. cit.*, p. 2.

<sup>39</sup> Bingham, Richard, Secretary, Department of Justice, Letter to Ombudsman dated 30 March 1999, p. 1.

## **Chapter 7 - SUITABILITY AND ADEQUACY OF PRESENT FACILITIES**

Of all the facilities comprising the Tasmanian Prison System the new Hobart Remand Centre stands out as being the only one which is suitable and adequate for its purpose.

The design, electronic security system and general atmosphere is far superior to that existing in any other Tasmanian Corrective Services facility. None of the others bears any comparison.

The majority of prisoners are kept at the Risdon Maximum Security Prison. As conditions in most parts of the prison range from inferior to appalling, there is a compelling need either to upgrade or replace them.

The grossly inadequate facilities impose unnecessary strains on staff and prisoners alike. Unless replaced it is likely that tensions will erupt into a continuation of the damaging incidents at the Prison which have recurred with troubling regularity in recent months.

Tasmania has a higher number of staff per prisoner than most other Australian jurisdictions due to the small size of Tasmania's prisons and their design.

The design of this prison was considered to be several decades out of date when it opened in 1960 and it is inappropriate for the Tasmanian climate. Any attempt to upgrade it to appropriate and acceptable standards and design would be unsuccessful and prohibitively expensive.

These views are reinforced by the following passage of evidence given to the Committee by Mr Richard Bingham:

“Can I just make the point that the issue that we have with Risdon Prison at the present time is that it is an asset which, apart from being old, is out of alignment with the nature of the service that we want to provide”.<sup>40</sup>

The Committee has concluded that Risdon Prison should be replaced and that this should be done with a degree of urgency.

---

<sup>40</sup> Bingham, Richard, Transcript of Evidence – 17 December 1998.



The submission of the Corrective Services Division identifies the following problems arising from design deficiencies :

- “the number of staff required to supervise internal inmate movement, for purposes such as showers, forensic/medical consultation, eating, recreation, education and industry.
- open, wet, cold yards.
- hard to heat cells
- physical barriers between staff and inmates”<sup>41</sup>

It is a matter of concern that notwithstanding coronial recommendations and the requirements of the Royal Commission into Aboriginal Deaths in Custody some cells still contain suspension or ‘hanging points’. Funds should be made available on an emergency basis to ensure that they are all removed immediately.

In a Report to the Attorney-General and Minister for Justice in April 1999, in which he found, inter alia, that “prisoners had been placed unlawfully in ‘N’ Division for long periods of time”.<sup>42</sup> The Ombudsman referred to :

“The Directors Standing Order No. MAX2 relat[ing] to ‘N’ Division and the detention of prisoners within that section. Item No. 3 in that order is a follows:

Officers are reminded that all persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person”.<sup>43</sup>

Given the appalling conditions in ‘N’ Division, it is difficult to imagine how anyone incarcerated there could be regarded as being treated with humanity and respect for human dignity.

In dealing with the design of Risdon Prison, Mr Neasey made the following observations :

“...The whole Prison was designed for maximum security accommodation, which was then and has remained much in excess of real needs. It had many design defects as well, as described comprehensively in the Grubb Report.

---

<sup>41</sup> Corrective Services Division, Department of Justice and Industrial Relations, Submission to Legislative Council Select Committee on Correctional Services and Sentencing in Tasmania – Overview and first Term of Reference, December 1998, p. 9.

<sup>42</sup> Report of Tasmanian Ombudsman, Risdon Prison Investigation, October 1998-February 1999, p. 2.

<sup>43</sup> Ibid., p. 39.

No provision was made originally on the Risdon Prison site for medium or minimum security accommodation, with the result that a number of male prisoners who should properly be classified as medium or minimum, and housed and treated accordingly, continue to be detained in the maximum security prison".<sup>44</sup>

A former prison officer based at Risdon Prison some years ago made the following comments to the Committee :

“the worst thing I found about Risdon... was that if there was any uprising or cause of concern in one unit it actually spread very quickly towards the upper units because they were all side by side.”

This former officer pointed out that it was very difficult to isolate areas and exercise any flexible management procedures and made the point that the prison was very labour-intensive in its design. He advocated “putting a bulldozer through it”.

Although the design of the Ron Barwick Medium Security Prison is outdated and largely inappropriate for the Tasmanian climate, it has served an important purpose in giving prisoners in the maximum security section an incentive to earn the right to be transferred to the better conditions existing in this facility.

As mentioned, for budgetary reasons, regrettably, this section was closed in February 1997. It has now been converted for temporary use as a youth detention centre.

Not only is it now not available for adult prisoners, but if the Risdon Maximum Security Prison is to be closed then it would not be practicable to use the Ron Barwick Prison for full-time adult prisoners on the grounds of cost.

Whilst some criticism has been levelled at the design of the Prison Hospital, it is considered to be reasonably suitable and adequate for use as a Prison Hospital. Nevertheless, if the remainder of the Risdon Maximum Security Prison were to be closed, it would appear to be inappropriate and not cost effective to continue to operate the Prison Hospital as a separate entity.

In his 1995 Paper, Mr Ben Marris, said of the Women’s Prison,

“The 25 bed multi-functional facility works quite well. Its complex of buildings provides some obstacles to good supervision but enables a variety of operational arrangements, suitable to its multi-functional use.

---

<sup>44</sup> Neasey, op. cit., p9.

It is appropriate that this prison is located [next] to the largest population centre in this State".<sup>45</sup>

It is an independent unit outside, but adjacent to, the Risdon Maximum Security Prison. Although it was built only three years after the main prison at Risdon was opened, its design is much more appropriate and suitable than that of the Risdon Maximum Security Prison.

It is of particular concern to the Committee that the Women's Prison is also designed only as a maximum security facility and therefore not specifically designed to cater for medium and minimum security prisoners as well. In this system rehabilitation programmes are harder to plan and manage and are probably less effective. It is acknowledged that some of the disadvantages arising from this situation are reduced by the granting of extra privileges to medium and minimum security inmates.

It is recognised that these problems are directly related to the small numbers of women prisoners in Tasmania, but the Committee feels that any new building programme should keep these matters in mind as a priority.

If one or two new prisons were to be built to replace the Risdon Maximum Security Prison, it would make good economic sense to incorporate a women's prison in one or both of these new facilities. This would also create new opportunities for the rehabilitation of women prisoners.

Mr Marris states that,

"The Minimum Security Prison Farm is regarded by many prisoners as remote, inaccessible and unattractive".<sup>46</sup>

Like the Ron Barwick Medium Security Prison, the design of the cell block at Hayes is outdated and the areas outside each cell are not covered or enclosed, but exposed to the elements. This is not in keeping with modern prison design, nor is it desirable, especially during winter months.

In considering the suitability and adequacy of the Hayes Prison Farm, it is appropriate to refer to two of the Guiding Principles of Mr Marris' Paper,

"1.2a Corrective Services should be located to be as accessible as practicable to the community of interest of the offender.

1.5 ... Facilities should be provided which emulate community standards and conditions for prisoners in the final stages of their sentence".<sup>47</sup>

---

<sup>45</sup> Marris, Ben, op.cit., p. 47.

<sup>46</sup> Ibid., p. 35.

Hayes is remote. It is inaccessible for relatives of prisoners travelling from the northern and north western parts of the State – especially by public transport. Its design certainly does not emulate community standards and conditions in a minimum security facility which accommodates prisoners in the final stages of their sentences.

The Committee is supportive of the use now being made of some of the former staff cottages at Hayes to accommodate prisoners, in the period prior to their release, in an independent and more natural living environment as they are helped to prepare for the adjustments necessary for life in the community upon their release. Whilst Hayes Prison Farm continues to be used as a correctional services facility, it is hoped that it will soon be practicable for the remaining cottages to be used for this purpose also.

The Committee is of the opinion that due to its locality and design, Hayes Prison Farm should be closed and replaced by appropriately designed minimum security facilities, incorporated in any new prison constructed in Tasmania.

If the Launceston Remand Centre and the Burnie Police Cells are to continue to be used, they should be re-developed and substantially upgraded. Neither could be considered to be suitable or adequate for the purposes for which they are currently used.

For the reasons mentioned earlier in this report, the Committee is of the firm opinion that the Risdon Maximum Security Prison is inappropriately designed, outdated, poorly maintained and uneconomical to operate. The Committee has considered the possibility of sections of this prison being re-designed and rebuilt. This included considering the demolition and rebuilding of the entire cell block and the upgrading of other sections.

A wide ranging body of opinion presented to the Committee concurred that any attempt to upgrade and convert the existing prison to a facility of acceptable design and standards would be neither successful nor cost effective and that continued use of the buildings would result in further deterioration.

The Committee is persuaded that the only realistic course to follow is for the Risdon Maximum Security Prison to be abandoned and totally replaced and that all other corrective service facilities, except the Hobart Remand Centre, should be replaced or upgraded.

### **Recommendation**

1. That funds be made available on an emergency basis to ensure that all suspension or 'hanging points' are removed from any facility under the jurisdiction of the Tasmanian Corrective Services Division.

---

<sup>47</sup> Ibid., pp. 8-9.

2. That whilst Hayes Prison Farm continues to be used as a Correctional Services facility, the former staff cottages be used to accommodate prisoners prior to their release to help them prepare for the resumption of normal life in the community.

## **Chapter 8 - INTERSTATE AND OVERSEAS INSPECTIONS**

The Committee visited the correctional services facilities listed in this chapter in Victoria, ACT, New South Wales, Queensland and South Australia.

### **VICTORIA**

#### **Port Phillip Prison**

The contract to design, finance, construct and manage this prison was awarded to a consortium comprising Fletcher Construction Australia Limited, Group 4 Correction Services and Dresdner Australia Limited.

This prison opened in September 1997 at Laverton North 20 kilometres from the Melbourne CBD. It replaced what then remained of the old correctional facilities at Coburg, namely the Metropolitan Reception Prison, D Division, K Division – formerly known as Jika Jika – and G Division.

It was built to accommodate 600 prisoners in small, secure and easily managed groups at a cost of \$100,000 per prisoner place (approximately \$60 million), with a management term of 20 years at an annual fee of \$20 million and a staff of approximately 250.

The Port Phillip complex has a campus-style design with separate self-contained accommodation units. The prison has a functional capacity of 583 inmates (600 less 17 observation cells) and includes provision for:

- 240 remandees;
- 45 protected remandees;
- 155 mainstream prisoners;
- 40 protected mainstream prisoners;
- 35 high security/management prisoners;
- a special care unit for vulnerable prisoners and intellectually disabled prisoners;
- a 20-bed prison hospital for Victoria; and
- a 30-bed psychosocial unit for inmates with mental health problems.

Recreational facilities include swimming pools, ball courts, an indoor sports hall and soccer and football pitches.

## **HM Prison Barwon**

This public correctional facility for all security classifications located about 70 kilometres southwest of Melbourne (near Geelong), has a functional capacity for 250 inmates. It was built between 1986-1989 by Thiess Contractors Pty Limited for the Victorian Government at a cost of about \$250,000 per prisoner place. It received its first inmates in late January 1990. Barwon was the first new prison in Victoria to be designed specifically for unit management.

The prison accommodates about 300 inmates, with doubling up in some cells. All accommodation is in cellblocks, with cells having toilets, showers and hand basins. Each unit has a kitchen/servery, tea room, laundry, day room and recreation area.

About 60% of inmates at Barwon participate in education courses. The Gordon Institute of TAFE provides certificated education courses on site, including business applications, information technology, hospitality cookery, basic and advanced engineering and forklift operation. Other courses provided are training in small business management, driver education, horticulture and recreation. Inmates may also undertake study for the Certificate of General Education and the Victorian Certificate of Education (English). Education is generally delivered on site, with support for distance education and tertiary students.

Treatment programmes include developing alternatives to violence and drug and alcohol courses, coordinated by a psychologist and utilising outside facilitators.

The psychologist also coordinates personal development programmes including parenting, stress and anger management, effective communication, relationships, relapse prevention, living skills, dealing with change, budgeting, community integration and a programme for long-term prisoners, designed to help them to use their time in prison constructively.

A schools programme is aimed at crime prevention. School students, teachers and parents are invited to ask questions of a panel, comprising inmates, police officers, crime victims and Barwon staff in relation to correctional issues.

A recreation officer is responsible for sports and other activities including music, martial arts, computers, boxing, aerobics, calligraphy, leadlighting, pottery, leather and woodwork, tai chi and yoga.

Work and industries in the prison provide opportunities for metal fabrication, woodwork, hospitality catering, laundry, horticulture and cleaning. Inmates are expected to work.

## **Metropolitan Women's Correctional Centre (MWCC)**

This centre was privately financed, designed, constructed and managed. It was built by John Holland Construction and Engineering Pty Ltd with Westpac

Banking Corporation Ltd as financier. The MWCC is managed by Corrections Corporation of Australia Pty Ltd and is only the third private women's prison in the world.

It is a 125-bed facility, located at Deer Park (the name by which it is commonly known), which is about 26 kilometres west of Melbourne. The new facility, opened in August 1996, replaced the old Fairlea women's prison which, apart from suffering fire damage in 1982, had become overcrowded and inadequate for its purpose.

The MWCC provides for maximum, medium and minimum security risk inmates. Accommodation is provided in single cells with ensuite facilities or cottage-style units. There are two special cell blocks housing 20 inmates each. One is designed for management and protection prisoners and the other is an orientation and assessment unit. Maximum and medium security cottage-style units accommodate 10 prisoners in separate rooms and minimum security units accommodate 5. All units are self-catering and also include common activity areas and quiet areas for reading and writing. Provision exists for inmates to have children with them.

The entire complex is surrounded by dual 'see-through' wire security fences.

Opportunities for developing work skills and training, education and self-development programmes are provided at the MWCC. Industries include garment assembly and carpentry/joinery production. Leisure facilities include a sports oval, multi-purpose gym and a swimming pool.



**Aerial View – Metropolitan Women's Correctional Centre, Deer Park, Victoria**



## **Fulham Correctional Centre**

The contract to finance, design, construct and manage this correctional centre for men was awarded to Australasian Correctional Investment Ltd, comprising Wackenhut Corrections Corporation Australia Ltd, Thiess Contractors Pty Limited and AMP Investment Services Limited. This centre cost about \$60 million to build and opened in 1997. It is a 600-bed facility for medium and minimum security risk inmates, located 10 kilometres west of Sale in eastern Victoria.

Accommodation is arranged into the following areas:

Protection/drug rehabilitation - consisting of 6 single-storey barracks, providing 15 or 20 bedrooms with shared facilities including bathrooms, kitchen/laundry and dining/living rooms.

Minimum security - consisting of 25 single-storey modules of 4 bedrooms each with common bathrooms, kitchen/laundry and dining/living rooms.

Medium security - This consists of:

- cellular accommodation in 4 two-storey blocks of 68 cells each, with day rooms for recreational space and kitchenette and personal laundry facilities; and
- barrack accommodation in 7 single-storey buildings similar to protection accommodation.

Each of the above accommodation areas has access to its own industry facility, outdoor recreation areas including swimming pools, multi-purpose rooms and a central gym.

Fulham's focus is the community centre, described in Thiess promotional material as a 'covered pedestrian mall with shopfront access to services, which meet needs, for normal community life'. Direct access is available from the community centre to the medical centre, the educational centre, pharmacy, barber shop, supermarket, visitors' area, prisoners' canteen, gym, library and administration facilities. The main kitchen and central laundry are also located in this area.

Recreation facilities also include swimming pools and sports grounds. The staff dress code is appropriate to the philosophy of normalised living.

Inmates have access to vocational training and educational resources supported by the computer centre and library.



**Aerial view of Fulham Correctional Centre**

## **HM Prison Won Wron**

This public prison is located about 10 kilometres from Yarram in Gippsland. It is a 130-bed minimum security risk facility for men and was built in the 1960s.

Won Wron is best described as a work camp as its focus is on preparation of inmates for release and reintegration into the community through meaningful work undertaken largely off-site.

Accommodation consists of multi-purpose cottage/lodge-style units providing for 2 to 3 inmates in single-rooms.

Most inmates are serving sentences of 12 months or less, often six months or less, though about a third of all inmates are longer-term prisoners serving the final third of their sentences. These men are regarded as having a stabilising effect in the prison.

Because of Won Wron's rural location, forestry and Landcare associated work is performed by inmates. Each day 60-70 inmates leave the prison to go to work for the Department of Natural Resources and Environment. Another 10-12 inmates engage in off-site community work, often to the benefit of the elderly or youth.

This is work that the community would not ordinarily be able to provide for. It is policy not to take work from the community.

Vocational training and educational programmes are available at Won Wron. There are no internal industries due to the off-site work programme, though domestic services such as food preparation and laundry are provided by inmates within the prison. Inmates participating in the work programme have the opportunity to put into practice skills acquired through TAFE training undertaken during their time in custody.

## **Melbourne Juvenile Justice Centre (MJJC)**

This is one of three custodial facilities provided for 10 to 20 year-old offenders. Juvenile justice centres provide the option to adult courts of sentencing 17-20 year-old offenders to custody in the juvenile system rather than prison. This is done by way of a youth training centre order.

The MJJC, located in Parkville, about 5 kilometres from the Melbourne GPO, is a custodial facility for males aged 15 to 17 years. A major redevelopment was completed in 1994 to replace the run down Turana Youth Training Centre with this campus-style facility contained within a perimeter wall.

The new centre has 4 separate residential units, each accommodating 15 inmates in single and shared bedrooms. Units contain kitchen, laundry and recreation facilities. One of these units provides for remandees and the other three accommodate those who have been sentenced. Which sentenced offenders will reside in these latter three units is determined on the basis of sentence length and developmental/behavioural issues. One of the three units is designated as having a greater level of security.

Security classifications are applied to each inmate to determine his level of supervision. A lower classification provides opportunities for increased responsibility and privileges including periods of leave and pre-release programmes in the community.

There is a senior youth training centre residential unit for males aged 17 to 20 years next to the new MJJC.

The Parkville Youth Residential Centre is also located on the MJJC site. It accommodates females aged 10 to 20 years on remand and serving custodial sentences and males aged 10 to 14 years on remand and serving custodial sentences.

Inmates are expected to attend daily education, structured recreation and leisure programmes. A programme centre provides for specialist areas including hospitality kitchens, music, computers, metalwork, an FM radio station,

photographic development and an Aboriginal cultural centre. There are also general classrooms, a gym and a pool. Health services are also located here.

Accredited TAFE courses are available 48 weeks a year. They include general education, hospitality, music, computers, art, graphics, small engines, furniture making, horticulture, electronics, recreation, welding and Aboriginal studies.

The YMCA also offers recreation programmes over 25 hours a week. These include certified programmes such as the Bronze Medallion.

Offending behaviours are targeted through various programmes including:

- the Challenging Offending Behaviour Programme in which inmates are encouraged to examine and confront offending behaviours;
- an alcohol and drug programme for those involved in substance abuse and risk-taking behaviours associated with illicit substance;
- the Male Adolescent Programme for Positive Sexuality (MAPPS), an intensive group/individual programme for assessment and treatment of sex offenders; and
- a violence prevention programme for inmates sentenced for violent offences or those with anger management difficulties.

Each inmate is assisted to develop a client service plan (CSP) to address key developmental areas including offending history, family and community reintegration, personal development, life skills, health, education/training, employment and recreation. Strengths, needs and problem areas are identified and an action plan is developed and regularly reviewed.

## **ACT**

### **Belconnen Remand Centre**

Located north of Canberra in the town centre of Belconnen, this maximum-security facility accommodates people remanded by the courts in relation to criminal charges. It also provides for a small number of illegal immigrants for the Commonwealth Department of Immigration and Multicultural Affairs on a cost-recovery basis.

The centre opened in 1976 and was originally designed for 18 detainees. It now has a capacity for 51 and a staff of 36. Accommodation is a mixture of shared and single accommodation. There are 5 cells accommodating two inmates each and a 6-bed dormitory style facility. The remaining cells accommodate a single inmate each. The 6-bed dormitory is a recent addition, comprising the first stage

of extension plans. If numbers increase further, an additional 10-bed facility will be provided.

Technological features at Belconnen include infra-red cameras in 12 cells, electronic door access systems and swipe-card entry. External security systems have recently been upgraded.

Belconnen operates no industries at present, however consideration is being given to commencing a small industry programme.

Programmes provided at the centre include development of communications skills, dealing with domestic violence, sexual harassment and antidiscrimination awareness, behaviour choices, stress management, and development of self-esteem, personal effectiveness and relaxation techniques. Basic literacy and numeracy skills training is also available.

The poor design of the Belconnen facility has long been recognised and contributes to the fact that Belconnen has one of the highest staff to detainee ratios in Australia. Replacement of the centre has been an issue for some years. In 1996 ACT Corrective Services issued a discussion paper intended to canvass available options. The Justice and Community Safety Committee of the ACT Legislative Assembly is currently inquiring into the establishment of a new correctional facility and is due to release its final report in late 1999. In its first interim report, released on 1 July 1999, the committee recommended the establishment of an ACT prison complex including a remand centre. It also made site recommendations.

### **Periodic Detention Centre, Symonston**

This public facility, located at Symonston, provides for those sentenced under the *Periodic Detention Act 1995*. The ACT periodic detention scheme is a direct alternative to imprisonment. Detainees are required to report at 7 p.m. on a Friday and remain in custody until 4.30 p.m. on the following Sunday.

The centre's accommodation capacity of 35 was reached within the first 7 months of the centre's operation. During 1997-98 the PDC's capacity was increased to 49, where it currently remains. The PDC employs 7 staff, including the manager and a supervising custodial officer. Three officers are on duty during the day and two at night.

Accommodation is in the form of units, with 13 units capable of taking two detainees each and one unit capable of taking four. There is also double-storey accommodation with one upstairs dormitory for 11 detainees and one downstairs dormitory for 8 detainees. The fully equipped kitchen is operated by the detainees.

Detainees are required to undertake unpaid community and centre-based work under the supervision of custodial officers. Current ongoing projects supervised by PDC officers include: Handy Help - gardening for pensioners and waste recycling; Adopt a Road – participation in a national road cleaning programme; City Scape – clearing waterways and woodlands; and gardening and cleaning at the Belconnen Remand Centre. Other ongoing projects supervised by agencies include: gardening, cleaning and maintenance for pensioners and others; bagging firewood; park reforestation and clearing; cleaning Salvation Army church grounds; and providing assistance to the centre's manager.

Detainees at the centre are able to access Saturday meetings of Alcoholics Anonymous. They may participate in personal hobbies and studies, subject to approval. Activities such as computers, library access, board games and table tennis are also available. Television and video facilities are also available.

## **New South Wales**

### **Long Bay Correctional Complex**

This public facility is located 14 kilometres south of Sydney's central business district.

The complex is made up of five institutions – 4 maximum-security and one minimum-security correctional centres.

The Industrial Training Centre received its first inmates in 1967. It is a minimum-security facility with accommodation for 412 inmates serving short sentences and nearing release.

The maximum-security centres are :

- **The Malabar Special Programmes Centre**

This centre is located in the former Reception and Induction Centre which closed in October 1997. It includes sentenced inmates with behavioural problems, those who are suicidal or at risk of self-harm and HIV positive inmates.

The Alexander Maconochie Unit (violence prevention programme), is a 10-bed facility catering for inmates of all security classifications. The Life Styles Unit is an 8-bed facility catering for HIV positive inmates of all security classifications. The Kevin Walker Unit is a 16-bed facility catering for inmates of all classifications at risk of suicide or self-harm.

The Sex Offenders Programme is a 4-wing, 80-bed facility for inmates classified as C1 and C2. The 10-wing programme assessment area contains 50 beds for inmates of all classifications.

- The Long Bay Hospital

This hospital received its first patients in 1987.

It is a 4-ward, 120-bed facility. One ward is for medical cases and the other three are for long-term and short-term psychiatric cases. The hospital is jointly administered by the Department of Corrective Services and the New South Wales Department of Health.

- The Metropolitan Medical Transit Centre

This was formerly the remand centre and now holds inmates discharged from Long Bay Hospital or who are waiting for medical appointments.

- The Special Purpose Centre

This centre received its first inmates in February 1989. It is a 25-bed facility for inmates of all classifications in need of special protection. Industries at Long Bay include furniture making, a tree nursery, general maintenance, waste recycling, a bakery, gardening and motor vehicle maintenance.

Education and training courses include literacy, numeracy, computers, vocational art, creative writing, communications, small business management, music, horticulture, legal studies, screen printing, cooking and Aboriginal studies.

## **Metropolitan Periodic Detention Centre, Paramatta**

Located in the old Parramatta Prison, parts of which have been refurbished for use as a periodic detention centre, this public facility has a 189-bed capacity. Periodic detention has been operating in New South Wales since March 1971 and this facility has been operating as a detention centre for approximately two and a half years. At the MPDC two programmes run from Wednesdays to Sundays, providing both weekday and weekend detention.

Detainees are accommodated in 3-storey cellblocks. Each cell holds two people, with shared toilet and hand basin.

The focus at this centre is on unpaid community work so as not to take the opportunity for paid work out of the local community. Work undertaken includes landscaping, maintenance and cleaning up harbour and foreshore areas. The centre works in conjunction with the needs of other government bodies, local councils and schools.

There has historically been little emphasis on education programmes but it is currently proposed to explore the possibility of providing short modular courses,

perhaps in the life skills area. Small industries are also being developed in the form of a plant nursery and toyshop.

## **Emu Plains Correctional Centre**

This facility is located about 60 kilometres west of the Sydney central business district. It is a minimum security centre for women with a capacity of about 120 inmates.

Originally Emu Plains was a male correctional facility with inmates housed in wooden huts. These had been largely replaced by a cement-brick structure by the late 1950s. Twenty of the original huts survive and some are presently occupied by inmates.

A building programme to replace the remaining huts and the later cement-brick structure commenced in February 1998. By the end of that year, 4 cottage-style accommodation units catering for 10 inmates each, as well as an administration block had been completed. A further 3 cottage-style units catering for 10 inmates each have since also been completed. At the time of the writing of this report another 4 such units catering for about 50 inmates is awaiting local government planning approval and construction is expected to commence shortly. All new units are equipped with a cell-call system.

To cater for a recent and considerable increase in female inmate numbers, the periodic detention centre, located on the same property but some distance away from the main complex, is temporarily being converted for full-time custodial use by about 52 inmates. This facility will revert to use as a periodic detention centre for about 60 women when the 4 units in the planning stage referred to above are completed.

Though the new accommodation at Emu Plains was constructed on the basis that bedrooms were to be unshared, the increase in inmate numbers has meant some doubling up. It is hoped to alleviate this in the longer term.

The centre has about 88 employees and an operating budget of \$6,751,200.

## **Metropolitan Remand and Reception Centre, Silverwater**

This publicly built and operated centre is a maximum-security institution for males. Together with the Silverwater (450 beds) and Mulawa (270 beds) Correctional Centres it comprises the Silverwater Correctional Complex, Australia's largest prison complex, located 21 kilometres west of Sydney's central business district. The entire complex accommodates about 1, 620 inmates.

The MRRC cost \$84 million and opened on 4 July 1997. One main reason the Silverwater site was chosen was its location at the demographic centre of the



Sydney metropolitan area and its consequent capacity to serve the 23 courts in the greater Sydney area. Its annual budget is currently about \$26.9 million.

It takes most of the new receptions in New South Wales – 62% in 1998-99 – and averages 166 new receptions a week. In January 1999 the centre averaged 54 receptions a day, compared with the average daily number of receptions of 34. In 1998-99 the centre took 8614 new receptions. In its first twelve months of operation the MRRC received enough inmates to fill all New South Wales correctional facilities.

This centre occupies approximately 40 hectares of the 70-hectare Silverwater complex and overlooks the Sydney 2000 Olympic site and Olympic Village. Features of the design include heritage buildings, the use of bold colours and original inmate artwork, trees and the fact that inmate facilities overlook landscaped areas.

The centre has a 900-bed capacity, catering for remands, receptions and protections. The ideal number of inmates is not more than 850 but this is rarely the case. The MRRC employs about 400 staff, including administrative staff who also serve the Silverwater complex as a whole.

Inmates are accommodated in four areas: Darcy, Fordwick, Goldsmith and Hamden including specialised cells, one, two and four-bed cells. Buildings have internal video motion detection systems and the centre's perimeter is bounded by a multi-fence system, incorporating alarmed fences, video motion detection, microphonics, taut wire, electrification and razor wire.

Other innovative features include electric door locks and inmate privacy locks to cells with staff override in the accommodation buildings. Smartcard technology facilitates the capture and use of data concerning inmate property and telephone calls.

Operations initiatives for induction include a higher staff-to-inmate ratio, cells for at-risk inmates, inmate assessment procedures involving the gathering of inmate profile information, the development of individual case plans and in-house classification.

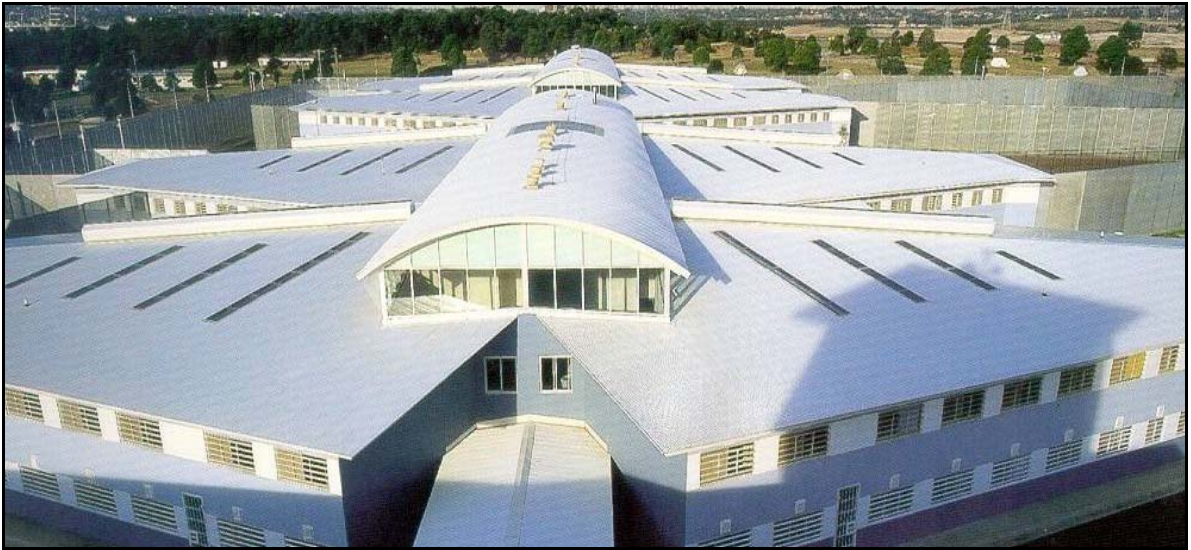
Inmate development services are available in relation to education, welfare, and alcohol and other drugs. Educational programmes are generally delivered as short-term and self-contained units, including computer and life skills, art and communications. Remedial support is offered in literacy, numeracy and life skills.

Corrective Services Industries employs about 272 inmates as clerical, maintenance and domestic workers and in its workshops and business units. CSI

is the government entity formed to coordinate and promote prison industries. There is also a textile workshop at the centre.

Psychological and psychiatric services are also available. Primary health care is provided and inmates have access to a drug detoxification unit and methadone programme. Screening for blood borne and sexually transmitted diseases, TB and other infectious diseases is performed. There is also provision for Aboriginal health.

Visiting hours at the MRRC are longer than at other New South Wales correctional centres. They are available six days a week, between 8.30 am and 6.30 pm. Visits by legal representatives are permitted seven days a week. Added security measures include biometric identification and video imaging of visitors.



**Metropolitan Remand and Reception Centre, Silverwater**

## **Queensland**

### **Borallon Correctional Centre**

This centre, located about 14 kilometres west of Ipswich and 60 kilometres west of Brisbane, opened as a 250-bed facility in January 1990. It was designed and constructed by Thiess Contractors Pty Limited on contract to the Queensland Department of Works at a cost of \$22 million. It was the first privately managed prison in Australia and is operated by Corrections Corporation of Australia Pty Ltd as a joint venture with Chubb Australia. It is monitored by the Queensland Corrective Services Commission. In 1992 an additional 185 cells were added, bringing the total cell capacity to 435.

Borallon was originally built as a maximum and medium security facility but, for a time, held largely minimum security risk inmates. It currently accommodates all security risk classifications. The centre operates on unit management principles. All buildings except for the administration block are single storey

Borallon is made up of cell wings arranged as self-contained accommodation modules. Separate living entities include Blocks B and C and the Village. Block B accommodates 20 inmates per unit and Block C accommodates 16 inmates per unit. Each unit in these blocks has kitchen and dining facilities and an outdoor exercise area. Groups of inmates share activity areas, there are personal laundry facilities, colour television and a quiet area for reading and writing.

The Village comprises 19 buildings containing 5-bed units each. Units have their own kitchen and dining area and bathroom facilities. Village inmates are required to do their own cooking, laundry and housework.

Other facilities at Borallon include a hospital, dental surgery, workshops, stores, butchery, industrial laundry and kitchen, hairdressers, classrooms, gym, visitors centre and a music room, with instruments and tuition provided. Borallon also has sports ovals, tennis courts and a gym as well as providing opportunities for participation in a number of organised sports.

Inmates are provided with opportunities for work, education, vocational and work-skills training. Industries include metal and carpentry/joinery production, a plant nursery and industrial laundry.

High school, TAFE and university courses are available. Areas of study include basic literacy and numeracy, arts, technical drawing, secondary education to year 12 and tertiary preparation. Vocational training and work skills offered include automotive engineering, carpentry/woodworking, metal fabrication, landscaping, forklift, backhoe and loader driving training, short order cooking and a range of building skills. Craft classes are also available.

Professional services include programmes for anger management, conflict and stress management, drug and alcohol counselling and education, job-seeking skills and money management and personal development and parenting education.

## **Arthur Gorrie Correctional Centre**

This centre, located at Wacol near Ipswich, was opened in June 1992 to replace the old Boggo Road prison. The centre is government designed, constructed and financed and operated by Australasian Correctional Management Pty Limited.

Arthur Gorrie was originally built to hold 300 inmates but was extended in 1994 to accommodate 458. Currently it has a capacity for approximately 668 due to considerable doubling up. It provides for all classifications of inmates in a campus-style facility. The centre accommodates the following groups:

- remandees – those awaiting court appearances;
- receptions – sentenced inmates who are being inducted into the correctional system;
- protected inmates – those in need of safe custody and separation from the mainstream centre population; and
- illegal immigrants – people waiting for a determination as to residency from the Commonwealth Department of Immigration and Multicultural Affairs. Twenty beds are set aside for this group.

Professional services to assist inmates to come to terms with imprisonment and to prepare them for release include psychological, psychiatric and counselling. Nursing care is provided on a 24-hour basis with a doctor on call. Specific programmes are provided in relation to indigenous inmates, young offenders, sex offenders, protection inmates, drug and alcohol education, vocational training, literacy and numeracy.



**Aerial view of Arthur Gorrie Correctional Centre**

## **Woodford Correctional Centre**

Woodford is about an hour and ten minutes driving time northwest of Brisbane. Opened in March 1997, this centre is managed by the Queensland Corrective Services Commission (QCSC) on an operating budget of \$17 million a year. As a result of participation in an open tender process the QCSC, in partnership with Concrete Constructions Group Limited, secured the contract for the design, construction and management of this facility which replaced the old one of the same name. The new centre cost \$60 million to build.

The centre's staff establishment is 280 and it has a capacity for 600 inmates in single-cell accommodation as follows :

- a 20-bed maximum-security unit, comprising single cells in a single-storey building;
- a 304-bed secure accommodation facility, comprising double-storey cell blocks; and
- a 276-bed residential accommodation facility, comprising two-storey blocks in which inmates are provided with breakfast and lunch provisions for their own preparation. Though cleaners are employed, all inmates in the centre are responsible for the cleanliness and tidiness of their own living areas.

Woodford provides programmes in the following areas: cognitive skills development, anger management, violence intervention, preparation for intervention for sex offenders, substance abuse, relapse prevention, self-esteem and stress management, dealing with domestic violence issues and ending offending.

Educational programmes include TAFE training in catering, woodwork, landscaping and literacy and numeracy skills. Other activities for inmates include pottery, leatherwork and computing. Recreational facilities include tennis courts and a large oval.

Industries for prisoner employment include furniture making, manufacture of soft furnishings and canvas goods and light metal fabrication.

## **John Oxley Youth Detention Centre**

This public correctional facility, located near Ipswich, became a youth detention centre for inmates aged 10 to 17 years in 1987. Before this time it was a boys' home. The centre mostly accommodates juvenile male offenders who have been sentenced. Juvenile remandees are normally detained at a facility located at Windsor which accommodates both males and females.

It has a capacity for 55 high, medium and low security classified inmates. In 1997 there were 24 indigenous and 23 non-indigenous detainees and in August 1999, there were 50 inmates.

Accommodation at John Oxley is in single rooms in a combination of single-storey buildings and two-storey blocks. Inmates are expected to keep their rooms clean and tidy and assist with kitchen and other community domestic duties. There is also a visitors' centre.

Because of the age of inmates the focus at John Oxley is educational. The State Education Department has a school at the centre and most inmates attend daily. A vocational guidance officer visits weekly. The school provides programmes for literacy and numeracy and inmates may enrol in Year 10 subjects through the Brisbane School of Distance Education. It also has links with TAFE which enable inmates to continue their TAFE studies on release. Other programmes coordinated through the school include occupational health and safety, life support skills development, information technology and lifesaving.

The centre also employs a psychologist and special programmes such as anger management and drug and alcohol counselling are available. Psychiatric services are also provided. Other services include :

- legal advice and information through weekly visits from a Youth Advocacy Service solicitor;
- Aboriginal legal services;
- a chaplaincy service;
- monthly visits from Centrelink representatives;
- visits from Aboriginal and Polynesian elders to discuss issues of cultural significance and to provide support and guidance;
- services through fortnightly visits from Indigenous Youth Health Service representatives;
- counselling and educational services through the Healing Centre (Aboriginal Mental Health Service); and
- weekly visits from a Youth Detention Link worker who provides information in relation to community youth services including health and education.

Recreation facilities include a grassed area for volleyball, basketball and football and an in-ground swimming pool. There is also an indoor recreation area.

Medical services are provided in a clinic on site by a nurse on a daily basis and a doctor visits weekly. Regular health checks are performed and dental treatment is available outside the centre. All inmates are offered blood testing for HIV, hepatitis B and syphilis.

## **South Australia**

### **Adelaide Remand Centre**

Opened in August 1986 and located in central Adelaide, this public facility has a capacity for 247 male remandees. About 60% of remandees are either released on bail or do not receive a custodial sentence. All remandees are given a high security rating. Long-term remandees may be transferred to high-security units at the Yatala Labour Prison. Yatala is also where, when sentenced, inmates are initially accommodated for assessment and for a sentence or case plan to be prepared.

Cells are arranged in three-storey accommodation units and exercise yards are provided. Originally the 164 cells built were intended for single-inmate occupancy but since 1994 increased numbers have required doubling up in most cells. Some single-occupancy cells remain to accommodate inmates with particular needs, such as non-smokers, or those who display behaviour that makes separation desirable. There are no protection inmates at the remand centre. These are transferred to the Yatala Labour Prison.

The cell units provide the following accommodation, with the capacity throughout all units to double up in 20 existing cells:

- unit 1 has 37-beds;
- unit 2 has 40 beds;
- units 3, 4 and 5 have 42 beds each;
- unit 6 has 28 beds;
- unit 7 has 6 beds - for inmates on special watch; and
- unit 8 has 16 beds.

The centre has about 100 staff, comprising the General Manager, 3 unit managers, 11 supervisory staff, 88 general duty staff, a psychologist, a part-time social worker and, most recently, an education officer. There is also an infirmary from which medical attention is available.

Drug and alcohol education is available and an anger management programme is currently being developed. The education officer is developing courses in literacy and numeracy. Programmes are voluntary.

Inmates have a structured day in that they are rotated between gym activities, yards in the units and other recreation activities. Recreation facilities include weight-lifting equipment and squash courts. The education centre provides computers equipped for desk-top publishing.



## **Adelaide Women's Prison**

This public women's correctional facility was opened at Northfield – a drive of about 10 to 15 minutes north of central Adelaide. Most women sentenced to imprisonment in South Australia come to the women's prison for assessment and induction into the correctional system. There are 54 staff.

The prison can accommodate 77 women of all security classifications as well as remandees and fine defaulters in two main sections.

Mainstream has a 49-bed capacity and is divided into 4 wings:

A Wing can hold 17 inmates in dormitory-style accommodation, including one mother and baby room. It has the least restrictive regime and prepares women for entry to the Life Skills Unit (LSU).

B Wing can accommodate 10 to 16 inmates in dormitory-style accommodation with facilities for four double up rooms. It houses fine defaulters and remandees.

C Wing accommodates 8 to 14 women in dormitory-style accommodation with facilities for four double up rooms. It accommodates inmates with behavioural problems and those on a drug penalty regime.

D Wing houses up to seven women at risk of suicide or self-harm in separate cells.

Opened in October 1995, LSU can hold 28 low and medium security inmates in 10 units with three women per unit. There are two units for mothers and babies which can accommodate two prisoners each. Units have kitchens and bathrooms.

The LSU is for inmates close to release who also receive opportunities to participate in special programmes for life skills development. Women may undertake off-centre education and visits and are given a greater capacity for self-responsibility. Inmates also have the opportunity for off-centre employment, both paid and unpaid, and work experience.

On-site work includes a textile industry, a guide dog programme for 4 to 6 inmates, maintenance duties, kitchen work, laundry and cleaning of wings and yards.

The services of social workers and a part-time psychologist are available. They assist with individual and group counselling and liaising with community services such as childcare and legal advice. The prison also provides for an Aboriginal liaison officer and Aboriginal education. External providers deal with parenting and health issues.



An education coordinator is responsible for education courses, which may be accessed, full time by way of distance education or part-time off site. The focus is on literacy and numeracy.

Drug and alcohol programmes are based on peer education and mentoring. Core programmes are provided in relation to cognitive skills development, anger management, literacy and numeracy, dealing with substance abuse and domestic violence and victim impact.

## **Adelaide Pre-Release Centre**

This public facility is located on the same site as the Adelaide Women's Prison at Northfield and about 2 kilometres east of Yatala Labour Prison. The pre-release centre is surrounded by about 30 hectares of Correctional Services owned land which is maintained by inmates of the centre.

It accommodates up to 70 low security classification male inmates close to the end of their custodial sentences in 17 four and five bedroom cottage-style accommodation. The layout of the centre is open campus style and inmates move around in an unrestricted manner.

Cottages are open plan with shared kitchen and living areas. Two bedrooms share a bathroom and toilet. Inmates have keys to their own rooms and the outside doors of their cottages. They are required to cook and clean for themselves, do their own laundry and share other housework in the cottages. Cottages have weekly budgets for food and groceries.

To be eligible for placement at the centre inmates must be in the last 12 months of their sentence and have had a low security rating for at least 3 months. Priority is given to those who have shown commitment to addressing their offending behaviour.

It is also a requirement that inmates will have successfully participated in restorative justice and resocialisation programmes and that they will continue to undertake such programmes. Infringements of resocialisation requirements may result in loss of privileges and non-approval of leave programmes.

On arrival prisoners are assigned a case officer who assists with planning, delivery and evaluation of services.

Inmates may apply for leave to attend work, work experience or education. Work release programmes are a priority at the centre. Both accompanied and unaccompanied family leave, including leave for personal business, may be granted. If an inmate is able to find a sporting club to accept him, he may apply

for leave to play or train. Child sex offenders are not permitted unaccompanied leave.

Those inmates not undertaking full-time education or working in the community are assigned to work on site in the garden/glasshouses, poultry shed, garage or on grounds maintenance. Community work may be undertaken for organisations such as the Salvation Army or in relation to projects also requiring unpaid volunteers. An inmate must have a satisfactory report in relation to work in the centre before he is able to work off site.

Self-development programmes may be continued at the centre. These include anger management, ending offending, drug education, cognitive skills training, literacy, numeracy, victim awareness and dealing with domestic violence. One-to-one counselling is conducted by a social worker and covers issues relating to self-esteem, relationships and grief and loss. Inmates permitted unaccompanied leave can obtain referrals for professional help at community agencies.

## **Yatala Labour Prison**

This public prison is located at Northfield, a 10 to 15 minute drive north of central Adelaide. It accommodates up to 359 mainly high to medium security inmates, but also low security inmates who are in transit to other prisons. It has 240 staff.

The oldest building at Yatala was constructed in the late 1800s and the newest in the late 1980s. The buildings are solid and substantial and have been refurbished to a standard, which has extended the useful life of the prison. Further refurbishments are being planned.

The Prisoner Assessment Committee is based at Yatala. It determines in which correctional facilities inmates are to be accommodated and sets case plans and security ratings. This committee deals with all offenders in the State who are sentenced to six months' or more imprisonment.

Yatala comprises four distinct divisions and all accommodation is in cellblocks.

### **B Division**

This division contains 168 beds for high and medium security inmates and includes protection inmates. Some men from B Division work in prison industries.

### **E Division**

This division contains 120 beds. It is the assessment and induction unit where inmates are first accommodated and interviewed to ascertain health, education and work needs. There is also a small wing in this division for fine default inmates.

## F Division

This is a full working division of 95 beds and is located close to the main industry facilities.

## G Division

This is the highest security part of the prison and has 24 beds. Inmates of this division include those considered most dangerous/notorious and protection prisoners requiring constant supervision.

Industries at Yatala include carpentry/joinery, the manufacture of touch lamps and metal work/engineering. The prison laundry provides services to other prisons and contracts for work outside the correctional system as well.

There are six core programmes at this prison – cognitive skills development, anger management, dealing with domestic violence, victim awareness, substance abuse education and literacy and numeracy skills training. Other programmes may be delivered on a one-to-one basis and include grief and loss counselling and relationship and parenting skills.

## **Mount Gambier Prison**

Located 440 kilometres south of Adelaide and close to the Victorian border, this prison is privately operated and managed by Group 4 Correction Services. Design and construction had been undertaken by the Department of Correctional Services. When the decision to privatise the management of the prison was taken, construction of a new cottage-style facility on the site of the existing one had almost been completed. Further construction in the form of a cellblock was undertaken, bringing the capacity to its present number when it opened in June 1995.

Mount Gambier accommodates 110 inmates of low and medium classifications and employs 52 staff. Occasionally local remandees and a small number of women prisoners are held for short periods. Accommodation consists of 50 conventional cells with 4 cells in two pairs for peer support. Cells are equipped with bathroom and toilet facilities. There are 56 beds in cottages comprising one 6-bed cottage; eight 5-bed cottages; two 2-bed cottages; and one 6-bed induction unit including one cell to accommodate disabled inmates. Placement in cottages is dependent on good behaviour rather than security classifications and the prison operates on a system of incentives.

Industries include carpentry/joinery manufacture of bedroom furniture, table tennis tables, bookcases and decorative items; the fabrication of metal components such as roof trusses for a local shed manufacturer; and assembling of electrical components.

Sixty to seventy-five per cent of inmates at Mount Gambier are in educational programmes at any given time. The focus is on literacy, numeracy, basic IT skills and life skills. Other programmes provide for cognitive skills development, substance abuse education, anger management and development of family relationships and community living skills.

Recreation facilities include a gym with basketball and volleyball provision, weight training area, a tennis court and an oval.

A doctor makes weekly visits and a nurse is available each day to deal with minor medical matters.

### **Visits by individual Committee Members**

Individual members also visited the following interstate and overseas prisons :

#### **Junee Correctional Centre, NSW**

Opened in 1993, Junee Correctional Centre is a medium security prison of modern design, located 30-40 kilometres north of Wagga Wagga, which is operated by Australasian Correctional Management Pty Limited and caters for 600 inmates (500 medium, 100 minimum). Junee costs approximately \$25,000 to \$30,000 per annum, per inmate.

There is also a division which caters for 100 minimum-security prisoners. At the moment the Department requires the Centre to house mainly sex offenders and other prisoners on protection. The minimum-security units are built in a separate area. The cells have heavy security doors that are locked at night.



**Aerial view of Junee Correctional Centre**

## **HM Prison Loddon, Victoria**

Loddon Prison was opened late in 1990. It is a 250-bed medium security prison built on 38 acres, half an hour's drive from the City of Bendigo. The layout and design are similar to most modern prisons. It also provides self-contained cottage-style units for inmates nearing release.

The management philosophy focuses on the prison being drug free. Industries carried out at the time of inspection were upholstery, furniture making and metal work.

## **Rimutaka Prison, New Zealand**

Rimutaka is a public prison located about half an hour's drive from Wellington and accommodates 446 inmates. The original building appears to be about the same age as Risdon Maximum Security Prison. It contains 60 single cells for remand inmates and 56 single cells for high-medium security prisoners. These all open on to an enclosed corridor.

There are five additional modern units of 60 single cells in each, plus a special treatment unit for violent offenders and those requiring psychological treatment containing 30 single cells.

The average cost of keeping a prisoner in this prison, is approximately NZ \$52,935 per annum, or approximately AUD \$44,465. An interesting feature of this prison is that the five additional units were constructed with the assistance of prison labour which considerably reduced construction costs. These units surround landscaped courtyards with extensive lawn areas and have separate entrances.

## **HM Prison Bullingdon, UK**

Bullingdon Prison is located near Oxford and was opened in April 1992. It accommodates up to 644 adult male prisoners. In common with most other prisons in the UK, due to the substantial increase in prisoner numbers following the Conservative Government's severe law and order programme, many single cells are now occupied by two prisoners. As a result, when visited in February 1998 it held 704 prisoners.

Bullingdon has a dual local and training role. Its Victorian style design is based on the spokes of a wheel principle, whereby the Prison Officers' station is central with direct viewing along each corridor from the central position.

Four of the wings have 155 prisoners with a mix of single and double cells and a new wing contains 156 single cells.

## **HM Prison Wolds, UK**

This was the first private prison to operate in Europe when it opened in Yorkshire, UK in April 1992. Operated by Group 4 Correction Services Pty. Ltd., it holds 335 prisoners. One third are on remand and two thirds are sentenced prisoners accommodated in self-contained living units of 50. There are 87 shared and 156 single cells.

There are approximately 200 staff and in 1993 costs were £350 per prisoner per week, which then compared with the Public Prisons Service at approximately £430 per week.

Prisoners are out of their cells for 14 hours a day. Emphasis is placed on educational and training programmes, sporting activities and industries. When visited in early 1998 the prison had established an enviable record of having an impressively high percentage of the prisoners who undertook external education courses passing the examinations.

When first admitted, prisoners spend the first week in an induction unit while adjusting to the loss of their liberty and life in the prison system.

The contract is monitored by the on-site Home Office Controller. Wolds has an independent Board of Visitors, appointed by the Secretary of State, which publishes a report annually. Board members have unrestricted access to all areas of the establishment.

## **HM Prison Doncaster, UK**

HM Prison Doncaster, UK is operated by Premier Prison Services Ltd. This Prison opened in 1994. It was built to accommodate 771 sentenced and remand inmates from the highest security category to the lowest of all age groups from 15 years upwards. The capacity successively increased and was 1,111 when visited in February 1998.

The operating company is a sister company of Australasian Correctional Management Pty. Limited and is part of the Wackenhut Corrections.

Doncaster has extensive educational, counselling and community re-entry training and vocational training, including bricklaying. It has an impressive professionally staffed health care centre containing a 30 bed drug detoxification unit.

Other noteworthy features include a large chapel and custom built prison escort vans, in which prisoners are kept separately in individual units.

The design, programmes and conditions within the prison as conducive to successful rehabilitation. When visited it was obvious that there was a good atmosphere and relationship between prisoners and staff. This is confirmed by the following extract from the 1996 Report of the Chief Inspector of Prisons, UK :

“We were impressed with what we found at Doncaster Prison : the commitment and enthusiasm of staff, the positive methods of prisoner management and the many examples of good and excellent practice. Staff were justifiably proud of their achievement...to make Doncaster one of the most progressive prison establishments in the country”.<sup>48</sup>

Prisoners are housed within one of three house blocks, each divided into four wings with an average occupational capacity of approximately 90 inmates per wing.

Over half of Doncaster’s population are remand prisoners. The average monthly turnover of inmates is between 500 to 550, which has exceeded 650. The Prison receives in excess of 6,000 new inmates each year.



**Houseblock Interior – H M Prison Doncaster**

---

<sup>48</sup> Chief Inspector of Prisons, United Kingdom, *1996 Report*.

## **Men's Prison, Swaziland**

This is located in a semi rural area quite close to a major urban area.

It is publicly operated and contains dormitory style accommodation around two large campuses with extensive lawn areas surrounded by well kept flower beds.

It has a large open dining area with windows from waist high level lining two of the walls.

There is a large sports ground and at the time visited in April 1998 two teams of prisoners were receiving enthusiastic support from several hundred fellow inmates.

About ten large modern industry buildings line each side of a wide thoroughfare. Each building houses a different activity including carpentry, metal work, ceramics and many others suitable for training prisoners vocationally.

## **Women's Prison, Swaziland**

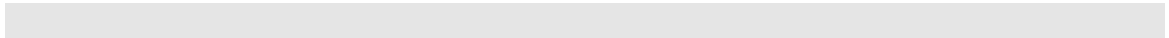
When visited in April 1998 the Prison had been open for only two months.

Conditions in the dormitory accommodation were immaculate, with neat, colourful bed covers adding to the clean, modern, fresh atmosphere that existed.

The dining area had extensive views from the large windows over-looking the adjacent valley and countryside.

The grounds were attractively landscaped with bright floral displays and sealed footpaths connected each of the buildings.

Many of the women had a young child with them.





## Chapter 9 - FACILITIES RECOMMENDED FOR TASMANIA

There is a large body of expert opinion, with which the Committee concurs, that wherever possible prisoners should be held in prisons at locations which are accessible to their families and friends for visitation purposes.

Maintaining contact with their families is an important part of the rehabilitation process for prisoners. The chances of rehabilitation are usually reduced if contact with family members is limited by distance.

This has been widely recognised, including in the UK where, in a report dealing with prison disturbances, Lord Justice Woolf and Judge Tumim recommended, *inter alia* :

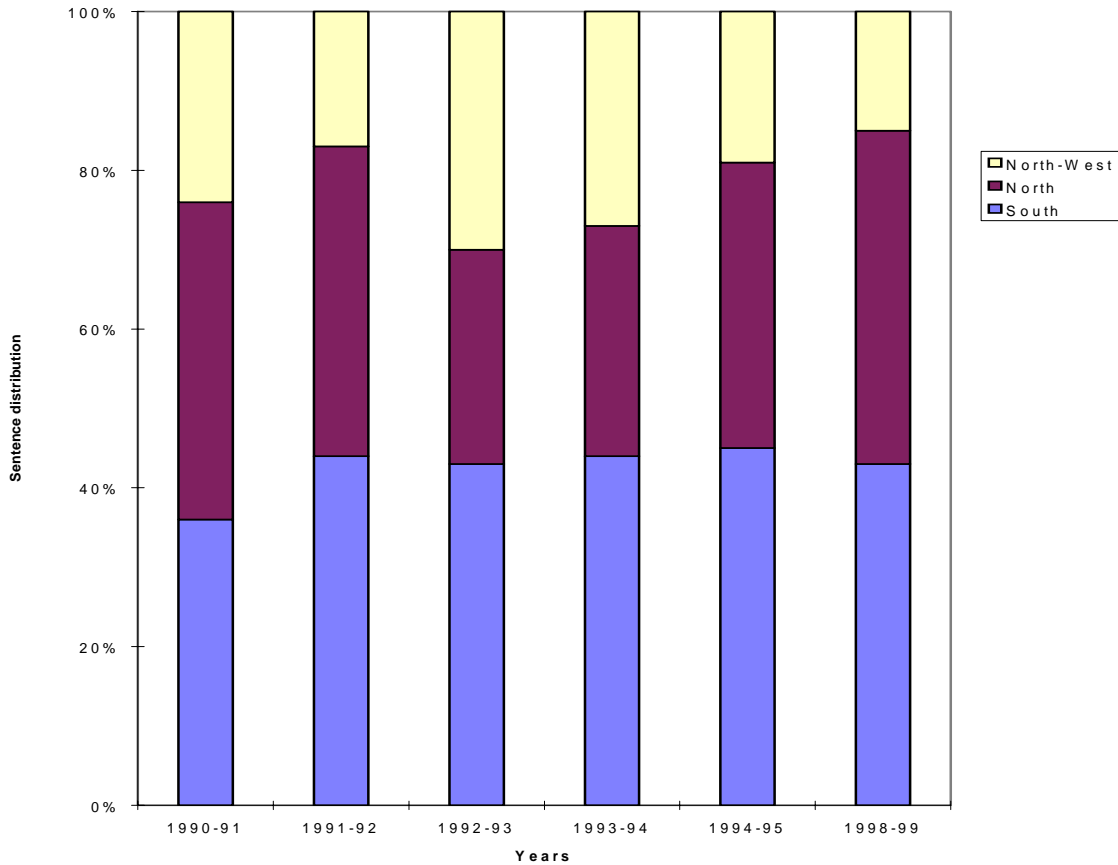
- “(ix) It is also highly desirable for the stable running of a prison and for the prospects for the prisoner leading a law abiding life after release that, whenever practicable, he should be accommodated as near to his home and community as possible...
- (x) A division of prison establishments into small and more manageable and secure units; ...”<sup>57</sup>

The Committee is aware that with the limited allowance prisoners receive each week, those living in the northern part of the State incur higher costs with STD telephone calls in telephoning their families. Tasmania is the most decentralised State in Australia. Approximately half of the State’s population resides in the north and north-west regions. This is reflected in the number and regional percentages of prison inmates in Tasmania as shown in Table 7.

---

<sup>29</sup> Woolf, Rt. Hon. Lord Justice and Tumim, Hon. Judge, *Report of an Inquiry into Prison Disturbances*, April 1990, HMSO London (1991).

**Table 7 - Geographic Origins of people sentenced to imprisonment**



The planning for correctional service facilities should reflect this spread of population.

The Committee therefore recommends that the Risdon Maximum Security Prison, the Ron Barwick Medium Security Prison, the Women's Prison and the Hayes Prison Farm all be replaced by two new prisons - one accessible to the main centres of population in Southern Tasmania and another in the northern part of the State, reasonably accessible to both Northern and North Western Tasmania.

It is not possible at this stage to be precise as to the number of cells which should be included in each of the two recommended prisons. This will depend on factors such as an assessment of trends in prisoner numbers which have escalated in recent months and also on the formulation of government policy on matters such as home detention, periodic detention and non-custodial options.

Subject to such considerations, the Committee envisages two new prisons of between 200 and 240 cells each. Both should contain maximum, medium and minimum security sections together with a women's section, if practicable. In addition there should be provision for an induction section, the separation of protection prisoners, youthful and first offenders, periodic detainees and future expansion if required.

The Committee considers it desirable for each prison to have an induction centre to accommodate prisoners for at least the first week of their sentence, while they adjust to the prison environment. Importantly, this would reduce the trauma currently experienced by prisoners, especially young prisoners, when they are admitted to prison for the first time and almost immediately are placed in cells in a division with many other inmates who are imprisoned for a wide range of crimes and offences.

Mr Colin Whitlock, Prison Officer and Secretary of the Tasmanian Correctional Officers' Association, is supportive of a separate unit for young and first offenders. In giving evidence to the Committee Mr Whitlock said :

“There has been a lot of talk for many years of developing A Yard, which is the current Yard in which medium is housed, into a young offenders, first offenders unit. That is something that is sorely needed in Tasmania and something we do not have that a lot of mainland States do have. To keep first time offenders particularly separated from hardcore criminals really would be a great benefit to them and to the community as a whole”.<sup>58</sup>

Mr Russell Spurr, Prison Officer and President of the Association was similarly supportive in the following passage of his evidence :

“...We do have young people who come in who are actually terrified when you first receive them in. You go through all the ways and strip search and everything else you have to do to receive somebody into prison, and you quite often find that they want to stay down in the hospital overnight because you take them down to what they see down there as a safe and secure little area. You bring them up into the main gaol where you get the main criminals looking out through the wires and yelling out and calling out. That sends a bit of a shudder into them and I can really feel for that, because the first time I went through that place I thought, 'I don't like this, I don't want to work here'. But after seeing a bit more of it I realised it was not a Pentridge, it was not a Long Bay and it was quite easy to work with them.

---

<sup>58</sup> Tasmanian Correctional Officers' Association – Transcript of Evidence.

For a first-time to be able to go in and mix with his own kind, if his crime allows him to do that, then, yes, I think it is a good idea and it could go a long way, along with welfare services and programmes and education that we have, to stop his recidivism and return him to society as a new person".<sup>59</sup>

These sentiments are commendable and appropriate. They highlight the need in any new prison to have an induction unit and a unit to keep youthful offenders separate from more experienced offenders, where appropriate.

Table 8 contains the classification levels of inmates in custody on 30 June each year over the past eight years. The 1999 figure reflects the levels as at 1 January 1999. It should be noted that the high number of inmates classified as maximum security is due mainly to the large proportion of persons on remand who are automatically treated as maximum security until they have been sentenced.

**Table 8 - Inmate Classification Levels**

<b>Year</b>	<b>Maximum %</b>	<b>Medium %</b>	<b>Minimum %</b>
1991	46	9	45
1992	45	17	38
1993	57	9	34
1994	51	10	39
1995	45	21	34
1996	46	14	40
1997	38	13	49
1998	45	13	41
1999	55	13	32

It would be desirable for each prison to accommodate women prisoners, provided the minimum numbers in each of the two regions makes this appropriate, without creating a situation where women prisoners become socially isolated.

In this respect the Committee is mindful of the following comments made by Mr Ben Marris in his paper :

"The small number of women in custody in Tasmania is such that it is not reasonable to consider dividing them into separate groups. Any separation on the basis of remand/sentence or geographic location would result in facilities which may have numbers which are not only so low as to be uneconomic, but to be socially isolating for the individuals concerned. This places a special challenge for the staff to run a small but diverse facility".<sup>60</sup>

<sup>59</sup> Tasmanian Correctional Officers' Association – Transcript of Evidence.

<sup>60</sup> Marris, Ben, op.cit., p. 33.

In keeping with current thinking and practices, the new prisons should be designed as a series of small cell blocks to give the opportunity and flexibility for effective unit management.

One of the great disadvantages of the design of the Risdon Maximum Security Prison is that effective unit management is precluded by the small number of cell divisions each containing a large number of prisoners. In this situation effective management of the various classifications of prisoners becomes difficult, if not impossible.

Smaller cell divisions with unit management procedures not only makes control of the prisoners and educational, training and rehabilitation programmes more effective, but also provides more incentive for prisoners to qualify for reclassification and privileges. There is little scope for this in the Risdon Prison which leads to reduced opportunities for rehabilitation and discontentment.

Unit management and the flexibility that flows from this gives prison managers and staff the opportunity to keep prisoners of a similar classification together. This is especially important with young prisoners, first offenders and those who are imprisoned for less serious offences.

It follows that those requiring maximum security detention can receive this without disadvantaging other prisoners on lower classifications. It is also important and much easier to keep prisoners requiring protection together and separate from other prisoners.



**Fulham Correctional Centre – Sale, Victoria  
A Typical Unit in a Modern Prison**

The development of new prisons will give the opportunity for prison authorities in Tasmania to introduce new measures which are already prevalent in other jurisdictions.

These include accommodating minimum security prisoners, including those on pre-release programmes, in self-contained cottage style accommodation where they are given a weekly budget, manage their own provisions, cooking and cleaning, in addition to receiving other privileges.

Each prison should contain facilities for industries, training and educational programmes to give all prisoners the opportunity to work or improve their skills or education. A former director of Corrective Services in New South Wales is convinced that prisoners have the best opportunity for rehabilitation if they have a reasonable level of education and a job.

The emphasis on facilities and programmes for industries, education and training should be on equipping people to obtain employment upon release, as well as to prevent boredom.

Prison farms are considered to have limited benefits for prisoners because, upon release, very few would have any opportunity to work on farms.

Accordingly, the Committee does not favour prison farms being included in any new prison, although it is considered desirable for each to have land available for vegetable growing and other horticultural pursuits. As well as providing produce for prison use these activities are easily incorporated into training programmes to equip prisoners with skills for employment and daily living.

Experience in Australia has shown that it is beneficial for the organisation which will be responsible for the management of a prison to actually design it and, preferably, for it also to be involved in the construction of the prison. Notwithstanding this, there would be obvious benefits in the two new prisons recommended for Tasmania to have identical designs. This would be beneficial in terms of cost of construction, management and the flexibility of an interchange of staff, when appropriate.

The construction of a new prison in Northern Tasmania would remove some pressure from the Launceston Cells, which could thereafter be used principally as a watch-house and to accommodate prisoners whilst they were involved in court proceedings. The number of cells could therefore be reduced but would need to be upgraded. The same considerations apply to the Burnie cells.

For some time there has been a general view that prisons with a capacity of between 400 and 600 cells are more cost effective to build and operate than smaller prisons. Whilst there may be some economy of scale cost benefits, that general theory is now being seriously challenged. The Committee received expert and experienced opinion from a number of witnesses advising it to place

little weight on the importance of any cost saving through economies of scale applicable to larger prisons and strongly recommending that the appropriate approach was to determine what size, location and conditions, were most appropriate to Tasmania's requirements. In other words, the Committee was told that Tasmania should determine what Tasmania's needs are and then plan to accommodate these needs in the most appropriate way – irrespective of the number of inmates to be accommodated in a prison.

In his evidence, Mr Richard Bingham, Secretary of the Department of Justice and Industrial Relations, expressed the following views, which were echoed by a number of mainland witnesses :

“It is not the question of availability of funding which ought to drive that decision-making process; it is the question of, ‘What sort of prison system do you want to have in this State and what are the objectives of the prison system’? Once you answer those questions then you are in a better position to make a judgment about what the assets that you need to deliver those objectives might be”.<sup>61</sup>

Several witnesses suggested that, because of its decentralised nature, Tasmania needs to have two prisons – one in the north and one in the south.

It was pointed out that the prison at Mt Gambier, South Australia, privately managed by Group 4, contained only 110 cells and was a commercially viable operation. It has also effectively implemented modern unit management techniques.

No concern should be felt about any recommendation to establish prisons to accommodate smaller numbers of inmates. There is a strong body of opinion that smaller prisons can be managed more effectively and efficiently.

In this context it is both interesting and relevant to set out the functional capacities of a number of public prisons in Victoria.

HM Prison Ararat	256	HM Prison Loddon	250
HM Prison Barwon	250	HM Melbourne Assessment Prison	280
HM Prison Beechworth	123	HM Prison Tarrengower	38
HM Prison Bendigo	82	HM Prison Won Wron	127
HM Prison Dhurringile	106	Metropolitan Women's Correctional Centre	125
HM Prison Langi Kal Kal	100		

<sup>61</sup> Bingham, Richard, Transcript of Evidence – 17 December 1998, pp. 31-32.

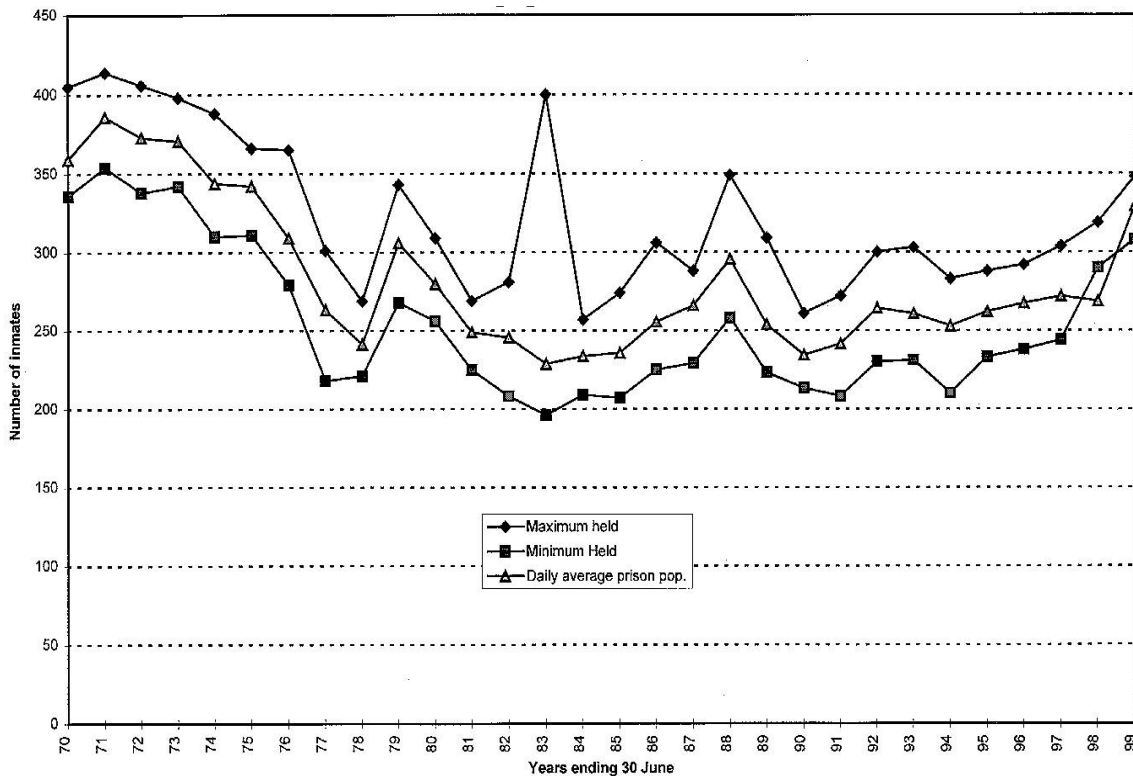
In his Report presented in April 1993, the Hon. F. M. Neasey AO emphasised the importance of smaller prisons in the following terms:

“A small, orderly, quiet prison, with a high level of useful activity within and associated with it, and a low level of tension between staff and inmates, is a primary objective espoused by modern penology”.<sup>62</sup>

The Committee would expect that the number of prisoners in full-time custodial care will decrease, if the Committee’s recommendations are adopted, in favour of cost effectiveness and successful rehabilitation.

Fluctuations of prison numbers and recent upward trends may be seen in Table 9. The recent increase in numbers is due to several factors, notably a concerted campaign directed at fine defaulters.

**Table 9 - Tasmanian Prison Population 1970 – 30 April 1999**



<sup>62</sup> Neasey op. cit., p.5.



Notwithstanding the Committee's current view that each recommended prison would need to accommodate between 200 and 240 prisoners, if circumstances required a prison accommodating only 100 or 125 prisoners to be built, the Committee would have no hesitation in so recommending for the aforementioned reasons.

It is emphasised that the Committee accepts the evidence given that the particular Tasmanian requirements need to be identified – and then accommodated.

Accordingly, the Committee is convinced that Tasmania needs and should have two new prisons built along the lines discussed in this chapter.

Because of the unacceptable conditions in which most of the inmates are accommodated in Tasmanian prisons there is a need for the new prisons to be built and operational at the earliest possible time.

### **Recommendation**

- The Committee recommends that the Risdon Maximum Security Prison, the Ron Barwick Medium Security Prison, the Women's Prison and the Hayes Prison Farm all be replaced by two new prisons – one accessible to the main centres of population in Southern Tasmania and another in the northern part of the State, reasonably accessible to both Northern and North Western Tasmania.

That each prison should :

- (a) accommodate male and female maximum, medium, minimum and protection classification prisoners;
  - (b) include an induction unit;
  - (c) contain units for youthful offenders and prisoners entering prison for the first time for less serious offences;
  - (d) contain a medical centre;
  - (e) cater for periodic detainees, provided the Government adopts the Committee's recommendation to introduce a Periodic Detention Scheme; and
  - (f) contain provision for expansion, if necessary.
- Each new prison should contain facilities for industry, training and educational programmes.

## Chapter 10 - PUBLIC, PRIVATE OR CONTRACTING OUT?

### Terminology

The terms of reference require the Committee to make particular reference to the “privatisation of prisons including design, financing, construction and administration”.

In this context ‘privatisation’ was intended to cover situations where prisons are operated and managed by the private sector under contract to a government. In some cases this would also include the private sector designing, financing and constructing a prison.

None of these combinations, however, involves privatisation in the true sense of that word. A more accurate description for these is ‘contracting out’.

The important difference between ‘privatisation’ and ‘contracting out’ is highlighted and well demonstrated in the submission made to the Committee by Group 4 Correction Services in the following terms:

“The term ‘privatisation’ should not be applied to the contracting out of correctional and allied services. Privatisation is the process whereby a Government sells off an entire activity, with all its plant, products, markets, staff, goodwill etc., and the privatised entity then trades independently in an open market, competing with other companies providing the same goods or services. When correctional services are contracted out, the Government simply buys a management service. The Government remains responsible for imprisonment, and continues to determine who will be imprisoned, for how long, where and under what conditions and there is no open market for prisons. The private management company has no scope to change, extend or otherwise alter the administration of imprisonment. Thus the term ‘contracting out’ is descriptive of what happens in these cases, the term ‘privatisation’ is not.<sup>63</sup>

Similar sentiments are expressed in the submission of the Corrective Services Division :

“The concept of privatisation is one that is mentioned daily in public

---

<sup>63</sup> Submission by Group 4 Correction Services (No. 4), December 1997, p. 1.

sector workplaces and current affairs covered by the print and electronic media. Strictly interpreted, it is a concept that means the 'selling off' of a public system to private enterprise, but the primary meaning in this context relates to any shift of services previously provided by Government, to the non-government sector. Harding (1994; pp. 62-90) in his analysis of accountability, suggests it is more appropriate to refer to 'contracting out', and this term is used in this submission.

A total sell-off includes assets, services, existing contracts, responsibility for service delivery, revenue generation, accountability, etc. An example of this might be Qantas Airways, privatised in the mid-90's by being totally sold off by Government. This is an example of true privatisation where previously governments owned and operated services are completely sold off to 'private' interests and Government's only on-going role is industry regulations".<sup>64</sup>

Professor Richard Harding observes:

"...at the end of the 20<sup>th</sup> Century, privatisation typically refers to a process whereby the state continues to fund the full agreed costs of incarceration but the private sector is paid to provide the management services, both 'hotel' (including custodial) and programmatic. Variants of this include arrangements whereby the private sector also provides the physical plant itself and, more unusually, joint ventures where custodial responsibility may rest with one sector and other hotel and/or programmatic responsibilities with the other sector. Whichever of these models is adopted, however, the common denominator is that the state remains the ultimate paymaster and the opportunity for private profit is found only in the ability of the contractor to deliver the agreed services at a cost below the negotiated sum".<sup>65</sup>

Professor Harding is correct in his observation that 'privatisation' is commonly used to describe the system which the Group 4 and Tasmanian Corrective Services Division submissions accurately terms 'contracting out'.

For the reasons contained in these three passages, the Committee has attempted to play down the use of 'privatisation' in favour of expressions such as 'contracting out' and 'private prisons'.

---

<sup>64</sup> Corrective Services Division – Submission, p. 12.

<sup>65</sup> Harding, op.cit., p. 2.

The term 'private prisons' used in part of the title and text of Professor Harding's book is considered to be an accurate description of prisons managed by private companies on behalf of governments, as well as those also designed, financed and constructed by the private sector.

In dealing with this term of reference requiring special consideration to be given to the 'privatisation of prisons', the Committee will focus on the 'contracting out' of services by government to private companies which operate 'private prisons'.

It is of interesting significance that our Corrective Services Division already contracts out a number of services which are detailed in the Division's submission in the following terms :

"There are currently a number of areas within the prison system where specific services are contracted out.

- Electrical repairs/installations; private contractor
- Boiler maintenance; private contractor
- Other major maintenance; contractors as required
- Hobart Remand Centre Food Service; contracted to Royal Hobart Hospital
- Education and vocational training; Adult Education, TAFE, private industry
- Medical Service; General Practitioner visiting the Prison
- Cognitive Programs; agencies and private providers
- Drug and Alcohol Service; service agreement with Your Place
- Specialist Counselling; agencies and private providers

In addition to the above, design and construction of the new Remand Centre was contracted, as has been much of the specialist work on other, smaller construction or renovation works within the prison system".<sup>66</sup>

Contracting out, therefore, is already common to the Tasmanian prison system.

### **Historical Development of Private Prisons**

The first private prison to be managed by a private company was in the USA. With acute over-crowding in USA prisons the number of private prisons has significantly increased. Australia was the next western country to adopt this system.

"The Queensland Corrective Services Commission (QCSC) came into being in 1988 following an extensive review into the provision

---

<sup>66</sup> Corrective Services Division, Tasmania – Submission, p. 23.

of correctional services in Queensland by Mr Jim Kennedy. The recommendations of Mr Kennedy's landmark report provided a blue print for correctional reform and were adopted by the Queensland Parliament with the support of the major political parties. In his report, Kennedy recommended that one prison under the jurisdiction of the QCSC should be operated and managed by the private sector under contract to the Commission. His rationale for this recommendation was to create a market for corrective institutions in Australia and in particular Queensland. This would, for the first time, introduce competition providing a real measure against which to test the performance and costs of the State operation".<sup>67</sup>

As a consequence, in January 1990, the Borallon Prison in Queensland was opened under the management of Corrections Corporation of Australia. This was then a 240 bed medium security prison.

It was not until two years later that a privately operated prison was opened in the United Kingdom when in 1992, Group 4 Prison Services began operating The Wolds Prison in Yorkshire. At least six others have since opened and two more are under construction.

In Australia the development of private prisons is set out in the following table 'Private Prison Developments in Australia, 1990-2000' prepared by Professor Harding<sup>68</sup> and modified by the Committee to include only the private prisons which are actually operating at the date of this Report.

**Table 10 - Private Prison Developments in Australia, 1990-2000\***

Date	Prison	Rated Capacity	Cumulative numbers and (percentages of total prisoners)	Operator
1990	Borallon (Qld)	240	240 (1.9%)	CCA
1992	Arthur Gorrie (Qld)	380	620 (4.4%)	ACM
1993	Junee (NSW)	600	1220 (8.0%)	ACM
1994	Arthur Gorrie (Qld) Phase 2	+ 198	1418 (9.3%)	ACM
1995	Mount Gambier (SA)	125	1543 (10.1%)	Group 4
1995	Borallon (Qld) Phase 2	+ 185	1782 (11.2%)	CCA
1996	Arthur Gorrie (Qld) Phase 3	+ 54	1907 (12.2%)	CCA
1997	Fulham (Vic)	600	2507 (14.7%)	ACM
1997	Port Phillip (Vic)	600	3107 (18.3%)	Group 4

\* Percentages up to 1997 are based on the average daily population the year the prison became operational.

<sup>67</sup> Macionis, Stan, Chief Executive Officer, Queensland Corrections, *Purchaser/Provider Arrangements in the Delivery of Social Services*, 1997, p. 1.

<sup>68</sup> Harding, op.cit., p. 6.

The Committee has been advised that a private prison to accommodate 750 prisoners is under construction in Western Australia and that active consideration is being given to contracting out prison services in the ACT, and to extending them in South Australia.

Victoria already accommodates 50% of its prisoners in private prisons, which is the highest percentage in the world.

### **Rationale for Private Prisons**

Different combinations of a variety of factors have caused a number of governments to introduce private prisons to their Corrective Services System or, alternatively, to continue with those introduced by previous administrations.

These factors also constitute many of the perceived advantages of private prisons and include :

- (a) cost savings;
- (b) the benefits of competition between the public and private systems;
- (c) the opportunity to eradicate entrenched, inefficient and costly work practices;
- (d) a greater flexibility to select and negotiate with staff on terms and conditions leading to more efficient, cost effective work practices;
- (e) cross-fertilization of ideas between the two systems;
- (f) the introduction of a new managerial and staff culture;
- (g) the creation of an improved atmosphere in the prisons, especially between staff and inmates, increasing the prospects of successful rehabilitation of more inmates;
- (h) the transfer of risk factors to the private sector;
- (i) the opportunity to construct new prisons with modern unit designs creating higher levels of efficiency and a better environment for staff and inmates alike; and

- (j) the ability for governments to have new prisons built, financed and operated for less annual cost than the cost per annum of merely operating the prison being replaced and without increasing the State debt.

In some jurisdictions new sentencing policies leading to an increase in the number and length of prison sentences has caused serious problems of overcrowding in some prisons – notably in the USA, the UK and Queensland. This has accelerated the rate of growth of private prisons, as they reduce the level of the financial burden on governments, thus making it easier, quicker and cheaper to establish new prisons.

Different reasons were responsible for the Victorian Government's decision to embrace private prisons to such a substantial extent. The main motivation for this in Victoria was a combination of political philosophy favouring privatisation, the contracting out of services where practicable, and also cost factors, including a reduction in the cost of constructing and operating new prisons and the capacity to build them without increasing the State debt.

In Tasmania, inferior conditions leading to the urgent need to replace Risdon Prison, together with the reluctance and difficulty governments in recent years have had in providing funds to do so, are major reasons for making it appropriate to consider the contracting out of prison services.

It is difficult to envisage how the Government could see its way clear to replace Risdon Prison and other inadequate facilities without some form of contracting out. These could be replaced by this means, without any reduction in the level of other essential services and without increasing the State debt, especially at a time when no effort is being spared in reducing it. In addition, in the order of \$2m could be saved each year.

### **Arguments Against Private Prisons**

Some of the main arguments advanced in opposition to private prisons are the following :

- (a) it is a core responsibility of government to provide and control prison services;
- (b) no-one should profit from the misfortunes of others;
- (c) any savings are made by reducing staff numbers and services to an unacceptably lower level;
- (d) staff are not adequately trained;

- (e) corporations are concerned principally with making a profit for their shareholders to whom they feel primarily accountable;
- (f) the public has less information about conditions and management in private prisons than in public prisons due to matters such as commercial confidentiality; and
- (g) private prisons are less accountable.

### **Evaluation of Arguments For and Against**

Professor Harding, in common with many others, draws a clear distinction between the responsibility for the 'allocation' of punishment and its 'administration' in the following passage :

"Radzinowicz's view that 'the enforcement of penal legislation ... should be the undiluted responsibility of the state' (quoted in Shaw 1992), and thus that prison privatisation was unacceptable in any form and whatever the safeguards, was expounded and discussed in Chapter 2. In response it was argued that this view was simplistic, failing to distinguish between the *allocation* of punishment and *administration*. The former was, and with privatisation still is, the responsibility of the independent judiciary; whilst the latter was a matter for the executive. As with many of its functions, the executive might delegate this task. Indeed, delegated administration of criminal punishment, as well as other forms of involuntary institutionalisation, has been and remains common place. Examples include : community-based corrections, juvenile's corrections including detention, psychiatric services, and drug treatment centres (McDonald 1992: 362-3). As long as it is understood that the state remains responsible for how that task is then carried out by its delegate and ensures that it is done according to the proper standards, there should be no objection of principle."<sup>69</sup>

The Committee agrees totally with the distinction Professor Harding makes between the allocation or imposition of punishment and the administration or management of the carrying out or performance of that punishment.

The contracting out of corrective services in no way impinges on the government retaining the direct responsibility of allocating punishment as a core responsibility.

---

<sup>69</sup> Harding, op.cit., pp. 88 and 89.



In contracting out corrective services and establishing private prisons, governments are doing no more than delegating their responsibility for the 'administration of criminal punishment' to private corporations, whilst maintaining ultimate responsibility and control of the administration of the punishment.

In providing the Group 4 submission to the Committee, Mr Stephen Twinn, the company's Director of Operations and Business Development, makes the following valid points in dealing with 'the morality of profit' argument:

"People have always made profits from prison. Companies have always supplied food, maintenance and building services, clothing, utilities, etc., to prisons on a purely commercial basis. The staff at those prisons have worked there for wages, exactly as do the employees of private prison management companies. It is true that the private management companies seek to make a profit from their work, but so do the suppliers of services to State prisons. I cannot see how it is possible to make a moral distinction between the supplier of one type of service to a prison and the supplier of another".<sup>70</sup>

As to the argument that 'no-one should profit from the misfortune of others', this overlooks the fact that it is commonplace and important for many people to do so including doctors, lawyers, judges, panel beaters, private hospitals, banks, funeral directors and a multitude of others.

The Committee has had the advantage of inspecting both public and private prisons in a number of different jurisdictions as well as receiving submissions, hearing evidence and participating in discussions with people representing both points of view. In many cases these people have had long and valued experience in the area of corrective services.

In making comparisons between public and private prisons, it is appropriate to note that,

"...we need to consider what private prison management replaces. No system is perfect and we should not be judging private prison management against perfection, but against what it replaces".<sup>71</sup>

Professor Harding details a selection of views of inmates favouring private prisons before commenting:

"The present author's conversations with private prison inmates in Australia, the UK and the USA revealed similar sentiments – and not once the contrary".<sup>72</sup>

---

<sup>70</sup> Group 4 – Submission, p. 8.

<sup>71</sup> Ibid., p. 9.

<sup>72</sup> Harding, op. cit., p. 116.

Committee members had similar experiences in random discussions held with prisoners in both systems in Australia and, in the case of one member, in the UK.

It was quite common for prisoners to comment that staff in private prisons treated them “like human beings”. This was compared with the “them and us” attitude prevailing so often in public prisons. The civilian style clothing worn by private prison staff, as well as their attitude to prisoners, contribute to the better atmosphere and more normal, appropriate and productive relationship between staff and inmates in private, as compared to public prisons.

The opportunity to eradicate costly, entrenched, inefficient work practices has proved to be a critical factor in favour of private prisons. Professor Harding makes the point that :

“The leverage which generally makes running a private prison financially viable is the opportunity, in staffing and structural terms, to ‘start again’: to eliminate old work practices, rigid rosters, sick-leave expectations, open-ended overtime, and so on”.<sup>73</sup>

Mr Ben Marris comments:

“The principal driving force in the privatisation of prisons in Australia has been a desire to confront the long history of difficult industrial relations. The various Prison Officers Associations have used the public and political fear of prison disorder to obtain financial benefits and organisational rigidity. In general they have opposed changes designed to make prisons more efficient and they have resisted changes to make prisons more effective. They have tendered towards a culture of intransigence”.<sup>74</sup>

The rigidity of the old style ‘them and us attitude’ formerly adopted by prison officers is explained by Mr Neasey in the following passages :

“Until about a decade ago, it was rare for a prison officer on duty to talk to a prisoner. Any officer seen doing so was suspect in the eyes of his peers and superiors. He might be suspected of conspiring with the prisoner in some way, or passing an illicit substance to him.

There was practically no communication between inmates and staff except the giving of curt orders and directions. Disciplinary infringements usually drew with certainty some form of punishment.

---

<sup>73</sup> Harding, op. cit., p. 8.

<sup>74</sup> Marris, op. cit., p. 51.

That is no longer the prevailing attitude; there is a section of prison officers who believe the pendulum has swung too far away from previous methods. This section tends to dominate the leadership of The Tasmanian Prison Officers Association, though evidence suggests that not all of the membership agree with their views.

The prevailing approach now [1993] is that if a prisoner wants to talk to a prison officer or make a request for help or the like, he will be listened to. The officer is encouraged to discuss problems and help the prisoner if he can. An attitude of respect, each to the other in their respective roles, is expected to be maintained".<sup>75</sup>

The Committee was informed by representatives of the Prison Officers' Association that there has been an increase in the practice of the new approach, although there is some evidence of continuation of a modified form of the old attitudes prevailing. The Committee was informed by another witness that this had led to some conflict between officers, including some damage to the car of an officer who practiced the more humane modern approach. This is all in direct contrast to the relationship between staff and prisoners in modern prisons, especially private prisons, where staff are trained to treat prisoners with respect and understanding. The Committee observed this in practice on many occasions.

An example of past unreasonably entrenched and costly work practices in Tasmania was provided to the Committee concerning a situation which occurred in 1992.

The circumstances were that an inmate, who was a first time offender serving a six months sentence for burglary, was classified medium to low security. He had broken his femur in a car accident prior to being sentenced, and refractured his femur in prison. The fracture granulated which prevented it from knitting. As a result the prisoner underwent surgery in the Royal Hobart Hospital to have pins inserted into bones where-upon his leg was put in traction. The Committee was told that the officers and the superintendent of the prison at that time demanded that while in hospital the prisoner have a double armed escort 24 hours a day for four months.

Prison management made representations to the Honourable Judy Jackson who, as Minister responsible for Corrective Services at the time, was able to overcome the problem by providing the prisoner with leave of absence whilst disabled in the hospital.

Prison officers immediately went on strike for some days before normal work resumed. Prison authorities gave evidence to the Industrial Relations

---

<sup>75</sup> Neasey, op.cit., pp. 31-32.

Commission that it would have cost between \$70,000 and \$75,000 in overtime for this one prisoner if the officers' demands were met.

The outcome of this incident introduced a leave of absence scheme into the prison service in Tasmania for the first time.

Such practices have bedevilled administration of prisons in Tasmania over the years. Although the problems have been reduced they have not been eliminated and featured in some of the main issues presented to the Committee on a visit to Risdon Prison in January 1999. These are set out as follows :

- "Asset management: no funds provided for depreciation/equipment replacement.
- Cumbersome roster for manning Risdon Prison complex – incurs high level of overtime to man roster. (*RHH Escorts etc*) Plan to use casuals and pool of retired Custodial Officers.
- Inflexibility of staff management compared with private sector most particularly with management of sick leave, staff under performance, and relocation expenses".

In a nutshell, the Committee accepts that the thrust of the factors listed on page 78 as perceived advantages of contracting out are valid and sustainable.

There is no doubt that private prisons can, and usually do, operate more cost effectively than public prisons. Cost savings are particularly pronounced in cases where the contracts between governments and private corporations are for designing, constructing, financing and managing. It is for this reason, no doubt, that Professor Harding forecasts "that DCFM contracts will increasingly become the norm; and management-only contracts will become rare".<sup>76</sup>

Equally, it seems clear that the establishment of private prisons in a particular jurisdiction has had beneficial effects on the operations of both private and public prisons in the same jurisdiction. Professor Harding gives two relevant examples.

The first concerns the Borallon contract in Queensland, in respect of which he says:

"The number of uniformed staff, at 100 or so, was about half the number which would have been required according to public prison manning levels. The corollary was that the contractors reserved a far bigger slice of the cake for educational and industrial training programs as well as health services".<sup>77</sup>

---

<sup>76</sup> Harding, op.cit., p. 156.

<sup>77</sup> Ibid., p. 138.

The second relates to the staffing of the Metropolitan Remand and Reception Centre, Silverwater, about which Professor Harding says:

“In New South Wales, a new 900-bed public prison under construction at Silverwater will have only 300 uniformed staff – markedly fewer than would have been the case before the Junee contract was let. Once more, it is intended that flexible prisoner management practices and enhanced programs will be put in place”.<sup>78</sup>

In Tasmania, it is evident that even the appointment of this Select Committee has made it easier for management to negotiate more appropriate and cost effective working conditions in the Tasmanian Prison System. Competition between the public and private systems is beneficial for each system and those associated with them.

Discussions in Queensland with Sir Max Bingham, then Deputy Chairman of Corrective Services in Queensland, and Mr Barry Apsey, Director-General of Corrective Services, Queensland produced the following helpful comments from Sir Max in the presence of Mr Apsey :

“Overall we are both of the view that there are considerable advantages in privatisation. We are in favour of a blended system, because there is no doubt that private reduces costs. We favour a mix of public and private. The possibility of competition in pure dollar terms is of significant importance.

We think as the culture is developed, the programmes developed in private institutions are going to sharpen up the development of similar programmes in other institutions. It will not be a matter of playing one end against the other, but all ends against the middle”.<sup>79</sup>

The Committee shares these views. Professor Harding considers that :

“Private prisons could act as a catalyst for improvement across the whole prison system, but only if they are effectively regulated and properly accountable”.<sup>80</sup>

When contracting out corrective services the State continues to be responsible for the establishment and control of private prisons as it is merely contracting out the services for which it is responsible to private companies. In other words, the

---

<sup>78</sup> Harding, op.cit., p. 138.

<sup>79</sup> Bingham, Sir Max, Transcript of meeting on 2 July 1998.

<sup>80</sup> Harding, Richard, *State Prisons and Public Accountability*, 1997, Open University Press, Buckingham, p. 165.

State is delegating, not foregoing or abdicating, its responsibility by contracting out the various services for which it continues to be responsible.

In this respect the terms of the contract documents are of crucial importance. They need to be carefully worded to ensure that all parties know precisely what services are being contracted out and the manner in which they are to be performed. An effective monitoring system must be established to ensure that the contractual responsibilities are fully and adequately discharged. Full accountability by the private contractor to the government is essential.

The necessity to enter into a contract to establish a private prison “forces the Government to decide precisely what it wishes its prison(s) to achieve”.<sup>81</sup>

After nominating this as a spin-off advantage of contracting out prison management, the Group 4 submission goes on to say :

“...unless a Government can be clear on what it wants, it is unlikely to get it either through contract management or through the direct management of services”.<sup>82</sup>

On the question of staff numbers, modern means of electronic security in prisons and modern unit prison designs make it possible for staff numbers to be reduced, without a corresponding reduction in the level of either services or security.

A major and costly disadvantage in the administration of public prisons has been the failure and reluctance of many public prison officers and officials to adapt to modern and more efficient work practices and to be reasonable and compromising in negotiations designed to achieve these. New staff in new prisons, even in public prisons but especially in private, seem more amenable to change and to adopting modern, efficient, cost-effective work practices thereby reducing the overall costs of operating prisons. This is especially so when there is a mix of public and private prisons in the same jurisdiction or, even when there is the prospect of private prisons entering a jurisdiction.

The adequacy of training of prison officers generally has particular current relevance in Tasmania. By courtesy of the Attorney-General, the Hon. Peter Patmore, M.H.A., the Committee has received an expurgated copy of the recently completed Report of the Ombudsman into complaints by inmates of Risdon Prison concerning events which occurred between October 1998 and February 1999.

In addition to finding that “force used was excessive and that the use of force had not been shown to be necessary”<sup>83</sup> at a particular point of time, inter alia the Ombudsman made the following finding:

---

<sup>81</sup> Group 4 – Submission, p. 10.

<sup>82</sup> Ibid., p. 11.

“The investigation has shown that Corrective Services personnel were not receiving appropriate and adequate training in relation to their statutory powers, duties and responsibility in relation to the management of persons in custody”.<sup>84</sup>

One of the Ombudsman’s nine recommendations was expressed in the following terms:

“6. That immediate consideration be given to the formulation of command and control guidelines for all senior Corrective Services personnel clearly identifying their respective roles and responsibilities in order that they may better direct operations”.<sup>85</sup>

The Committee is mindful that inadequate funding, poor conditions and inappropriate design at Risdon Prison make it more difficult for officers to discharge their duties. The design faults cause excessive numbers of inmate movements within the prison. This very real problem would be obviated by modern unit designed facilities.

The Committee’s view is that training of staff is no less adequate in private prisons than public prisons. Often there would be a greater range of training for staff in private prisons, especially in relation to programmes.

The Committee has neither seen nor heard any evidence which would convince it that concentration on the profit motive for shareholders has reduced the level of appropriate facilities or services in private prisons.

Corporations managing private prisons are subjected to a much higher degree of scrutiny and accountability in order to comply with strict contractual conditions, than is the case in public prisons.

Another aspect of scrutiny is apparent in the attitude and the extent and nature of the coverage given by some sections of the mainland media to problems experienced in private prisons – compared to the reduced coverage, if any, of equivalent problems in public prisons.

The Committee experienced an example of this when visiting prisons in New South Wales in July 1998.

Several hours prior to the Committee’s visit to the Metropolitan Remand and Reception Centre, Silverwater, a prisoner in the adjoining public prison killed a

---

<sup>83</sup> Office of the Tasmanian Ombudsman, *Risdon Prison Investigation, October 1998 – February 1999*, p. 2.

<sup>84</sup> Office of the Tasmanian Ombudsman, *op cit*.

<sup>85</sup> *Ibid.*, p. 3.

fellow prisoner with a knife. There appeared to be no coverage of that incident on the television news that evening. The next day there was no coverage in one Sydney newspaper and only a short single column report in the other newspaper.

If a similar incident had occurred in a private prison it would have been surprising if the media coverage in that area had not been wide, extensive and critical.

A relevant matter to be considered in this context is the generally accepted view that it usually takes one or two years for a new prison to 'settle down', whether it be public or private. Thereafter, the culture of the prison becomes established and there are fewer problems.

In summary, the Committee agrees that the ideal situation in any jurisdiction is for there to be a mix of public and private prison facilities.

### **The Extent of Cost Savings**

Information supplied to the Committee by Australasian Correctional Management Services Pty. Limited shows that the most cost-effective prisons in Australia are the privately financed, designed, constructed and operated models. "These achieve total costs to Government (on a per person per day basis) of \$115 to \$125".<sup>86</sup>

According to Department of Correctional Services' calculation for the year ending 30 June 1998, the average daily cost of keeping an inmate in the Tasmanian prison system was \$150.24. A comparison of the recurrent costs in all Australian jurisdictions since 1992/93 is set out in the following table.

**Table 11 – Recurrent Costs Per Prisoner per day (\$)**

	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>SA</b>	<b>WA</b>	<b>TAS</b>	<b>NT</b>	<b>ACT</b>	<b>AUS</b>
92-93	118	158	131	153	143	114	155		
93-94	123	129	122	150	130	129	149		
94-95	138	147	121	134	121	137	147		
95-96	151	163	126	133	122	141	169	227	
96-97	145	172	119	150	140	149	176	171	145
97-98	148	143	105	153	158	150	157	191	152

Source : Corrective Services Division, Department of Justice and Industrial Relations, Tasmania

Prior to the establishment of this Committee, representatives of one private prison company already operating in Australia estimated that the company could design, finance, construct and manage a new prison in Tasmania for approximately \$2 million less than it costs the Tasmanian Government each year

<sup>86</sup> Curnow, William C., Thiess Contractors Pty Limited, Email 7 July 1999.



merely to operate Risdon Maximum Security Prison. That figure has been revised on the basis of available information and now suggests a saving of between about \$2.5 million and \$3.4 million.

On the figures given there is a saving of between \$25 and \$35 in the average daily cost of keeping an inmate in a private prison, compared with the equivalent average daily cost in the Tasmanian prison system. On the basis of a saving of \$25 per day, the total annual saving for 268.62 prisoners (the average daily number of prisoners in Tasmania in 1997-98) would be around \$2.446 million. The saving on the basis of \$35 per day would be around \$3.424 million.

These calculations are on the basis that a private company would design, finance, construct and manage a new prison to replace the Risdon Prison and Hayes complexes.

As the Committee is recommending two new smaller prisons, it is acknowledged that there could be some reduction in the estimated savings. Further, as the Committee recommends that at least one of the two new prisons be publicly managed, this could further reduce the cost savings.

For these reasons, it is not possible for the Committee to estimate accurately the extent of savings likely to be made if its recommendations are adopted. Nevertheless, having received a considerable amount of evidence and advice from witnesses well experienced in corrective services, the Committee is confident that Tasmania could replace the Risdon and Hayes facilities with two new prisons designed, financed and constructed by a private company and achieve considerable savings.

Assuming that a private company was then contracted to manage one prison with the other being managed by the State, it is estimated that significant savings could still be achieved. At the same time this would give a much-needed boost to the building industry exceeding \$40 million.

It is also noted that the plan envisaged by the Committee provides the Government with the means of building partnerships with the private sector to build, finance, own, operate and maintain this essential infrastructure, in line with its innovative Industry Audit response.

It is important to acknowledge that increased numbers of prisoners reduce the average cost per day per prisoner, because fixed, basic costs are spread across a greater number of inmates. The recent increase in prisoner numbers will therefore reduce the average daily costs per prisoner. This situation, however, is considered somewhat artificial as it is brought about largely by the sharp increase in the number of fine defaulters being sentenced to imprisonment. Hopefully, with the introduction of different measures to enforce fines, this will be temporary only.

The fact that Tasmania has a lower number of prisoners who are kept in several different facilities results in the basic costs of each being divided by a relatively small number of inmates. This is especially pronounced in the facilities other than the Risdon Maximum Security Prison. The estimates of average daily costs of keeping prisoners in each facility is set out as follows :

	Risdon Maximum Security	Hospital	Medium apport. from Max	Women's	Hayes	Launceston	Administration
Cost per Prisoner per	\$175.90	\$218.91	\$65.00	\$211.19	\$83.52	\$257.29	\$150.24

It is therefore surprising, but commendable, that Corrective Services administrators have been able to contain the average cost of keeping a prisoner per day at levels which are comparable with many other public prisons in Australia. As previously noted, this has been at the expense of some conditions and standards in the Tasmanian facilities. Operating within the budgeted funds provided, the Tasmanian prison authorities have had no alternative and have performed creditably in very difficult circumstances.

There are further examples of cost savings.

The first is the comparison between the cost per prisoner in the construction of the last public prison to be built in Victoria, the Barwon Maximum Security Prison constructed in 1988 at a cost of approximately \$250,000 per prisoner. By comparison, the cost of building the privately constructed maximum security prison at Port Phillip in 1997 was only \$100,000 per prisoner, notwithstanding the increased costs of construction which occurred between 1988 and 1997.

The Committee has been advised that it would cost approximately \$20m to build a 200 bed prison (\$10m per 100 places). It would, however, cost between 5-15% more to build two prisons with 100 bed capacity due to a reduction in the economies of scale.

With regard to financing, owning and operating, the finance would be approximately one third of the annual cost to government, with operating costs accounting for the remaining two thirds. For example, the financing cost for the prison at Mt Gambier is \$15,000 per annum and the operating costs \$30,000. It is noted that the total of \$45,000 is still \$8,000 below the present budget for Tasmania (\$53,000 per prisoner per annum).

The other relevant example, described in greater detail in Appendix C, is the comparison between the costs of the three new private prisons in Victoria, compared with the operational costs per prisoner in the prisons they each replaced. The savings in each case are as follows :

- Metropolitan Women's Correctional Centre – over 10% below financial

benchmark.

- Fulham Correctional Centre – over 20% below financial benchmark; and
- Men's Metropolitan Prison at Port Phillip – over 15% below financial benchmark.<sup>87</sup>

Group 4 Correction Services' submission contains the following details of costs savings with private prisons :

- "In recent contracting out of three prisons in Victoria, the Government set as their benchmark that the total cost of the new prisons (i.e. the cost of building and financing them plus the cost of operating them) was to be less than the cost of just operating the existing prisons they were to replace. Each of the tendered submissions met or bettered that benchmark...
- In the UK the Government engaged Coopers and Librand to conduct an in-depth Study of the issues. The conclusion of that Study was that privately managed prisons are between 10% and 20% cheaper than the state-run equivalent...
- In South Australia the Government has said that the privately managed Mount Gambier Prison is about 20% cheaper per prisoner a year than the nearest equivalent public prison..."<sup>88</sup>

Group 4's submission goes on to deal with other sources of cost reduction in the following terms :

"It is not only in the management of prisons that the private sector can offer a significant cost saving. Increasingly, private sector consortia are being contracted to design, build, finance, own and manage prisons on behalf of client Governments. It is in the design and building of prisons that the most spectacular cost reductions have been achieved. The design/build/operate method is well established as a way of procuring a range of specialised buildings from hotels to factories. It is highly appropriate to prisons for the same reasons as it is to other specialised buildings. The operator will have their own clear model of how best to deliver the service and clear ideas about the sort of buildings that will support their method of operation. If the operator is involved in the design of the

---

<sup>87</sup> Department of Justice, Victoria, *Victoria's Private Prisons: An Innovative Partnership*, p. 2-3.

<sup>88</sup> Group 4 Correction Services, *Submission to Legislative Council Select Committee on Correctional Services and Sentencing in Tasmania* (No. 4), December 1997, p. 3.

facility they will ensure that that design is as efficient as possible in relation to their method of operation".<sup>89</sup>

Australasian Correctional Management Pty. Limited provided the Committee with a copy of a United Kingdom HM Prisons Service Report containing the following finding :

- "Contracted prisons' costs were 20% to 26% lower than comparable public sector prisons".<sup>90</sup>

Further information about the cost savings on a per person per day basis made by private prisons has been received from Mr W. C. Curnow of Thiess Contractors Pty. Limited in the following terms:

"The least cost effective prisons are those currently being organised in Queensland where local standards prevent innovation in design, construction and management. These are privately "designed" and built and publicly managed. The total cost to government is in the range of \$170 to \$200. Funding is also public in Queensland.

For a publicly funded, privately designed (to contemporary private standards), privately built and publicly operated facility, I would expect the total cost to government to be in the range of \$160 to \$180.

In the end, the result will depend on the degree to which the government and its bureaucracy are prepared to open their minds to new ideas. Attitude has to change at both government and bureaucratic levels if new ideas are to take root and grow".<sup>91</sup>

It is acknowledged that with consistently smaller prison populations, Tasmania has not had the advantage of budgeting with the benefit of economy of scale.

A further budgeting disadvantage is the responsibility of providing prison services in poorly designed, ageing, out-dated facilities requiring extensive and expensive maintenance.

The Department of Justice and Corrective Services has therefore had an unenviable task in containing so well the average daily cost per prisoner to \$150.60. Nevertheless, this had to be at the expense of carrying out essential

---

<sup>89</sup> Group 4 – Submission, p. 3.

<sup>90</sup> U.K. HM Prisons Service, *Report Draft No. 2*, 2 July 1997.

<sup>91</sup> Curnow, William C., Thiess Contractors Pty Limited, *Email 7/7/1999*.

maintenance, the up-grading and replacement of equipment and providing facilities of a standard they would no doubt wish to provide.

With the recent increase in prison numbers up to about 340 from the figure of 268.62, upon which these calculations are based, the average daily cost per prisoner will be further reduced, with little extra expenditure required.

These daily average costs per prisoner compare favourably with the average daily costs in other Australian states. With the exception of the Hobart Remand Centre, the standards in Tasmanian prisons do not compare favourably with any of the prisons visited by members of the Committee in other states and overseas. This is through no fault of those responsible for the management of correctional services in Tasmania and must be a source of some despair as well as imposing tension and strain on them and the whole of the prison system.

The flow-on effects are no doubt a contributing cause of the unrest and riots in Risdon Prison since mid-1998.

The irony is that the continued use of existing outmoded and inefficient facilities is costing Tasmanian taxpayers millions of dollars more than they need to pay on a continuing basis.

By adopting a policy of contracting out at least some parts of corrective services, Tasmania could have a prison system of which it could be proud at a substantially reduced cost to the taxpayers, who have not been getting the best value for their money in this area of government service for many years now.

The need to adopt such a policy is not only desirable, but is imperative and urgent.

### **Procedure for Contracting out in Other States**

There has not been a standard procedure in Australia for introducing private prisons into the corrective services system.

In Queensland, which pioneered private prisons in Australia, the State designed, constructed and financed both the Borallon and Arthur Gorrie prisons and contracted out the management of each to private corporations following a tender process.

Professor Harding outlines the procedures adopted in the process of expansion of private prisons in Australia as follows:

“In its third foray into possible privatisation, a 600-bed institution at Woodford, the Queensland government also undertook to meet the capital costs up-front, but provided that the contract should be DCM

– *design, construct and manage*. The Construction component of the contract itself was to be fixed-price. As it turned out, the QCSC itself won this contract in a market-testing exercise which will be discussed fully later. In doing so, it put together a consortium which included a construction company upon which would fall the risk of the fixed-price element of the contract.

In New South Wales, the Junee contract was also DCM, with the state meeting the agreed fixed costs of construction. The first South Australian foray into privatisation, Mount Gambier, was like Borallon and the Arthur Gorrie Correctional Centre, a management-only contract.

In fact, Victoria is the only Australian state which has so far gone fully down the DCFM track. Each of the three contracts in the pipeline will be of this type. The financing arrangements are at the rather rudimentary stage of the early US contracts, with the successful bidders having to borrow at commercial rates. This will be true also with the New Zealand contracts, each of which will be DCFM.

In Victoria and New Zealand, the legal and financial consequences are quite complex. The chosen model in Victoria is that the land itself will remain in the ownership of the state (which will have selected and acquired the site and arranged any necessary clearances), whilst the buildings will be subject to a long lease arrangement of up to 40 years. It will not be straightforward for the state government to untangle itself from such arrangements.

The United Kingdom has tangled itself up in a rather similar way. Although the first four contracts were for management only, involving quite short though renewable terms, the next raft of seven, commencing with Fazakerly, Bridgend and now Lowdham Grange, are DCFM. In each case the site will be owned by the governments, so that the arrangements in relation to the buildings, plant and fittings are complex and long-running. Specifically, ownership of the land remains vested in the government, whilst the contractor will receive a lease of the land and buildings for the duration of the contract. Typically, contracts will run for 25 years.

Provisions do exist for early termination, opportunities occurring at five-yearly intervals. However, the costs of termination would be high. The government would have to pay all outstanding lender's liabilities and costs (including losses on hedging loans and the like)

plus a fair market value for the contractor's equity in the project including anticipated profits."<sup>92</sup>

It is apparent that the trend is in favour of contracting out the designing, financing, construction and management of prisons. If a private contractor responsible for the management of a prison also designs it, it is possible to achieve the maximum degree of cost efficiency in the design, materials and method of construction. There is ample evidence that this further reduces costs of construction and management.

Professor Harding predicts, "... that DCFM contracts will increasingly become the norm; and management only contracts will become rare".<sup>93</sup>

If only private companies have the opportunity to tender for a prison there should be no conflict or complications in the state controlling the tendering process and making the final decision.

Where, however, the state is also a contender for the contract different considerations apply. Ideally, an independent body should be appointed to call for tenders, assess them and either decide which tender is successful or alternatively recommend that to the Minister responsible for Corrective Services.

When Queensland decided to establish Woodford Prison opened in 1997, the Queensland Correctional Services Commission (Q.C.S.C.) was permitted to tender, as well as private operators. Professor Harding outlines the approach which was adopted;

"In such circumstances, obviously, the public agency should not both be a contender and also make the evaluation. Yet public agency expertise was needed for each of those processes – to formulate its own bid and to assess bids generally. Accordingly, by administrative arrangements a 'Chinese wall' was erected between those personnel within the Q.C.S.C. who were formulating a bid and those who would assist with the assessment."<sup>94</sup>

The 'Chinese wall' was not seen by all other tenderers as being effective. To them, although justice may have been done, it was not seen to be done.

In formulating a process for dealing with tenders for corrective services facilities, where tenders may be submitted by both public and private organisations, it is considered essential that the body making the determination should be seen clearly to be independent of all tenderers – whether public or private

---

<sup>92</sup> Harding, Richard, W., p. 14-15.

<sup>93</sup> Harding, op. cit., p. 56.

<sup>94</sup> Ibid., p. 74.

## **Transparency and Openness**

The Committee feels strongly that the contractual terms and modus operandi of private prisons should be open and readily available to public scrutiny. This has not always been the case in other jurisdictions resulting in heightened suspicion and opposition to private prisons. Certain sections of contracts between governments and private prison operators are usually excluded from public scrutiny due to claims of “commercial confidentiality”. Others are excluded on the basis that security would be jeopardised if details of operational procedures were made public.

The Committee was informed that the restriction of public scrutiny of government contracts relating to corrective services was not due to the requirements of the private companies operating in Australia, but rather the requirements of governments.

A contrary practice has been established in New Zealand due to an amendment made to the Government’s legislation in Parliament requiring contracts between the Government and private prison corporations to be tabled in the House of Representatives within 12 sitting days of being signed. The same applies to all amendments to such contracts.

The Committee favours this practice and considers that if it were to be adopted universally in Australia there would be less suspicion and resistance to private prisons.

In the USA contracts are required to be available for public scrutiny.

Members were told that in Victoria contractual documents are readily available for public scrutiny; except for the provisions dealing with operational manuals and matters of commercial confidentiality. However, this was not the perception of a number of witnesses who were surprised at the suggestion that the contracts were readily available.

The Committee favours contracts and operational manuals being openly available for public scrutiny – especially as the private prison companies operating in Australia appear to have no objection to this. This would be subject to a very limited exclusion of matters of commercial confidence in contracts and of security procedures in operational manuals.

It would certainly instill a feeling of greater confidence in the system of contracting out corrective services if there were more transparency and openness in this respect.



The public should be entitled to know on what basis and on what conditions governments delegate their responsibilities to private companies in the area of corrective services.

Professor Harding holds firm views on this :

“But accountability to the agency is not in itself enough, because of the risk of capture. In the public interest, contract specifications should be on the open record. That way prisoners themselves, members of legislatures, academics, the media and above all ginger groups, such as civil liberties and prisoners’ support organizations, can bring pressure to bear on the contractor as well as on the contracting agency whose duty it is to monitor compliance”.<sup>95</sup>

## **Monitoring**

As governments remain ultimately responsible for the control and management of private prisons for which they remain accountable to their citizens, they need an effective system of monitoring to ensure that the contractual conditions are being complied with and that proper standards are being maintained.

The methods of monitoring the performance of contractual obligations vary from jurisdiction to jurisdiction.

In the United Kingdom, the Chief Inspector of Prisons monitors standards and performance in both public and private prisons. This officer can make recommendations only to the Home Office. Although the Chief Inspector does not have power to enforce his recommendations, it is apparent that his findings are influential on prison managers as Professor Harding relates that, “.... governors of public prisons and directors of private prisons alike have told the present author that they await the release of an inspection report with trepidation.”<sup>96</sup>

Ombudsmen who have jurisdiction over prisons also have an important role in monitoring the standards, conditions, facilities and management of both public and private prisons, as well as assessing the extent to which contractual terms and conditions have been fulfilled by private corporations. Here again, although a prison ombudsman’s function may be limited to making recommendations to a government, without having power to enforce them, the power to report unfavourably about any aspect of prison management or conditions would usually have a salutary effect and constitute an effective monitoring system.

---

<sup>95</sup> Harding, op. cit., p. 69.

<sup>96</sup> Ibid., p. 62.

At the Junee Prison, the only private prison in N.S.W., monitoring is performed by a community advisory council to overview issues relating to the running of the prison. The council's task is "to assist in the monitoring... and to encourage community involvement in the oversight of its management and it is required to make quarterly reports in writing to the responsible minister."<sup>97</sup>

At the Risdon Maximum Security Prison monitoring functions are performed by official visitors and the Ombudsman. Reference has already been made to a recent report of the Ombudsman. Even from the sections which have been made available to the Committee it is obvious that the Ombudsman's report is the result of a thorough and penetrating investigation, culminating in a number of important and forceful recommendations.

Despite the highly motivated intentions and actions of the official visitors to Risdon, it is felt that their monitoring has been less effective than the Ombudsman's. The Committee detected some diffidence and even a lack of awareness of the opportunity the visitors have to bring about an improvement in unsatisfactory conditions. For example, two of the visitors who gave evidence to the Committee acknowledged that dampness in mattresses in 'N' Division had been a recurring problem. Although they had drawn attention to this on a number of occasions, the problem remained unresolved for some considerable time. It appears that the visitors failed to appreciate that if they had agitated persistently in the right quarters, effective action may have been taken to cure the problem promptly. As a result the problem of damp mattresses remained unresolved for too long.

To ensure effective monitoring in both the public and private prison systems those responsible for monitoring must be independent of prison management, confident, assertive and fully aware of the means by which they can effectively influence management in prisons, a reasonable standard of conditions and facilities and fair and proper treatment for inmates. In the case of private prisons they have also the important responsibility to ensure observance of contractual obligations.

The capacity to act independently, without influence by management in either prison system or by private corporations in the private prisons, is essential to ensure effective monitoring and to prevent "capture" of those responsible for monitoring.

The Committee recommends that the Ombudsman in Tasmania should continue to have jurisdiction to monitor complaints made in any section of the Corrective Services Division with authority to make recommendations to the Attorney-General. The document containing the report should be dealt with in the same way as are reports following complaints made by private citizens.

---

<sup>97</sup> Harding, op. cit., p. 61.

## **Capture**

This term is used to describe situations where those responsible for monitoring the performance of others do so less effectively through coming under the influence of those being monitored; in any one or more of several ways, including through developing friendship or other close association, feeling under some obligation to those being monitored, through diffidence in fully investigating matters and even becoming protective of those being monitored, perhaps through having previously been involved in their industry. Professor Harding gives a number of examples of how capture has occurred in other industries and areas of operation.<sup>98</sup>

He deals with the theory of capture as follows:

“Dealing, then, with general theoretical consideration, there are numerous factors predisposing regulators to capture (Bernstein 1955; Sherman 1980; Grabosky and Braithwaite 1986). They include: being recruited from the same sort of professional background as the person being regulated or even having worked on that side of the fence previously; working in an environment where the disparity between the resources of the regulator and the size of the job to be done means that short-cuts must be found and discretions must be exercised; and working in a culture where there is little organisational support for a firm approach towards regulation. Of course, these are overlapping, not discrete, factors, and in any given case study they will frequently merge into each other.”<sup>99</sup>

The Committee recommends that a Board of Visitors be appointed comprising people with attributes, expertise independence and experience appropriate to enable them to effectively monitor the performance and conditions in the Tasmanian Prison System. The Board and individual visitors should report and make recommendations to the Attorney-General at regular intervals.

## **Organisational Structure and Prison Tendering Procedures**

In jurisdictions where both the public prison system and private corporations tender for Corrective Services' contracts, different procedures have been adopted with the common goal of attempting to achieve the perception and reality of tenders being evaluated fairly, properly and impartially. When tenders were called for the Woodford Prison in Queensland, the Queensland Corrective

---

<sup>98</sup> Harding, op.cit., pp. 34-37.

<sup>99</sup> Ibid., pp. 33-34.

Services Commission (QCSC) adopted a procedure termed by Professor Harding as “the Chinese wall” which he amplifies in the following passage:

“There are two questions here: first, who chooses; and second by what criteria. As to who chooses, there are three basic models: the public sector agency as part of its normal management process; the public sector agency with some kind of quarantined or ‘Chinese wall’ system in place; and a separate agency not directly involved with the day-to-day management of any part of the public system. The closer the selecting body is to the operational public sector prison system, the greater the danger that the choice will simply reflect existing approaches and the subsequent monitoring process will be captured.

The first model is epitomized by the situation in most states of the USA (but not Florida) and by New South Wales and South Australia. Public agency officials control the bidding and selection process and make final recommendations to ministers or governments. Queensland also fell within this category for its first two privatization exercises, but since 1994 has exemplified the ‘Chinese wall’ approach. This change came about because that state’s third privatization exercise – not previously referred to – involved ‘market testing’, that is, permitting the public agency itself to enter the bidding. In such circumstances, obviously, the public agency should not both be a contender and also make the evaluation. Yet public agency expertise was needed of each of those processes – to formulate its own bid and to assess bids generally. Accordingly, by administrative arrangement a Chinese wall was erected between those personnel within the QCSC who were formulating a bid and those who would assist with the assessment.”<sup>100</sup>

When the contract was awarded to the public sector there was some unrest amongst unsuccessful private tenderers that the public sector had been unduly advantaged in that it was both submitting a tender and deciding who would be awarded the contract. In this case the Queensland Corrective Services Commission’s attempt to establish a “Chinese wall” between the Commission and the tendering process was not entirely successful.

To overcome such problems the Queensland Government established a Government Owned Corporation (GOC) known as Queensland Corrections (QCORR) to be the service provider, having responsibility for the management of public corrective services. The Queensland Corrective Services Commission retains overall responsibility for corrective services including matters of policy, regulation, probity and audit for the whole prison system, both public and private.

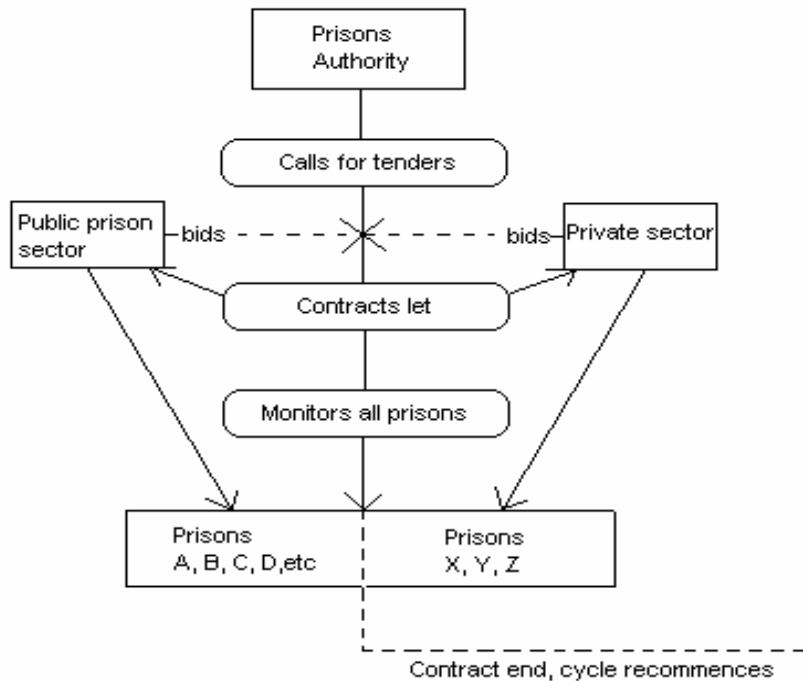
---

<sup>100</sup> Harding, op.cit., p. 74.

In future when the Queensland Corrective Services Commission calls for tenders relating to any aspect of prisons, QCORR will be free to tender as it is now separate and distinct in its functions from the Commission. The Commission will evaluate tenders quite independently and without any risk of the perception of influence from QCORR.

Another method of ensuring impartiality in selecting successful bidders for prison contracts is to establish a body, called a “Prison Authority” by Professor Harding. The proposed functions of the Prison Authority are clearly set out by Professor Harding in Table 12.<sup>101</sup> These are similar to the functions of the Queensland Corrective Services Commission.

**Table 12 – Prison Authority**



Of the various models available to ensure impartiality in organising the tendering process, the Committee favours the separation of the functions of the Tasmanian Corrective Services Division, similar to that undertaken in Queensland.

<sup>101</sup> Harding, op. cit., p. 163.

Accordingly, it suggests that the functions of the Tasmanian Corrective Services Division be shared by two new bodies. The first would, in effect, be the Tasmanian Corrective Services Division, responsible for policy, regulation and overall control of the Tasmanian Corrective Services. The second would be a government owned corporation, similar to QCORR, which would be the service provider responsible for management of the public prison system.

Each body would have its own board and it is suggested that the Government Owned Corporation would have two shareholders, the Minister in charge of Corrective Services and the State Treasurer.

### **Recommendation**

The Committee recommends that the responsibility for Corrective Services in Tasmania be divided between two bodies. The first to be a Commission responsible for overall control of Corrective Services, including policy making, regulation and audit. The second to be a Government Owned Corporation responsible for the management of the public prison system in Tasmania as the service provider.

### **Accountability**

When governments contract out corrective services they are delegating to private corporations one of the important functions of government; that is, the responsibility of ensuring that sentences imposed by independent judicial tribunals are served in accordance with the terms ordered by the courts. It is a function of administration and management which is delegated to the private corporations, but the overall responsibility and ultimate control remains with the government.

Contracts must contain full details of the matters agreed between the parties and it is essential for there to be an effective monitoring system to ensure full accountability.

Professor Harding deals with this subject of accountability in detail and identifies ten tenets of accountability – which he considers “the state must require of private contractors and which citizens must require of the state”.<sup>102</sup> This points to the important fact that not only must the private contractors be fully accountable to the state in the area of contracting out corrective services, but the state must be equally accountable to its citizens.

It is for this reason that the Committee favours the views expressed by many, who are keenly interested in the area of corrective services, that there must be transparency and openness in the terms of the contracts and in the operations of

---

<sup>102</sup> Harding, op. cit., p. 27.

private prisons to ensure full accountability and to instill a proper sense of public confidence in this system.

Professor Harding summarises his ten key tenets of accountability of private prisons as follows :

- “(i) The distinction between the allocation and the administration of punishment must be strictly maintained, with the private sector’s role being confined to its administration.
- (ii) Penal policy must not be driven by those who stand to make a profit out of it.
- (iii) The activities of the private sector and their relations with government must be open and publicly accessible.
- (iv) What is expected of the private sector must be clearly specified.
- (v) A dual system must not be allowed to evolve in which there is a run-down and demoralized public sector and a vibrant private sector.
- (vi) Independent research and evaluation, with untrammelled publication rights, must be built into private sector arrangements.
- (vii) Custodial regimes, programs and personnel must be culturally appropriate.
- (viii) There must be control over the probity of private contractors.
- (ix) There must be financial accountability.
- (x) The State must in the last resort be able to reclaim private prisons.”<sup>103</sup>

In formulating these tenets Professor Harding makes it clear that :

“The model of accountability developed in [his] book rests on the premise that the public component of the prison system is no less in need of effective regulation than the new private sector. ...”

and further

---

<sup>103</sup> Harding, op.cit., p. 158.

“... the evidence is clear that private prisons could act as a catalyst for improvement across the whole prison system, but only if they are effectively regulated and properly accountable”.<sup>104</sup>

As previously noted by the Committee the accountability required of private prisons in Australia is higher than in the public prison system. Both should be equally accountable.

The Group 4 submission contends that :

“...when considering the effects on accountability of a move to private management, we should not be considering how private management measures up against a perfect system of complete accountability, but how it matches up against a very flawed system which often results in incomplete accountability of prison services to their responsible Ministers”.<sup>105</sup>

The point is well made, but the Committee believes that accountability should measure up favourably with both systems. The submission identifies that the degree of accountability that will be achieved “is all dependent upon the quality of the contract”.<sup>106</sup> That is correct as far as it goes, but another vital ingredient is the effectiveness of the system of monitoring designed to ensure full compliance with the terms of the contract.

## **Financing**

It is the Committee’s view that the State should retain overall control of the prison system and that it should continue to be responsible for sentencing including determining who will be imprisoned, for how long, where and under what conditions.

This can be achieved either by retaining the present system of public ownership, development, financing and management of correctional services, or by contracting out to the private sector the provision of all or some of these facilities and services.

As the Committee has concluded that Risdon Prison should be replaced as a matter of urgency by two new prisons and that the design, construction, financing and management should be put out to tender on the basis that at least one of the new prisons should remain under the management and control of the Tasmanian Correctional Services Division, the provision of finance for one or both prisons needs to be considered.

---

<sup>104</sup> Harding, op. cit., p. 165.

<sup>105</sup> Group 4 – Submission, p. 9.

<sup>106</sup> Ibid., p. 9.



The Committee has inspected prisons in Victoria, Queensland and South Australia where various aspects have been contracted out and has had discussions with officers of the New South Wales Department of Correctional Services, where Junee Correctional Centre is privately managed by Australasian Correctional Management Pty. Limited. One member of the Committee has visited Junee Prison.

### **The Victorian Approach**

The Victorian Government's New Prison Project (NPP)<sup>107</sup> has entered into innovative contractual arrangements with private sector consortia for the provision of three new prisons in that State. Although some specific details of the Victorian contracts are not available due to commercial confidentiality and security, the principles and advantages of the NPP will be highlighted in this report.

The project has had a beneficial cost impact for the Victorian Government which gains both new infrastructure and services at a cost below the financial benchmark.

The objectives of the Victorian Government's New Prison Project are included in Appendix B. The achievements, structure and commercial arrangements are detailed in Appendixes C and D.

Group 4's submission touches on the increasing acceptability of prisons as long term financial investments in the following terms :

“Finally, in the past few years, the idea of a prison as a sound, long term financial investment has become more common and much more acceptable. There are now many highly reputable international banks keen to invest money in long term prison infrastructure projects. Depending on the contractual terms, such lending is often at very closed Government debt rates and therefore almost as cheap as it is possible to be”.<sup>108</sup>

The Victorian Government sees advantages of the NPP in the following terms :

“Consistent with the Infrastructure Investment Policy of Victoria, the New Prisons Project represents a private investment proposal of high attractiveness to the Victorian Government, because, a high degree of private sector investment has been encouraged in the design, construction and management of correctional facilities and

---

<sup>107</sup> Department of Justice, Victoria, *Victorian Private Prisons : An Innovative Partnership*.

<sup>108</sup> Group 4 – Submission.

services previously exclusively provided by the public sector. This has been achieved with broad scope for innovation.”<sup>109</sup>

The Project has proven attractive for private sector investment which has extended to equity involvement by major Australian financial institutions, a first for social infrastructure in Australia.

“The Project has engendered an improving understanding by the private sector, with each prison, of the level and nature of risk transfer required by the Government. The Government has placed with the contractor all risks for the design, construction, ownership and management of the prison. This includes the finance risks associated with interest rates, insurance, Government indemnities and taxation changes over the contract period. Private sector investors have shown a willingness to accept these risks.”<sup>110</sup>

A further advantage has been the low level of required government support – limited to facilitation including planning and other approval processes. No government guarantees have been given beyond a fee for service commitment under contractual arrangements. This is associated with minimal government risk exposure.

Lastly, the exposure of the industry to private sector innovation should result in improved methods and new perspectives on prisoner management and prison design leading to an overall better prison system.

### **Recommendation**

- The Committee recommends that contracts for private prisons and operational manuals be readily available for public inspection and scrutiny, subject only to the exclusion of very limited material of a commercially confidential nature in contracts and of security procedures in operation manuals.
- That the Tasmanian Ombudsman continues to have jurisdiction to monitor complaints made in any section of the Corrective Services Division, with authority to make recommendations to the Attorney-General and to make reports to Parliament.
- That the Ombudsman be empowered to appoint appropriate people as official visitors to inspect Corrective Service facilities on a regular basis with power to report both to the Minister for Corrective Services and the Ombudsman.

---

<sup>109</sup> Department of Justice, Victoria, *Victorian Private Prisons : An Innovative Partnership*.

<sup>110</sup> Ibid.

## Chapter 11 - PRISON INDUSTRIES AND PROGRAMMES

Prison industries are regarded as a very important part of programmes and activities in the prison system. They may not only reduce the overall cost of corrections but more importantly they have a positive influence on the prisoners' rehabilitation. The community generally expects prisoners to be subject to discipline and to be engaged in productive work whilst serving their sentence.

Prison industries which create a working environment with conditions similar to those in the private sector meet this expectation as well as training and preparing prisoners for the workplace on their release.

The Senate Employment, Education and Training Reference Committee conducted an inquiry into education and training in correctional facilities. The Report supported the importance of industrial training within Corrections as an appropriate form of vocational training.<sup>165</sup>

Prisoners can be employed in meaningful employment either through business units established within the correctional facility or by carrying out the tasks in and around the prison such as cleaning, painting, maintenance, gardening and food preparation.

The Committee inspected prison industries at most of the prisons it visited.

The benefits and some examples follow :

### **Tasmania**

On the occasions that the Committee visited Risdon Prison the Industry Section seemed under-utilised and large numbers of prisoners appeared to be wandering around the cell blocks with little to do. As one interstate prison official commented, 'Boredom is a recipe for riots'.

The Committee received evidence that much of the machinery in the industry section was in poor condition due to lack of maintenance funding and was poorly resourced.

It is the Committee's impression that the industries division suffers from a lack of planning and direction as well as insufficient resources. There appears to be little emphasis on achieving any form of co-operation with local industries.

---

<sup>165</sup> NSW Department of Corrective Services Annual Report 1995-96.

Equally there was little evidence of any real attempt to equip prisoners with market oriented skills. This is unfortunate given the availability of employment in aluminium welding and fabrication and the abundance of fine Tasmanian timbers for furniture and crafts, to name just two.

On the other hand there is evidence that the education unit is achieving worthwhile results in developing a range of otherwise latent skills. One recent sample of this was seen at the recent art exhibition by prisoners at the Moonah Arts Centre (called Breakout).

Hayes Prison Farm undertook a number of work activities and all prisoners seemed gainfully employed when the Committee visited.

Industries at Hayes Prison Farm include dairy farming, vegetable growing and processing, light fabric manufacturing, farm and machinery maintenance, and more recently, worm farming.

### **New South Wales**

The New South Wales Department of Corrective Services has a commercial unit, Corrective Services Industries (CSI), which employs inmates. The CSI business units have eight divisions which contributed \$5.99m. to the reduction of the Department's operating costs in 1996-97.<sup>166</sup>

Types of industries catered for by the various divisions include laundry, textiles, furniture making, upholstery, light engineering, computer and electrical component assembly, tele-marketing, farms, market gardens, bakery and printing.

During the 1995-96 financial year CSI commissioned a study by the Research and Statistics Unit of the Department. 61 inmates were interviewed. The study found working in prison industries promoted the following benefits:-

- inmates learnt and practised new skills;
- they assisted inmates to deal with stress during incarceration by reducing boredom and building positive support with other inmates;
- 58% of parolees who had worked in CSI Business Units for more than 3 months during their sentence found work within 12 months of release;
- there was no difference in recidivism between parolees who had worked in the business units compared with those who worked in services;

---

<sup>166</sup> NSW Department of Corrective Services Report 1997.

- some parolees gained employment as a direct result of the skills and experience gained in prison industry employment;
- prison industry work experience had a positive effect on inmates both whilst serving their sentence and on release.

Industries operated in the Junee Private Prison include electronic assembly and manufacturing of electrical cables and plugs. Private companies lease the space from ACM and pay for the produced products. ACM, in turn, provides the inmate labour and pays the inmates in accordance with the NSW Department of Corrective Services prison industry wage guidelines.

The industry programme is integrated to the vocational education programme by having inmates apply for jobs, prepare resumés, learn and apply job interview skills, and through job performance appraisals. The private company employers employ civilian production managers, supervisors, a quality control specialist and a maintenance technician, who, in turn, provide the inmate employees with valuable on-the-job training.

### **South Australia**

The South Australian Department of Justice and Correctional Services also has a corporate arm which employs prisoners in prison industries. The Prisoner Rehabilitative Industries and Manufacturing Enterprise (PRIME) manufactures goods for resale by the private sector. PRIME actually seeks contracts to provide such items as trailers, tables, bed frames, mud bricks, light fittings, multi-purpose sports facilities such as the 'rage—cage' and a range of small metal consumer items.

Prisoners are also involved in dairy, farming and gardening enterprises which supply both the prison population and the private sector.

Some of the work undertaken by prisoners is recognised on TAFE certificates which is acknowledged as a qualification within the community.

### **Queensland**

Inmates in Queensland prisons participate in vocational and work skills training as well as industries. Industries include metal work, carpentry and joinery production, plant nursery, industrial laundry, dairy, furniture, soft furnishings and various goods. An interesting modern industry is computerised graphic designing.

## **Victoria**

The provision of prison employment is a contract requirement for private prison operators in Victoria. Conditions under which private prisons may conduct prison industries is normally detailed in the management contract.

As is the case with most prison industries care is taken not to unfairly compete with the private sector and most industries focus on meeting the needs of the prison community and import replacements.

The Fulham Prison has a very good relationship with the Sale community and the local Chamber of Commerce supports it because of the economic benefit the prison brings to the local community.

The Victorian minimum security prisons and mobile camps provide opportunities for prisoners to work in the forestry industry and on environmental projects.

## **General**

The Committee observed that most prisons require prisoners to work either in prison industries, or the daily tasks of running the prison such as painting, cleaning, or minor maintenance. Some prisons relieve prisoners of this requirement if they are participating in educational, vocational, rehabilitative or personal development programmes.

One member of the Committee also noted that at one prison in New Zealand inmates built extensions to the prison.

The Committee is also aware that prison labour was used to paint the prisoner area of the new Hobart Remand Centre.

## **Recommendation**

- That a Business Unit be established within the Tasmanian Prison System to train and employ prisoners in industries which are relevant for future employment opportunities. As far as possible these industries should be conducted in co-operation with private enterprise.
- That all prisoners be required to be involved either in prison industry employment, prison work or educational, vocational, rehabilitative or personal development programmes for a significant part of each day.

## Chapter 12 – SENTENCING OPTIONS

### Introduction

Parliament plays a key role in the sentencing process by setting in statutory form the broad parameters or limits that are to be applied by the courts, in the sentencing of offenders.

The wide variety of circumstances surrounding particular offences, and of offenders, makes it necessary for parliaments, in most cases, to permit sentences to be determined by the courts as a matter of discretion. Alternative attempts by some jurisdictions to fix mandatory minimum penalties for particular offences or offence types have often led to injustice. To avoid promoting unjust results, governments must avoid the temptation to buy votes by interfering with the court process.

The Common Law has jealously guarded the need for courts to consider such matters as the gravity of the offence, the intention of the offender, the need for deterrence and retribution, the offender's age and degree of participation in the offence, prior convictions of the offender and the prospect of rehabilitation.

On the relevance of rehabilitation in sentencing, the late Sir Stanley Burbury, then Chief Justice of Tasmania, made the following comments in 1959 in the case of *Lahey v. Sanderson* :

“It is because the public interest is best served if an offender is induced to turn from criminal ways to an honest living that a court rarely sends a youth to gaol except in the case of crime of considerable gravity (such as a crime involving violence) or in the case of a persistent offender who has shown himself not amenable to disciplinary methods short of gaol. The courts have recognised that imprisonment is likely to expose a youth to corrupting influences and to confirm him in criminal ways, thus defeating the very purpose of the punishment imposed. There has accordingly been a universal acceptance by the courts in England, Australia, and elsewhere of the view that in the case of a youthful offender his reformation is always an important consideration and in the ordinary run of crime the dominant consideration in determining the appropriate punishment to be imposed. It has been said by Lord Goddard, the former Lord Chief Justice of England, that a judge or magistrate who sends a young man to prison for the first time takes

upon himself a grave responsibility. With that I respectfully agree.”<sup>167</sup>

The Committee believes that in keeping with the principles of restorative justice the sentencing process should aim to use imprisonment as a last resort for all but serious crimes, which by their own gravity demand a gaol term, or repetitive offenders.

The Commissioner of Police in Tasmania, Mr Richard McCreadie presented a submission to the Committee through Deputy Commissioner Jack Johnston.

The effect of the submission was that in many cases courts should be more severe in sentencing and bail applications in relation to multiple repeat offenders. A number of examples were provided in support of the submission.

Subsequently a letter was received from the Chief Justice of Tasmania, the Hon. W.J.E. Cox. The Committee is grateful to the Chief Justice for taking the trouble to detail many valid points which were relevant for the consideration of judges and magistrates involved in the cases concerned. The matters presented by the Chief Justice put quite a different complexion on the examples used in the Police submission. In particular, he demonstrated that many of the prior offences were inaccurately described and further that many were dealt with in the Children’s Court where “there are special consideration and restrictions on the power to convict and to impose sentences of imprisonment”.<sup>168</sup>

This highlights the continuing problem of people forming opinions about the appropriateness of sentences, without having the opportunity to know all the facts relevant to the circumstances in individual cases.

We appoint learned and experienced people to our court benches and accordingly we should trust in their ability to apply the general norms of society to the sentencing process, within the broad range of penalties set by the Parliament. In other words, as far as possible Parliament should continue the practice of setting maximum penalties, and should avoid setting minimum penalties wherever possible.

The Committee regards the submission to it on behalf of the Tasmanian magistracy as having particular relevance.

That submission focused on two issues, namely –

- the desirability of increasing the range of custodial sentencing options, and

---

<sup>167</sup> [1959] Tas. S. R. 17, p.21.

<sup>168</sup> Cox, W.J.E., Letter addressed to the Chairman of the Committee, dated 25 February 1998, p. 2.



- reform of the statutory structure for specifying maximum pecuniary and custodial penalties.

The first issue is dealt with elsewhere in this report. The relevant parts of the Magistrates' Submission on the second issue are included verbatim as follows :

### **“Reform of the Statutory Structure for Specifying Maximum Pecuniary and Custodial Penalties**

Both the maximum pecuniary penalties and custodial penalties impact upon the size of the prison population, the former by reason of the fine default provisions which can result in imprisonment: *Justices Act 1959* sections 80 and 81.

However, a number of anomalies exist that result in a distorted interplay between various provisions.

For example,

1. Different maximum penalty provisions may apply to essentially the same conduct, the relevant difference being only the statute under which a defendant has been charged.

For example, a defendant charged with disqualified driving under the *Road Safety (Alcohol and Drugs) Act 1970* for driving in breach of a disqualification order made under that *Act* is liable to the following maximum penalties: 10 penalty units or imprisonment for a term not exceeding 6 months plus licence disqualification not exceeding 3 years (sections 17A and 19A).

However, a person who 'drives a motor vehicle in a public street while he is disqualified under this Act' (that is the *Traffic Act 1925*) 'or any other Act' is liable for a first offence to a penalty not exceeding 5 penalty units or to imprisonment for 3 months or both (double for a second or subsequent offence) plus licence disqualification of unlimited duration. (*Traffic Act 1925* sections 37 and 34).

Similarly, as a general proposition, it is viewed as being more serious to be disorderly in a public place (*Police Offences Act 1935* section 13(1) and (3AA)(a): 3 penalty units or imprisonment for a term not exceeding 3 months) than to be drunk and disorderly in a public place (*Police Offences Act 1935* section 4(1)(b) and (1A)(a): 1 penalty unit or imprisonment for a term not exceeding 1 month).

2. Maximum penalties do not always reflect community abhorrence of the offending. For example, under the *Police Offences Act 1935* it is apparently viewed as less serious to assault a person (section

35: 5 penalty units or 6 months imprisonment) than to damage his or her property (section 37: 10 penalty units or 12 months imprisonment) or to unlawfully use a motor vehicle (section 37E: 50 penalty units or to imprisonment for 3 years). On the other hand, all may attract a maximum penalty of 240 hours of community service.

3. Maximum pecuniary penalties have no correlation with maximum custodial penalties, as paragraphs 1 and 2 demonstrate. One would have thought that a Magistrates Court would be empowered to impose significantly higher pecuniary penalties before being obliged to consider a custodial penalty. Further, upon a fine default 5 penalty units would convert to 5 days imprisonment.

Such penalty regimes do not integrate into a cohesive sentencing structure that would normally view a custodial penalty as the severest form of punishment available to a sentencing tribunal.

It is submitted that such anomalies would be largely overcome if offences within the jurisdiction of the Magistrates Court were grouped or banded within 3 or 4 broad categories depending upon perceived potential seriousness, each with its penalty maxima and each providing a realistic pecuniary maximum.

The present web of penalties shows no consistency and it seems to have resulted from its legislative history and the input of many attitudes in response to perceived requirements at different times. See S W Johnston, *Legislative Sentencing in Tasmania* (1963) 1 Tas ULR 769. It should be left to the courts to determine where the specific misconduct that offends a particular provision should be placed within the designated range: *Lovegrove v The Queen* {1961} Tas SR 106 at 106 per Burbury CJ, CCA; *Gaynor v Leonard* A70/1982 at 14 per Cox J; *Ibbs v The Queen* (1987) 163 CLR 447 at 451-2 per Mason CJ, Wilson, Brennan, Toohey and Gaudron JJ; 74 ALR 1 at 5.

It is submitted that a review of penalties should take place in order to:

- (a) Group or band offences triable by the Magistrates Court so as to create consistency as between offences and thereby enabling the Court to determine the place in the sentencing range that the particular offending deserves.

- (b) Specify realistic statutory pecuniary maxima with a consistent correlation with any associated custodial option.”<sup>169</sup>

Similar concerns about the failure to group or band offences for sentencing purposes have been submitted to the Committee in relation to the provisions of the Tasmanian Criminal Code Act.

The Criminal Code provides maximum penalties for some specified crimes. In other cases, where no specific penalty has been prescribed, there is a general provision that those crimes are subject to a maximum penalty of twenty-one years imprisonment.

It has been submitted to the Committee that this does not provide any indication or clear guide to Judges of the Supreme Court as to which crimes are considered by Parliament to be more serious than the others. The general provision covering the cases not specifically provided for, is considered to be too remote to provide any guidance to courts as to the degree of seriousness Parliament places on particular crimes, for which no specific penalty is provided.

This is contrary to legislative practice in areas such as traffic, fisheries and licensing laws, where Parliament usually gives a clear indication to the courts of the seriousness it attaches to particular offences by making provision for appropriate penalties.

### **Recommendation**

The Committee therefore recommends that :

- Consideration be given to redrafting the Tasmanian Criminal Code Act to group categories of offences relating to similar subject matter and to provide maximum penalties for each group which reflects parliament’s view of the level of severity which is appropriate;
- Appropriate offences over which the Court of Petty Sessions has jurisdiction be grouped or banded to provide consistency as between offences, there-by enabling courts to determine the place in the sentencing range that the particular offence deserves;

Sir Max Bingham, former Attorney-General, who as Deputy-Chairman of the Queensland Corrective Services Commission, told the Committee that the Commission was looking at pro-active measures to scale down the rate at which people were entering prisons and correctional services. Sir Max indicated that a ‘whole of Government’ approach was required involving education, health,

---

<sup>169</sup> Tasmanian Magistracy, Submission to the Legislative Council Select Committee on Correctional Services and Sentencing in Tasmania (No. 37).

community services and local government etc. He stressed that an effective correctional system depended very much on positive interpersonal relationships.

The Committee notes that the Report on the Review of the Queensland Police Service chaired by Sir Max Bingham in 1996 included the following recommendation :

“The Committee recommends to the government the establishment of a forum enabling heads of relevant criminal justice agencies, including the courts, to meet regularly to discuss issues of mutual concern and to facilitate co-ordination of the operation of the criminal justice system”.

The Committee supports this approach.

### **Recommendation**

That the Tasmanian Government consider the establishment of a forum, representative of local government, education, justice, police, youth and other relevant agencies to meet regularly to discuss issues relating to all aspects of crime prevention.

## **Custodial Sentencing of Fine Defaulters**

This issue has also been raised informally by the Magistracy and was a matter focused on by the Committee as it moved around the other States.

The Committee's view is that it makes economic nonsense to continue the policy of gaoling people who default in the payment of fines. Under the present system the taxpayer bears the cost of keeping such people in gaol (approximately \$150 per day in 1997/98). In addition, \$100 is taken off the fine for each day spent in gaol, so the fine is never collected in most cases.

In 1997/98 there were 158 fine defaulters imprisoned and in 1998/99 this number dramatically increased to 342.

The tables on pages 136 and 137 set out details of the lengths of sentences imposed during 1997-98 and 1998-99 respectively and show an overall increase in numbers during the latter period. This is especially noticeable in the sentences of under two weeks which increased from 136 to 268. This was no doubt due largely to the increase in the number of fine defaulters sentenced to imprisonment.

Whilst it is desirable for fines imposed by courts to be enforced, it is regrettable that the recent campaign to enforce compliance with these orders has resulted in so many fine defaulters being imprisoned.

It is acknowledged that community service orders are an alternative and it is difficult to understand why more fine defaulters have not availed themselves of this to avoid imprisonment.

It is undesirable for fine defaulters to be sent to prison while any reasonable alternative is available. If the Committee's recommendations are adopted then, in addition to community service orders, the court would have power to order periodic detention or home detention. In addition to being more appropriate than full time imprisonment, these alternatives would be also more sensibly economical.

Apart from other considerations, it is quite uneconomical for the community to fund the costs of keeping a fine defaulter in prison at the rate of approximately \$150 per day, while the fine is being reduced at the rate of \$100 per day. The result is that the cost burden on the community actually increases every day that the person is in prison.

In Victoria emphasis is being placed on measures such as personal communication with offenders, especially at an early stage, and the seizure by warrant and sale, if necessary, of non-essential items for personal property. This has substantially increased the compliance rate of payment of fines without the need to incarcerate increased numbers of defaulters in prisons at considerable extra cost to the community.

Even some years prior to the recent campaign to enforce payment of fines, Mr Marris drew attention to the impact of imprisoning fine defaulters on the prison system, in the following passage :

"If Tasmania were to reduce the number of people in prison for fine default and the lesser offences to the national average it would have a significant downward impact on the number of individuals entering prison each year".<sup>170</sup>

In another passage dealing with minor offenders he says :

"The prison population, while lower than other States, includes a greater proportion of minor offenders. There is some potential to adjust sentencing practises for minor offences to match national trends and thus further reduce the prison population by up to 15% which is equivalent to a reduction of 38 in the daily average population".<sup>171</sup>

It is true that prisons should be a last resort – especially for fine defaulters.

---

<sup>170</sup> Marris, op. cit., p. 23.

<sup>171</sup> Ibid., p. 28.

### **Recommendation**

- That legislation be introduced to facilitate asset seizure of non-essential chattels of fine defaulters.
- That a mechanism be established to enable fine defaulters to register for and perform community service work in lieu of payment of fines, without the necessity to return to court.

### **The option to impose a fine without conviction**

This issue has also been raised informally by a number of magistrates.

The 1997 Sentencing Act introduced a number of changes to the sentencing process but neglected to include this option.

Courts have the power to convict or not convict but they do not have the power to impose a penalty by way of a fine in the event that they do not convict.

In appropriate cases a court will determine that a penalty is warranted, but that a conviction could prevent the offender from obtaining employment. Having already made a finding on the question of guilt, it makes sense to give the court the power, in those cases, to impose a fine, without proceeding to record a formal conviction.

Such a sentencing refinement could have the added benefit of permitting an offender, who is reportedly ready for rehabilitation, to avoid the invocation of antecedent court proceedings, involving a custodial penalty.

### **Recommendation**

The Committee recommends that Section 7 of the *Sentencing Act 1997* be amended to empower Courts in appropriate cases to impose fines without proceeding to conviction.

### **Probation**

Probation is an alternative to imprisonment for certain offenders and a sentencing option for the court in other cases. A probation order may require a person on probation to be placed under the supervision of a probation officer, be of good behaviour, and meet specified conditions, during the period of probation. The period of probation must not exceed three years.

An offender on probation who fails to meet a condition of probation, may be arrested and committed to prison.

“The notion of probation emerged in its current form in a period when imprisonment was widely used as the punishment for even very minor offences. It was recognised that it is far more effective in many cases to allow the person to remain in the community where they can support themselves and their families, but under the supervision of someone who can provide assistance in the offender addressing the causes of their offending, endeavouring to ensure that the person will not re-offend.

In more recent years, Tasmania along with most other comparable jurisdictions, has seen a steady decline in the number of persons being placed on probation. Courts are imposing community service orders in more cases, seemingly preferring to impose a sentence which not only punishes through imposition on the liberty [free time] of the offender, but also provides for a form of reparation, returning something to the community in recompense for their offending.”<sup>172</sup>

As mentioned above, Tasmania, in line with other Australian jurisdictions, has experienced a reduction in the number of probation orders made due partly to an increase in the use of community service orders. Imprisonment became a less favoured option for more minor offences as courts placing more emphasis on restitution gained greater currency. As programmes for community service became more widely established and courts were able to impose alternative sentences to imprisonment elements of giving something back to the community for wrongs committed against it, were reinforced.

This trend was also linked with crime prevention and rehabilitation, based on evidence that imprisonment, particularly of younger offenders and those with no record of serious offending, was more likely to expose them to more hardened inmates, confirming criminal tendencies and increasing the likelihood of future re-offending.

Queensland has a system of Community Correction Centres. These are work release centres or halfway houses for prisoners following discharge from prison but before being released into the community on Parole, Home Detention or similar schemes.

Queensland Corrections (QCORR) has contracts with the Queensland Corrective Services Commission to provide Probation, Parole, Community Service and all other community based programmes in the four Community Corrections regions. Queensland Corrections also operate 12 mobile camps.

---

<sup>172</sup> Corrective Services Division, Department of Justice and Industrial Relations, Submission to Legislative Council Select Committee on Correctional Services and Sentencing in Tasmania, <http://www.justice.tas.gov.au/cc/corrections2.htm#Probation>.

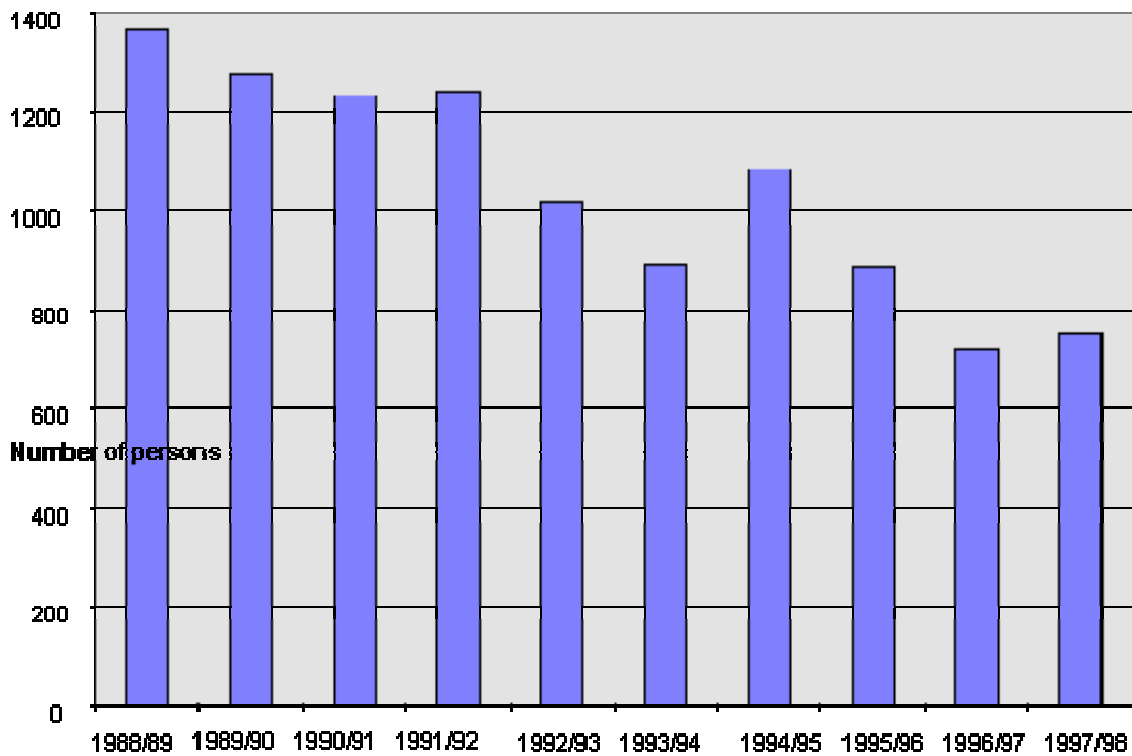
At the time that these services were first market tested no competing tenders were received from the private sector.

According to Mr Peter Severin, Acting/Chief Executive Officer of Queensland Corrections, the contracting out of Probation, Parole and Community Services had also been tried in Western Australia and Victoria but failed to attract the major players as there was not much opportunity for profits.

Queensland Corrections is able to tender for work outside of Queensland.

The following table shows the combined numbers of orders involving supervision – probation and suspended sentences with supervision conditions, over recent years.

**Table 13 - Supervision of Offenders in Tasmania**



### **Parole**

Parole is the conditional release of a prisoner before the end of a sentence. This is usually only after a non-parole sentence has been served. A parolee is generally under the supervision of a probation officer.



Courts may make orders in relation to eligibility for parole and a parole board deals with parole applications and sets the conditions of parole.

A person who violates parole by failing to comply with a condition set by the parole authority may be arrested and recommitted to prison to serve the remainder of the sentence originally imposed. Parole is stringently monitored and breach of parole conditions is likely to result in revocation of parole.

“The Parole Board may revoke, vary, amend, confirm or suspend a parole order at any time, whether of its own motion or on receiving a report from a probation officer or other person. Before the Board revokes or suspends parole it is required to give a prisoner the opportunity to show why this should not occur, unless it is impractical to do so.”<sup>173</sup>

The number of people under parole supervision has been quite high in the period 1994-95 to 1997-98.<sup>174</sup>

In 1997-98 the Parole Board inquired into the terms and conditions of parole orders in the other Australian States and Territories and found substantial commonality across the jurisdictions. The Board then proceeded to retain “the best of the conditions it had been accustomed to imposing and added to them the best it could find from elsewhere”<sup>175</sup>.

The Corrections Act requires that any release of prisoners into the community under Parole supervision must be in the interests of both the community and the prisoner.

The following table shows the variations in the use of parole in Tasmania between 1990/91 and 1997/98.

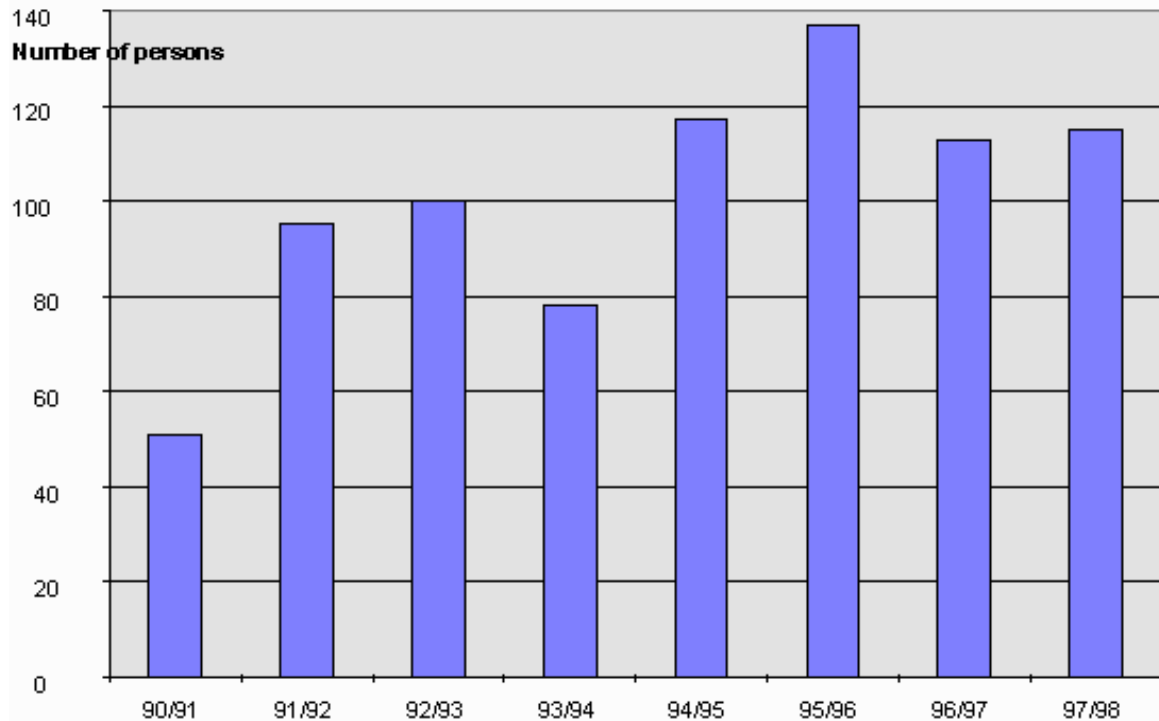
---

<sup>173</sup> Section 72, Corrections Act 1997.

<sup>174</sup> Department of Justice and Industrial Relations, Annual Report 1997-98, [http://www.justice.tas.gov.au/legpol/annual\\_report\\_9798/output6.htm](http://www.justice.tas.gov.au/legpol/annual_report_9798/output6.htm).

<sup>175</sup> Tasmanian Parole Board, Annual Report 1997-98; [http://www.justice.tas.gov.au/cc/parole/report\\_98.htm](http://www.justice.tas.gov.au/cc/parole/report_98.htm).

**Table 14 - Number of People under Parole Supervision 1990 to 1998**



### **Victim-Offender Mediation**

A further, and more recent, extension of theories of restorative justice encompassing notions of reparation and restitution has been the development of victim-offender mediation, a programme which has been adopted not only in Australian jurisdictions but in New Zealand and elsewhere.

Mediation is seen as providing an opportunity for victims to participate in an officially sanctioned process of resolution, a way of assisting victims to come to terms with what has happened to them outside the formal court process. Courts have often treated a crime victim primarily as a witness to an offence, rather than as personally - often lastingly - affected by the conduct of the offender. Victims who have participated in mediated conferences with offenders have reported more satisfaction with this process than with traditional court experiences and it is thought that offenders involved in such a process are less likely to reoffend due to the impact of meeting their victims and hearing at first hand what effect their actions have had.<sup>176</sup>

<sup>176</sup> Corrective Services Division, Department of Justice and Industrial Relations, Submission to Legislative Council Select Committee on Correctional Services and Sentencing in Tasmania, Part 2, February 1999; <http://www.justice.tas.gov.au/cc/corrections2.htm>.

In 1995 a pilot mediation programme was initiated in Tasmania. This now operates statewide and probation officers have been trained as mediators. They work with the Tasmanian Community Mediation Service in conducting mediation conferences. Correctional Services reports that, though the numbers participating have so far been small, 'the results have been very promising'<sup>177</sup> and it will be seeking to extend mediation services. It is thought that focusing more on the impact of crimes on victims may be utilised in the supervision of and work with offenders, even where mediation may not be appropriate<sup>178</sup>

### **Periodic Detention**

Periodic detention has been defined as an order of confinement, imposed by a court of law, requiring that a person be held in a legally proclaimed prison or periodic detention facility for two consecutive days within a one-week period.

In practice, these periods are often served during weekends, but sometimes during weekdays. This will often depend on whether an offender is working during weekdays or during weekends. Other determining factors include matters such as the days on which supervisors and community service work is available.

In the case of weekend detention, offenders usually arrive at the Detention Centre on Friday evenings and are released late on Sunday afternoons. Whilst so detained they are required to perform duties which are usually in the nature of community service activities.

In New South Wales, the purpose of Periodic Detention has been expressed:

"To provide a viable and economic alternative to full-time imprisonment, a corrective influence on the offender, with minimal disruption to family and community life".<sup>179</sup>

Periodic detention has operated successfully for some years in both the A.C.T. and New South Wales, where the period for a periodic detention sentence is limited by statute to a maximum of three years.

Both schemes are controlled by Acts of Parliament – in New South Wales by the Periodic Detention of Prisoners Act 1981 and in the A.C.T. the Periodic Detention Act 1995.

---

<sup>177</sup> Corrective Services Division, Department of Justice and Industrial Relations, Submission to Legislative Council Select Committee on Correctional Services and Sentencing in Tasmania, Part 2, February 1999.

<sup>178</sup> Ibid.

<sup>179</sup> New South Wales Department of Corrective Services, Philosophy and Purpose Document for Periodic Detention Programme.

The Committee visited the Symonston Periodic Detention Centre in Canberra and also the Old Parramatta Gaol in New South Wales, which is one of eleven periodic detention centres in that State. The Committee also visited the Emu Plains Women's Correctional Centre in N.S.W., which includes a periodic detention centre. Committee members were informed that each of these Centres was functioning effectively although naturally, as in most systems, some difficulties were experienced from time to time.

The A.C.T. Centre operates only at weekends and members of the Committee had the opportunity to speak to detainees at random. The very strong general opinion was that the system was both desirable and operating effectively.

A common view was that whilst no-one welcomed being detained at such an institution each weekend for the term of their sentence, the alternative of gaol was much worse. It enabled them to retain employment and to reside with and support their families during the week. It kept them away from hotels and perhaps excessive drinking during weekends, reducing the opportunity for further complications and problems. The very fact of being detained on a periodic basis was a stark warning of the much more serious consequences of serving a continuous prison term should the inmates re-offend.

One young detainee, who fully supported the system, said that it had the benefit of keeping him away from excessive alcohol consumption at weekends.

The A.C.T. Centre accommodates thirty-five detainees in a converted building and contains a mixture of dormitory and twin cell accommodation. In addition, at the time of the Committee's visit, two long-term women detainees were accommodated at the Centre.

The New South Wales Act provides that an offender in special circumstances may be granted leave on condition that the periods of leave are made up. Should the person be absent without permission, in addition to making up the lost time, a penalty of an additional week is added for each week lost.

The eleven periodic detention centres in New South Wales are located at:

- Establishments for males
  - Campbelltown
  - Malabar
  - Parramatta
  - Silverwater
  - Wollongong
  - Grafton
  - Windsor
  - Tamworth

- Establishments for males and females  
Mannus (near Tumbarumba and Kosciusko National Park)  
Tomago (near Newcastle)
- Establishments for females  
Emu Plains

New South Wales has a Stage 2 periodic detention scheme whereby approved offenders, who have completed some time in Stage 1, are permitted to return to their homes each evening rather than being held in custody. Stage 2 is strictly a privilege and detainees who breach the conditions of their detention are returned to Stage 1 immediately.

By this means, it has been possible for periodic detainees to perform community service work in areas outside the places where periodic detention centres are located.

The periodic detention centre at Parramatta is in the old Parramatta Gaol. This accommodates 200 detainees. The programme in this institution is conducted both at weekends and during weekdays. At the time of the Committee's visit in July 1998 there were also 150 periodic detention prisoners in Stage 2 who were not detained overnight. They reported directly to the worksite from their places of residence. In New South Wales most periodic detainees are traffic offenders.

The distinction between periodic detention Stage 2 and community service orders is that on periodic detention the prisoner must attend for 2 days a week for eight hours each day. The sentence is expressed in terms of days, whereas with community service orders it is by hours, i.e. offenders could be required to attend for 2, 4, 6 or 8 hours at a time and the total sentence is calculated in hours, not days. Further, community service orders are an alternative to prison whereas periodic detention is regarded as a sentence of imprisonment.

It was recommended to the Committee that if Tasmania introduced a periodic detention scheme it should not be confined to weekends because some offenders may have weekend employment. There are advantages in spreading a programme throughout the week in terms of organisation and resources.

Not only does this system enable offenders to retain employment and to continue to maintain their families, but it also :

- (a) utilizes labour to greater economic and social advantage than other forms of imprisonment;
- (b) reduces staff labour costs;

- (c) reduces the loss of tax revenue by permitting the offender to remain in employment;
- (d) removes the potential burden from taxpayers of providing Social Security payments :
  - (i) to maintain a prisoner's family during any period of continuous imprisonment; and
  - (ii) for unemployment benefits pending the prisoner obtaining employment after release;
- (e) relieves State and Territorial Governments from the very considerable cost of providing expensive infrastructure, accommodation and maintaining prisoners throughout the week;
- (f) provides greater opportunity for offenders to be more productively employed throughout the periods of periodic detention on community projects;
- (g) reduces the stigma associated with serving a continuous sentence in prison; and
- (h) is compatible with the principles of restorative justice by returning a benefit to the community.

The difference in cost between full time imprisonment and periodic detention is enormous. In New South Wales, where the average cost of keeping a minimum security prisoner is \$120.66 per day<sup>180</sup>, the cost of keeping a prisoner on the periodic detention scheme is about \$60 each for the whole weekend or two days during the week. The Periodic Detention Programme also contributes \$3m worth of work per annum to the New South Wales community. This is especially relevant in view of the appropriate emphasis placed on restorative justice by the Department of Justice, Corrective Services Division in Tasmania.

If New South Wales discontinued the periodic detention scheme, about 300 to 400 prisoners would be transferred to full time gaol. The cost difference would be prohibitive, which highlights the extent of the savings involved by the operation of a periodic detention system. This is in addition to the other major benefits of the scheme listed above, including keeping people out of full time imprisonment in cases where that course is neither appropriate nor necessary.

Following the Committee's investigation of the periodic detention scheme operating in other parts of Australia, the Committee is satisfied that the scheme has very considerable merit and benefits.

---

<sup>180</sup> Medium Security prisoners cost \$167.84 per day and Maximum Security prisoners cost \$178.85 per day. Department of Corrective Services, New South Wales Annual Report 1997/98.

Tasmania should give serious consideration to implementing such a scheme.

The Committee's views are considerably reinforced by the submission from the Tasmanian Magistracy. That submission addressed '*the desirability of increasing the range of custodial sentencing options*'. The Magistrates made it clear that they would welcome the availability of two further custodial sentencing options, one being periodic detention and the other, home detention, which is dealt with later in this report.

It is helpful to set out the following passages in the Magistrates' submission, which refer to both periodic detention and home detention.

"While both methods of disposition doubtless have resource implications, the availability of these options as alternatives to full-time imprisonment or as adjuncts to it in particular cases would assist the magistrates to respond flexibly and appropriately.

Such methods of disposition could, in appropriate cases, be used as steps in a series of graduated responses which could engender appropriate warning signals in those who would otherwise be imprisoned and, thereby, provide an opportunity for stock-taking before conduct was embarked upon that would inevitably lead to imprisonment.

Of course some misconduct demands imprisonment. However, imprisonment is a potentially corrupting influence which, coupled with the possible destruction of employment and family ties, can have adverse implications for the entire community as well as for an offender.

Without seeking to be exhaustive, two categories of offenders could readily be seen as being amenable to such part-time custodial arrangements.

- The repeat drink-driving offender or disqualified driver who, frequently, is employed, and
- The young, repeatedly dishonest offender who perhaps has some ties that have the potential to aid his rehabilitation, for example, involvement in a course of education, employment or a girl friend or wife.

The potential of full time imprisonment to destroy such useful rehabilitative supports can be a disincentive to courts imposing custodial penalties. Frequently, a girl friend or wife is in a position

to provide stability – and, sometimes, she is the only source of stability. Unfortunately, many such persons are, though loyal, long-suffering and a term of imprisonment has the potential in many cases to destroy the relationship with adverse consequences for the offender and the community.

Dispositions of the type sought would, we believe, be less likely to be destructive of an offender's support mechanisms".<sup>181</sup>

The Committee agrees with the Magistrates' views.

In many cases, the very nature of the offence makes it inappropriate for the offender to serve a full-time sentence in prison, although quite severe punishment is warranted in an appropriate form.

Sentencing alternatives, such as periodic detention, give courts appropriate flexibility to impose punishment appropriate to the nature of the offence, the particular circumstances of the offender and the best interests of the community.

From discussions with those administering and serving periodic detention and from visiting two periodic detention centres, the Committee is in no doubt that a sentence of periodic detention serves as a stark and timely warning to detainees of the much more serious consequences of a full-time prison sentence. It should be seen, therefore, as an important factor in terms of deterrence and rehabilitation.

There is no doubt that the periodic detention scheme has great merit. We must ask therefore, is it feasible to implement such a scheme in Tasmania? Do we already have the necessary resources and infrastructure? If not, do we have the capacity to provide them?

If the Committee's recommendation is adopted that two new prisons be established, then accommodation for periodic detainees under a Periodic Detention Scheme could be provided in each of these centres. Should the Committee's recommendation not be adopted, then consideration should be given either to making available existing facilities suitable for periodic detention, accessible to people in the three main regions, or to providing separate centres or a combination of both.

In recommending the adoption of a Periodic Detention Scheme in Tasmania, the Committee favours the inclusion of a Stage 2, similar to that operating in New South Wales.

This would give Courts the opportunity to include in a Periodic Detention Scheme offenders living in remote areas, who may otherwise be excluded due to distance

---

<sup>181</sup> Submission of the Tasmanian Magistracy (No. 37), p. 1-2.



factors. Either Periodic Detention Centres or Stage 2 programmes should be available and accessible to all offenders for whom periodic detention is appropriate.

These would include traffic offenders, fine defaulters, young offenders with potential for rehabilitation, as well as those who are unlikely to re-offend and who have been sentenced for offences or crimes that do not, by their nature, necessarily warrant full-time imprisonment.

Table 15 gives a nation-wide account of the percentages of crimes and offences which resulted in imprisonment.

**Table 15<sup>182</sup> - Sentenced Prisoners, By Most Serious Offence-1997**

Most serious offence	NSW*	Vic	Qld	SA	WA	Tas	NT	ACT in ACT	ACT in NSW*	Aust*
	PROPORTION									
	%	%	%	%	%	%	%	%	%	%
Persons										
Homicide										
Murder	4.8	9.2	7.3	8.0	6.5	15.6	4.9	..	10.0	6.5
Other homicide	2.7	2.7	3.1	2.6	2.7	2.6	4.3	..	1.8	2.8
Assault	13.1	6.7	12.8	14.1	10.3	8.7	21.7	..	8.2	12.1
Sex offences	9.4	18.2	16.2	9.6	19.1	12.6	7.1	..	9.1	13.1
Other offences against the person	0.6	1.8	0.7	1.9	1.7	0.4	1.1	..	0.9	1.0
Robbery	12.8	8.1	15.2	14.6	15.5	9.1	4.5	..	16.4	12.8
Extortion	0.4	0.2	0.2	0.1	0.2	-	-	..	-	0.3
Break and enter	13.2	12.4	15.4	14.6	15.1	10.4	13.1	..	11.8	13.8
Fraud and misappropriation	5.6	3.8	3.2	7.4	3.3	2.2	1.3	..	1.8	4.6
Receiving	2.3	1.1	1.0	1.8	0.7	1.7	-	..	-	1.6
Other theft	7.2	12.2	4.0	3.1	5.9	6.5	9.4	..	13.6	6.8
Property damage/environmental offences	1.2	0.9	1.9	1.3	1.2	3.5	0.6	..	3.6	1.3
Government security/justice procedures offences	5.7	7.9	5.1	6.0	6.5	10.4	6.0	..	6.4	6.1
Unlawful possession of weapons	0.3	-	0.2	0.2	-	-	0.4	..	-	0.2
Other offences against good order	0.3	0.9	0.1	0.7	0.1	0.4	2.8	..	-	0.4
Possession/use drugs	1.0	0.5	2.2	0.7	0.1	-	1.5	..	9.1	1.0
Deal/traffic drugs	10.8	7.9	4.1	4.7	5.9	2.6	1.5	..	4.5	7.6
Manufacture/grow drugs	1.6	0.4	1.0	2.0	0.7	-	0.4	..	0.9	1.2
Driving offences	6.6	0.7	2.6	1.8	1.9	8.2	11.4	..	0.9	4.3
Licence/registration offences	-	3.4	2.3	4.3	2.3	5.2	7.5	..	-	1.8
Other traffic offences	-	-	-	0.1	-	-	-	..	-	-
Other offences	0.4	0.9	1.1	0.7	0.2	-	0.6	..	0.9	0.6
Offences in custody	-	-	-	-	-	-	-	..	-	-
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>..</b>	<b>100.0</b>	<b>100.0</b>

\* Prisoners sentenced in the ACT are held in NSW prisons. The ACT in NSW figures are a subset of the NSW figures and are not separately counted in the Australia totals.

<sup>182</sup> Australian Bureau of Statistics, *Prisoners in Australia, 1997(amended)*. A report prepared for the Corrective Services Ministers' Council by the National Corrective Services Statistics Unit, September 1998.

## **Recommendation**

The Committee recommends :

That a Periodic Detention Scheme be implemented in Tasmania providing for :

- (a) the establishment of Periodic Detention Centres which are accessible to the three regions either in the two prisons recommended by the Committee or in other suitable facilities;
- (b) offenders ordered by Courts to be held for the term of their sentence in a legally proclaimed prison or Periodic Detention Centre for two consecutive days within a one week period – either at weekends or during the week; and
- (c) a Stage 2 of the programme requiring offenders ordered by the Court to attend only during the day for eight hours for two days within a one week period - either at weekends or during the week.

## **Leave of Absence Programme**

Permission may be granted from time to time for an inmate to leave the confines of a Prison for certain purposes.

These purposes include the following:

- (a) compassionate grounds to visit a seriously ill relative or to attend the funeral of a close relative,
- (b) to attend educational or training institutions,
- (c) to seek or obtain employment towards the end of the sentence,
- (d) to undergo hospitalisation,
- (e) to maintain family ties, and
- (f) to help prepare prisoners for reintegration into the community.

Further reasons for granting leave permits are set out in Section 42 of the Corrections Act 1997. Other provisions of this Act regulate the operation of the leave of absence scheme.

It is especially effective in corrective institutions where prisoners are accommodated in minimum security cottages in the period prior to their release. The Committee observed this at the Adelaide Pre-Release Centre where prisoners live in self-contained cottages and care for themselves. With

permission, they are able to leave the premises to apply for and even to undertake employment and to attend educational and training institutions. This effectively prepares them for the conditions to be experienced in a free society following their release.

Leave is discretionary and is usually granted subject to conditions. These may include conditions requiring the prisoner to be escorted during the period of leave by a Prison Officer, for example when a high security inmate is granted leave to attend the funeral of a close relative.

In other cases, a minimum security prisoner may be granted a considerable degree of latitude. In all such cases a high degree of trust is involved on the part of the Senior Officer granting permission for leave of absence.

Inevitably, there will be cases where that trust will be breached. There will then be the temptation and opportunity for some to sensationalise or make political capital of this fact. Such reaction should be avoided unless the full facts are known and it is perfectly clear that the inmate concerned should not have been granted leave of absence.

The difficulty of deciding which prisoners should be given the benefit of this programme should not be underestimated. There will always be cases where an inmate who has been a model prisoner inexplicably breaches the terms and conditions of an order granting leave of absence. This ever present risk should not prevent the granting of leave in appropriate cases. That would be contrary to the best interests of prisoners and also the community which benefits from the successful rehabilitation of any prisoners.

A document prepared by the Corrective Services Division of the Department of Justice in Tasmania states that,

“minimum security prisoners can be approved to participate in a regular or extended leave programme for educational, training and work experience and/or release preparation purposes. This has occurred over many years in a small number of cases, particularly with inmates who are serving longer sentences. Only persons who have been thoroughly assessed are allocated to these positions. The work undertaken by inmates is of particular value in providing reparation to the community for the crimes committed”.<sup>183</sup>

In his 1988 Report, *Reviewing the Leave of Absence Programme for Prisoners* conducted by the Office of Corrections, Victoria, the Hon. B. L. Murray, Q.C., C.B.E., made the following comments :

---

<sup>183</sup> Corrective Services Division, Department of Justice, Tasmania – *Section 42 Leave Programme*.

- “7.5 Most prisoners have, for whatever reason, failed to survive in the existing social order. Once in a prison, they are placed in another, quite different social order – paradoxically, one that is the very antithesis of free society. Here they un-learn what few social skills they had, and learn instead to adapt to a life of regulated dependence. The rules, both official and unofficial, that govern this existence have very little relationship with the rules of open society. Therefore the adaptation that a prisoner makes to prison life will not only not ensure success where there has been failure, it will probably mitigate against it. This point is quite uncontroversial.
- 7.6 The problem therefore, may be solved in one of the following ways: (i) completely change the order and nature of prisons: or (ii) provide for the systematic readjustment of prisoners into society”.<sup>184</sup>
- “7.8 ...we must always keep in mind that as part of its obligations, the OOC (Office of Corrections) must not only protect society from prisoners while they are in prison; it must also equip them in a way that lessens their potential to create more victims on their release....”.<sup>185</sup>
- “7.9 ...the Massachusetts Department of Corrections has found, in the study covering 12 years of the Leave of Absence Programme, that recidivism dropped systematically from 25% in 1973 to 15% in 1977. When further analysed, it was found that individuals who had participated in the leave programme had significantly lower recidivism rates than those who had not. Unfortunately, not many Departments appear to have had the time or the resources to devote to these studies.
- 7.10 Notwithstanding that point, I find it difficult to criticise the logic behind the programme, and can only say that the principle of resettling prisoners gently into society is not only a humane act, but also one that society should welcome as commonsense practice”.<sup>186</sup>

---

<sup>184</sup> Murray, Hon. B.L., *Review of the Leave of Absence Programme for Prisoners*, Office of Corrections, Victoria, 1988, p. 24.

<sup>185</sup> *Ibid*, p. 25.

<sup>186</sup> *Ibid*, p. 26.

“7.25 ...Judging trust and assessing risk are a constant feature of prison administration. To its credit very few mistakes are made.

7.26 ...Prison administrators must not only keep people inside prison, they must help ensure that they present less of a risk when released...in my opinion it would be negligent not to take advantage of the gains offered by this programme.....it must of course be kept in mind that the prisoners to whom leave is given are those who have fulfilled the stringent requirements of the rules and guidelines”.<sup>187</sup>

It is not surprising from these quoted comments that Mr Murray recommended a continuation of the Leave of Absence Programme in Victoria.

For similar reasons the Committee supports a continuation of the Leave of Absence Programme in Tasmania.

### **Recommendation**

The leave of absence programme be continued in accordance with the relevant provisions of the Corrections Act 1997.

## **Deferment of Commencement of Sentence**

From time immemorial when offenders are sentenced to a term of imprisonment, the imprisonment commences from the moment the sentence is handed down – unless the prisoner is already in custody, in which case the sentence is often back-dated to the time the prisoner was taken into custody.

Especially in the case of contested criminal trials, there is usually at least several months delay between the time a person is charged until the trial is completed and a sentence imposed.

Except in cases of murder and other cases involving circumstances which require the accused person to be kept in custody pending trial, the accused person is usually able to work and to move freely in the community.

From the moment the sentence of imprisonment is imposed, however, the prisoner loses all freedom and has no opportunity even to return home to collect clothing or make any arrangements which are necessary as a result of the impending imprisonment.

Although in some cases it may appear obvious that upon conviction for the offence charged a particular person would almost inevitably be sentenced to a

---

<sup>187</sup> Murray, op. cit., p. 31.

term of imprisonment, there are many circumstances in which neither conviction nor imprisonment would appear inevitable. In such cases the prisoner would be hoping, and perhaps expecting, that neither would occur.

Therefore, having been free for many months after being charged, a prisoner who is able to lead a reasonably normal life in the community is suddenly and immediately incarcerated.

Usually the prisoner would not present any greater danger to the community after the sentence of imprisonment has actually been imposed, than in the months preceding the trial or sentence.

Depending on the length of the sentence, immediate imprisonment would often cause the prisoner to be dismissed from his or her employment. In many cases, if it were possible to defer the date of commencement of a sentence, there would be an opportunity for arrangements to be made with an employer for the prisoner to retain the employment. This would be of benefit, not only to the prisoner and the prisoner's family, but also to the community. This would enable the prisoner to resume employment after release, thereby minimising the impact on the community resulting from the payment of social security benefits to the prisoner's family and also to the prisoner from the date of release until he or she returns to the workforce.

In cases where the prisoner is unlikely to present any threat to the community or where the nature of the crime or offence does not warrant the sentence of imprisonment taking effect immediately, consideration should be given to empowering the court to defer the date on which the sentence of imprisonment is to take effect.

The Committee understands that this is a common practice in Holland and that it works effectively. It is certainly an enlightened practice and in the interests of the administration of justice. It has many practical advantages for prisoners, their families, employers and the community.

### **Recommendation**

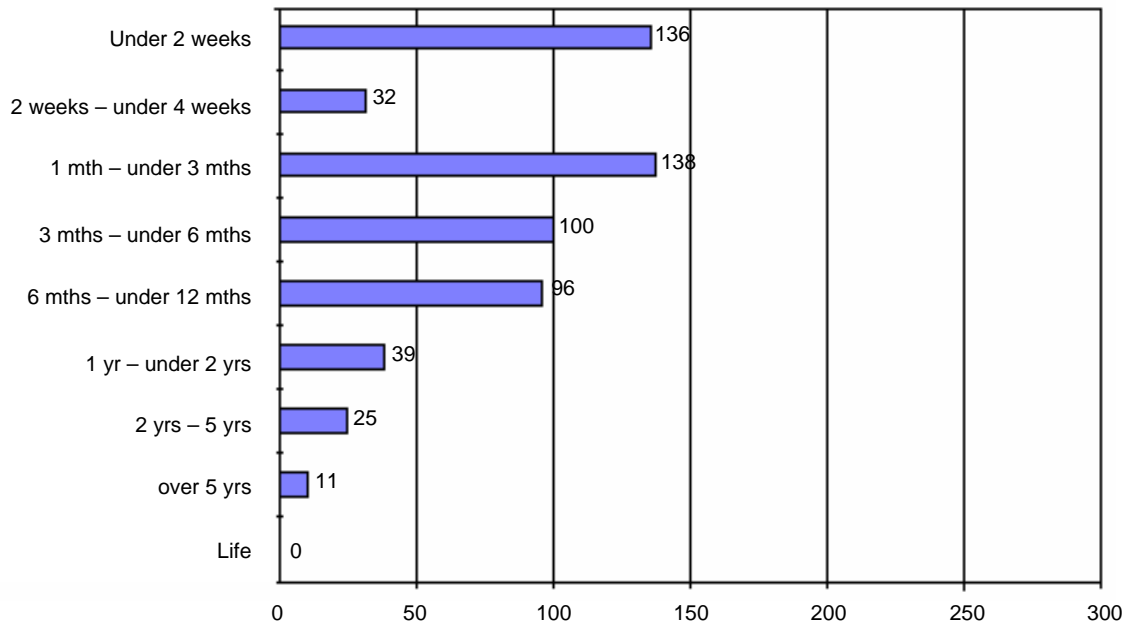
The Committee recommends that where appropriate offenders be given a limited period of time to put their affairs in order after being sentenced and prior to the commencement of imprisonment.

## Serving Sentences During Annual Leave and Other Specified Times

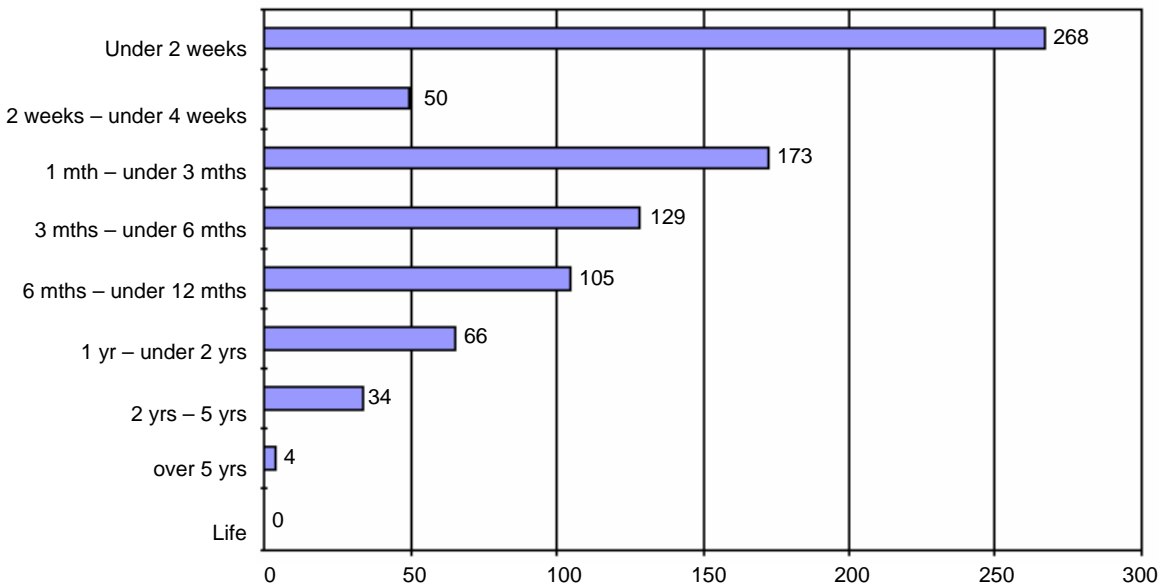
If a prisoner is sentenced to a period of fewer than four weeks imprisonment, a court should be empowered to order that this be served during a period of annual leave and for the sentence not to take effect until the beginning of the next period of annual leave.

The Governor of a prison in the UK suggested that a 14 day sentence is most appropriately served at week-ends. With a 3 month sentence, he considered it was best for the prisoner, employer and all concerned to work out the best time for the sentence to be served, especially in cases where an employer's business fluctuates according to seasonal factors.

**Table 16 – Length of sentences imposed during 1997-98**



**Table 17 – Length of sentences imposed during 1998-99**



Given sufficient time and the opportunity to do so, the sentenced prisoner may be able to negotiate with an employer to bring forward the annual leave period so that there is less delay between the date of sentence and the date on which the period of imprisonment begins.

The option of the prisoner serving a term of imprisonment during annual leave, could be extended for up to three years in cases of sentences of imprisonment not exceeding 3 months.

The Committee favours courts being given the discretion to enable this to occur in cases of sentences not exceeding 3 months; but not for sentences in excess of three months, because this would unduly prolong the effect of a reasonably short period of imprisonment.

The main benefits of this proposed scheme are similar to those set out in paragraphs (c) and (d) on page 127, in addition to enabling offenders to retain employment.

### **Recommendation**

That in the case of prison sentences not exceeding three months, courts be empowered in appropriate cases, to order that sentences be served over a period not exceeding three years, during the prisoner's annual leave or such other periods or that the court deems appropriate.

## **Home Detention**



Home detention can be defined as a corrective services programme requiring offenders to be subject to supervision by authorised corrective services officers, while resident in their own home.

Various home detention schemes have been adopted for offenders in four mainland States and the Northern Territory.

The Committee took the opportunity to discuss the operation of home detention systems in South Australia, New South Wales and Queensland. Members believe that such a system could serve Tasmania well, both as a sentencing option for the courts and as an administrative option for the management of certain prisoners towards the end of their sentences.

In South Australia home detention is used as a condition of bail in certain cases, and as part of a pre-release programme for certain prisoners (“the back end” option). To date South Australia has not used home detention as an alternative to prison in the sentencing process (“the front end” option).

In New South Wales and the Northern Territory home detention is used only as an alternative to prison in the sentencing process (“the front end” option).

In Queensland home detention is used only as part of a pre-release programme, whereas in Western Australia it is used in all three of the above modes, ie as a bail option, as a sentencing option and as an administrative or pre-release option.

In granting bail to alleged offenders (ie non-convicted persons) courts have a wide discretion as to the terms upon which bail is granted. The power is already there for the court to impose residency and curfew conditions of bail in various combinations. There appears to be no present need for Tasmania to vary the existing system in relation to the granting of bail, particularly given the small numbers involved – except in terms of providing means to supervise and monitor the observance of bail conditions of this nature.

The Committee is able to summarise the strengths of the home detention system broadly as follows : -

- offenders are not exposed to the negative influences of a prison environment;
- the offender’s employment can be maintained;
- family and community ties can be maintained;
- it provides flexibility for employment, study, medical treatment, etc;
- the financial position of the offender and family can be maintained;
- it provides a semi-controlled environment where persons released from prison and their families can work towards establishing normal lives with

- assistance and encouragement, rather than being left to flounder after release from prison;
- there are distinct cost advantages to the State which is relieved of the obligation to maintain the offender.

There have been suggestions from various quarters that home detention produces net widening, that is, the tendency for courts to impose this form of sentencing as an alternative to imprisonment in cases where imprisonment would not normally have been the penalty. There is some evidence of net widening in South Australia with the home detention bail option.

In South Australia the home detainee wears a bracelet which cannot be removed without detection and through which a signal can be sent. Upon receiving the signal the detainee then must telephone the home detention office to confirm that he/she is home. Random visits to detainees' homes are also conducted by home detention officers. The bracelet system is also used in New South Wales and is being considered in other jurisdictions.

It is important that courts be made conscious of this possibility. In New South Wales home detention is imposed only after sentence, so that it applies only to persons sentenced to a term of imprisonment. After the sentence is imposed consideration is then given to whether it is appropriate for the sentence to be served by home detention.

There are various views as to the type of offences that should trigger the home detention alternative in the "front end" option.

While South Australia does not have the "front end" option at all, its home detention bail option excludes all offences of violence other than very minor ones.

For the system to work as part of a restorative justice system there seems no good reason for automatically excluding all offences involving violence. Determinations of eligibility are best left to the courts and associated experts, with statutory exclusion reserved for serious acts of violence and sex offences.

The emphasis of both home detention and periodic detention alternatives should be on the recognised aim to divert as many offenders as possible away from the prison system, given that prison is recognised as the penalty of last resort and should be reserved for only those offenders where all else has failed, or where the nature of their offence demands imprisonment.

Home detention systems involve regular telephone monitoring by supervisors and/or computer systems, and modern electronic devices involving the use of wrist bands are being successfully trialled in New South Wales and could enhance the efficacy of home detention.

The South Australian pre-release home detention option has demonstrated that the “back end” system can be a very useful prisoner management tool. It provides an incentive for good behaviour, forward planning, and the orderly re-introduction to society, particularly as it is generally associated with the obtaining of employment prior to release.

In its submission to the Committee the Tasmanian Magistracy supported the introduction of home detention and “without seeking to be exhaustive”<sup>188</sup> suggested two categories of offenders as being amenable to this process :

- repeat drink drivers and disqualified drivers; and
- young repeat offenders involved in acts of dishonesty yet still with prospects of rehabilitation.

The submission suggested that, to be successful, the home detention system should have the following elements :

- The requirement for the court ordered report from a probation officer indicating that the home environment would be supportive of the home detention order.
- Suitable supervision and enforcement mechanisms.
- A solitary regime of penalties to punish breaches of the home detention order.

### **Recommendation**

The Committee recommends :

- That a Home Detention Scheme be introduced in Tasmania and that electronic surveillance be used to monitor participants.
- That, where appropriate, a combination of both Home Detention and Community Service Orders be used. This option could help overcome the problem of providing a sufficient spread of periodic detention centres.

## **Community Service Options**

This chapter reports on the evidence given and inspections undertaken in Tasmania, Victoria, New South Wales, Queensland, South Australia and the Australian Capital Territory, as well as drawing on the findings of reports referred to the Committee and other readings.

The significance of Community Service Orders (CSOs) can be gauged from the following :

---

<sup>188</sup> Submission by Tasmanian Magistracy (No. 37).

“A young man, once inside the system awhile, develops an ethos that is distinctive and powerful. He learns to identify as a thief and becomes tolerant of personal violence”.<sup>189</sup>

CSOs, often referred to as work orders, are applied by the court requiring an offender to perform a fixed number of hours community service work .

The conditions and operation vary between states and these differences will be dealt with later in this report.

Generally, the objectives and advantages of a Community Service Order scheme are similar to those applying to a Periodic Detention scheme as are set out in detail on pages 126-127 of this report.

The main difference between CSOs and periodic detention, in addition to the former being expressed in hours and the latter in days, is that CSOs do not involve the serving of any period in custody.

Community Service programmes aim to provide a cost effective alternative to imprisonment, to fulfil the requirements of the Courts, to enhance family and community relationships and to provide for offender reparation to the community. Evidence received satisfied the Committee that CSOs are one of the most cost effective forms of retribution, individual deterrence, rehabilitation and reparation - especially for first offenders, non-violent offenders and fine defaulters.

## **Tasmania**

The submission of the Corrective Services Division, Department of Justice and Industrial Relations, dated December 1998, highlights the Tasmanian Government's focus on restorative justice and the view that imprisonment should be the punishment of last resort because :

- “rehabilitation is much more likely to be achieved when the offender is in the community
- prison can, particularly for young offenders, increase the risk of re-offending
- imprisonment often imposes severe economic and personal strains upon the family of the offender

---

<sup>189</sup> University of Sydney, Law Society, *Polemi*, Vol. 5, Issue 1, 1994.

- prison is a very expensive option for the community and in many cases further welfare expenditure is required to assist the prisoner's family".<sup>190</sup>

It is important to recognise that Tasmania has been at the forefront of innovative sentencing. Not only was it the first Australian State to introduce a Work Order Scheme in 1972 but it was the first jurisdiction in the world to do so.

The Honourable E.M. Bingham Q.C. (now Sir Max Bingham), as Attorney-General in the Tasmanian Government in 1972, pioneered this scheme which has since been adopted widely throughout Australia and overseas.

Tasmania has had one of the lowest rates of imprisonment amongst the Australian jurisdictions and has one of the highest rates of usage of community corrections sanctions such as Probation and CSOs.

This is somewhat against the general trend. Jurisdictions with high rates of imprisonment usually also have high rates of CSOs. Tasmania has for many years had the highest rate of successfully completed CSOs.

The cost of community corrections supervision in Tasmania in 1997/98 was \$4.53 per offender daily compared to the Australian average of \$5.61.<sup>191</sup> Comparing this with the average cost of \$150 per day of keeping a prisoner in custody in Tasmania, it can be seen that it is of considerable benefit to the Tasmanian taxpayers to have a successful CSO Scheme as the cost savings free up funds for use in other important areas of Government services such as Education, Health and Policing.

The Tasmanian Sentencing Act 1997 sets out sentencing options available to the Courts. These range from imprisonment at the most serious end of the spectrum, to dismissal without conviction in the less serious cases. Options in between include suspended sentences, community service orders, probation orders, fines and conditional discharge.

The Community Service Order Scheme co-ordinates work, work sites and supervision for persons subject to CSOs. The scheme provides assistance to a broad range of community organisations and individual pensioners. In recent years the trend has been away from individual assistance and more towards working with organisations which are able to provide supervision, tools and equipment.

A more recent development has been the inclusion of this supervisory role within the terms of the Partnership Agreement between State and Local Government.

---

<sup>190</sup> Submission by the Corrective Services Division of the Department of Justice and Industrial Relations (No. 21), p.3.

<sup>191</sup> Department of Justice – Annual Report 1997-98, p. 110.

In 1997/98 1,091 persons were made subject to a total of 1,302 CSOs, to undertake 78,706 hours of community service work.

The average length of each CSO has decreased over recent years reflecting the effect of the conversion of unpaid fines to CSOs, as these orders generally tend to be shorter. In 1997/98, the average length of each CSO was 60 hours. There has been a steady upward trend in the use of CSOs since 1980 and a significant increase in 1996/97.

In recent years there has been a steady decline in the number of persons placed on probation in Tasmania, with the Courts making more use of CSOs in more cases.

An interesting development during 1997 was a proposal by the Tasmanian Aboriginal community for young aboriginal offenders to be bailed or sentenced on the condition that they reside on isolated Badger Island in Bass Strait, where the aboriginal community could take responsibility for the offender's retribution, rehabilitation and community service.

Mr Paul Denman, in his submission on behalf of *'Your Place Inc.*, when referring to drink driving offences states,

"The wisdom of putting otherwise, law abiding citizens in an environment that is more likely to promote violence, social dislocation, germane to placing extraordinary financial pressure on the family, if the primary bread winner is locked up is also questionable. The result of a prison term may be the catalyst of moving from social/mildly dependent drinking to a more severe dependency as external stresses quite often increase the likelihood of dependency".<sup>192</sup>

Mr Denman suggests non-custodial penalties in such cases.

The Archdiocese of Hobart Social Justice Commission<sup>193</sup> asks the Select Committee to consider restorative justice as an addition to the criminal justice process, rather than a total retributive justice system. The submission is based on the premise that the whole community has a role in addressing crime, that not all crime warrants gaol and that as crime involves victims and offenders the effects on both need to be considered. The submission points out that it costs \$50,000 per annum to keep a person in prison, and questions whether it is in the public interest to incur this high expense, in cases when other less expensive and appropriate options should be available. It suggests in many cases,

---

<sup>192</sup> Submission by Mr Paul Denman, Co-ordinator Prison Drug and Alcohol Service, *'Your Place Inc.'* (No. 3), p. 2.

<sup>193</sup> Submission by the Archdiocese of Hobart Social Justice Commission (No. 15), p. 2.

especially involving offenders from unfortunate backgrounds, that prison should be used only as a last resort and that unpaid community work is an option which should be considered.

Dr Peter Lawler<sup>194</sup> of Moonah recommends the diversion of money into the non-custodial area from the custodial area as data suggests many offenders should not be in prison at all and it is cost effective not to imprison them. He also advocates the concept of “keeping the offenders in work”, supporting prisoner employment in and outside gaol for social reasons, even if it were not economical to do so.

His submission suggests an expanded range of sentencing options could exist between the two extremes of probation and incarceration. Intermediate sanctions would give the court much greater discretion in selecting punishments that fit the circumstances of the crime, the victim and the offender. He claims such a system would offer greater opportunities for the rehabilitation of offenders.

The Committee agrees with the thrust of the points made in these three submissions.

Dr Lawler refers to German research which indicates that youthful offenders sent to prison had higher rates of recidivism than those given alternative sanctions. Removing youths from society, even when incarceration included job training, appeared negatively to offset their ability to find employment when released. Results showed that the number of offenders per 100,000 inhabitants increased by 7% in regions where imprisonment was the sentencing norm and decreased by 13% in regions that opted for alternative sentencing.

## **Victoria**

Mr. John Van Groningen, Commissioner, Correctional Services in Victoria, informed the Committee that there were approximately 7,500 Victorians at any one time on some form of community based order. The majority of these had never been to prison and were never likely to be imprisoned.

Non-custodial options in Victoria range from a requirement of 25 hours community service with no conditions attached, to 500 hours with stringent conditions. Such conditions could include an obligation to report three times a week, and attendance at various counseling courses.

One option is an Intensive Correction Order (ICO) which in law is a sentence of imprisonment served in the community. Further details of ICOs are set out in Appendix F.

---

<sup>194</sup> Submission by Dr Peter Lawler (No. 16).

For juvenile offenders, Youth Attendance Orders (YAO) are sentences imposed by a magistrate in the Children's Court as a direct alternative to a custodial sentence. YAOs are usually given to young people who have been found guilty of a serious offence, or who have been frequent repeat offenders. Young people between the ages of 15 and 18 years can be placed on a YAO. Young persons placed on YAOs and are required to report for up to 10 hours a week. They must not offend while on a YAO, are required to attend the education and recreation activities organised and must also undertake three hours of community work each week. Breaching a YAO is a serious matter and often results in a custodial sentence at a Juvenile Justice Centre.

Youth Suppression Orders (YSO) are another form of non-custodial penalty imposed by Magistrates in the Children's Court, usually for a maximum of twelve months. They have similar conditions to YAOs but community work is not necessarily part of the six hours attendance required each week.

### **New South Wales**

Community based alternatives to imprisonment represent one of the most important developments in sentencing in the last few decades according to the N.S.W. Law Reform Commission. Chapter 9 of Discussion Paper 33<sup>195</sup> deals with community based sentences, and suggests that more emphasis is being placed on these alternatives as a result of the prison system's failure to rehabilitate offenders.

The N.S.W. Community Service Orders Act 1979 only allows the Court to make community service orders in the following circumstances :

- the consent of the offender
- the Court must be satisfied by a probation officer that suitable assignments for community service work can be made in the offender's local area, and
- the offender must be assessed as a suitable person to perform community service work.

Where a person has committed an offence punishable by imprisonment, (whether or not it is also punishable by fine), the Court may make an order requiring the person to perform community service work instead of imposing a sentence of imprisonment.

The type of work undertaken on a CSO includes such activities as garden and household maintenance for pensioners, maintaining school grounds, bush

---

<sup>195</sup> New South Wales Law Reform Commission, *Discussion Paper 33 : Sentencing*.



regeneration projects and driving for Meals-on-Wheels. The court orders can also require the offender to attend development programmes.

When first introduced in N.S.W. as an alternative to imprisonment, the following benefits were identified:-

- reduction in cost through the decreasing use of prisons;
- a more humane form of punishment, while still maintaining a punitive element, which was seen as essential for public acceptance;
- the offender and the community would both benefit because the offender could remain in employment and maintain a normal home life;
- the opportunity to make some reparation to the community.

### **Queensland**

A CSO Scheme is administered by the Queensland Corrective Services Commission and also includes a fine option order, which allows offenders to perform unpaid community work, instead of paying a fine.

### **South Australia**

The South Australian Officers of the Department of Correctional Services carry out the supervisory functions relating to probation, bail supervision, parole, home detention and community service.

South Australia introduced a user pays concept for CSOs during the mid 1990's. According to the Department's 1995-96 Annual Report, this innovative concept is proving to be an excellent mechanism for offenders to put something back into the community which they have damaged by offending. The Committee inspected the "user pays" Community Service Order projects at Shepherds Hill Recreational Park, where introduced olive trees were being removed, and the Flinders Park Primary School, where school buildings had been painted.

The 'user pays' principle in community service involves the development of a partnership between the Department of Correctional Services (DCS) and a recipient agency, organisation or department for the benefit of the wider community. The partnership involves an agreed number of hours of labour undertaken by the community service workers, supplied free of cost, with the recipient agency responsible for all the supervision and material costs.

During 1995-96 600,379 hours of community service work were performed by 11,628 individual offenders. Those offenders worked on a total of 1,273 projects of which 901 were for government bodies such as schools and local government,

355 were for voluntary organisations and 17 for pensioners. It was estimated that the value of this work to the community was between \$4.8 and \$5.5 million.

During the 1995-96 year 15,031 community service works were undertaken, of which 12,251 were fine options. Fine options increased 106% compared to the 1991-92 figures.

### **Australian Capital Territory**

In 1995/96 42,873 hours of unpaid work were undertaken by way of CSOs, an increase of 37.1% over the previous year.

Details of other jurisdictions not visited are included in Appendix G.

**Table 18 - Alternatives to Full-time Imprisonment for Adult Offenders in Australia**

	<b>VIC</b>	<b>NSW</b>	<b>SA</b>	<b>WA</b>	<b>QLD</b>	<b>ACT</b>	<b>NT</b>	<b>TAS</b>
<b>Periodic Detention</b>		X				X		
<b>Home Detention</b>		X	X	X	X		X	
<b>Probation</b>	X	X	X	X	X	X	X	X
<b>Community Service/ Based Order</b>	X(a)	X	X	X(b)	X(c)	X	X(d)	X

(a) (Vic) Includes :

- (i) Community Based Orders (CBOs). These usually include requirements for supervision, the performance of community work and attendance at programmes; and
- (ii) Intensive Correction Orders (ICOs). An ICO is subject to stringent supervision and may be made for a period of up to 12 months. Such an order requires the performance of community work and attendance at programmes.

(b) (WA) Includes :

- (i) Community Based Orders (CBOs), which require participation in an educational, vocational or other personal development programme. CBOs are usually supervised and often include a requirement for community work to be performed; and

- (ii) Intensive Supervision Orders (ISOs), which are similar to CBOs but subject to more stringent supervision. ISOs may also include a requirement for community work to be performed.
- (c) (Qld) Intensive Correction Orders (ICOs). These may be made where a court sentences an offender to a term of imprisonment of not more than one year. The offender is required to serve the sentence in the community and may be required to reside at a community corrections centre for up to 7 days at a time. An ICO may also include a requirement to perform community service work and to attend appropriate programmes.
- (d) (NT) Includes the recently established sentencing option of punitive work orders for those convicted of an offence under the mandatory imprisonment provisions for offenders against property. A punitive work order requires the offender to participate in hard physical labour.

### **Recommendation**

The Committee recommends :

- That Community Service Orders continue to be used as a sentencing option.
- That consideration be given to implementing a “user pays” Community Service Order Scheme, along similar lines to that operating in South Australia.
- That the outsourcing of part-custodial and non-custodial programmes be market tested.

## **APPENDIX 'A'**

### **INTERSTATE MEETINGS**

In the course of interstate visits, the Committee appreciated the opportunity to meet and have valuable discussions with the following :

#### **VICTORIA**

- Mr Stephen Twinn, Director of Operations and Business Development – Group 4 Correction Services Pty Ltd
- Mr Dave McDonnell, Director of Port Phillip Prison
- Ms Pauline Spencer, Ms Catherine Gow, Ms Shelley Burchfield, Ms Kate Lawrence, Mr Charander Singh and Ms Judy Cox - Federation of Community Legal Centres
- Father Peter Norden, Jesuit Social Services
- Mr John Van Groningen, Correctional Services Commissioner; Mr Terry O'Donoghue, Deputy Commissioner
- Mr Tony Wilson, former Project Director and Mr Dave McCurry of New Prisons Project Team and Ms Debbie King, until recently Director Policy and Planning – Office of Correctional Services Commissioner
- Ms Pip Wisdom, Acting Director, Policy and Standards and Mr Ken Penaluna, Policy and Planning Officer – Office of Correctional Services Commissioner
- Ms Isabel Hight, Director, Sentence Management
- Ms Angela Cannon, Director, Attorney-General's Policy Division
- Ms Robin Trotter, Director – Monitoring and Assessment – Office of Correctional Services Commissioner
- Dr Peter Lynn
- Professor Arie Freiberg, Head of Criminology Department, University of Melbourne
- Mr Chris Nash, Deputy Operations Manager, Metropolitan Women's Correctional Centre
- Mr Don Keens, Managing Director, Australasian Correctional Management Pty Limited
- Mr Trevor Craig, Operations Manager, HM Prison Barwon
- Mr Terry Easthope, General Manager, Fulham Correctional Centre

#### **ACT**

- Brigadier James Ryan AM, Director ACT Corrective Services
- Mr Ian Fitzgerald, Assistant Director
- Mr Eddie Issa, Executive Officer
- Mr Trevor Parkinson, Periodic Detention Centre

## **NSW**

- Ms Catriona McComish, Assistant Commissioner, Inmate Management and Dr Brian Noad, Principal, Adult Education and Vocational Training
- Superintendent Ken Kellar and Superintendent Barry Russell, Operations, Head Office
- Superintendent Steve D'Silva, former Director, Periodic Detention
- Mr Paul Nash, Corporate Counsel
- Ms Brenda Smith, Assistant Commissioner, Probation and Parole and Mr Ken Studerus, Director, Home Detention Programme
- Mr Richard Button, Director, Criminal Law Review Division
- Mr Rod McPherson, Divisional Director, Dresdner Klienwort Benson Australia Limited (Structured and Infrastructure Finance)
- Mr Bob Hassan, Regional Superintendent, Mr Brian Cook, Manager, Fr Harry Moore and other key personnel at Malabar Special Programmes Centre and Parole Unit at Long Bay
- Mr Jim Mellor, Community Justice Coalition, Mr Ray Jackson, Indigenous Social Justice Association and Dr Aileen Baldry, Department of Social Work
- Professor Tony Vincin, Director of Research, Uniya Jesuit Social Service Centre
- Mr Keith Bushell, Officer-in-Charge at the Metropolitan Periodic Detention Centre, Paramatta
- Ms Lee Downes, Governor and other key personnel at Emu Plains Correctional Centre
- Mr John Dunthorne, General Manager and Ms Jan Hall, Client Services Manager at the Metropolitan Remand and Reception Centre at Silverwater

## **QUEENSLAND**

- Mr Ray Cole – home detention
- Sir Max Bingham, as Deputy Chairman, Queensland Corrective Services Commission
- Mr Barry Apsey, Director-General, Queensland Corrective Services Commission
- Mr Peter Severin, Acting/Chief Executive Officer, Queensland Corrections
- Mr Keith Hamburger, former Director-General, Queensland Corrective Services Commission
- Mr Jim Kennedy, author 1988 Review into the Provision of Correctional Services in Queensland
- Ms Anne Dutney, Director Operations, Corrections Corporation of Australia and Mr Bob Bradbury, General Manager, Borallon Correctional Centre
- Mr Ross Millican, Executive General Manager Operations, ACM, Mr Brad Linguard, Acting General Manager, and Mr Kevin White, General Manager at Arthur Gorrie Correctional Centre

- Mr John McGowan, General Manager at Woodford Correctional Centre
- Mr Martin Grandelis, General Manager, John Oxley Youth Detention Centre

#### **SOUTH AUSTRALIA**

- Mr Tony Kelly, Director Operations; Mr Gary Dickie, A/Director Strategic Services and Ms Jann McBride, Manager Policy and Stakeholder Services - South Australian Correctional Services
- Mr Lou Denley, Director; and Ms Joselene Mazel, Executive Liaison Officer, Justice Strategy Unit.
- Mr John Heath; Ms Deirdre Butler and Mr David Nankivell – South Australian Correctional Services
- Mr Chris Johnson, Ministerial Liaison Officer
- Mr Derek Taylor, General Manager, Adelaide Remand Centre
- Ms Cheryl Clay, General Manager, Ms Di Hicks and other key personnel at the Adelaide Women's Prison and Mr Steve Johnson at the the Living Skills Unit
- Mr Kevin Baohm, General Manager at the Adelaide Pre-Release Centre
- Ms Maria Bordoni, General Manager and other key personnel at Yatala Labour Prison

#### **MOUNT GAMBIER**

- Mr Michael Boswell, General Manager Business Services; Mr Bob Leggat, Manager Operations and Mr Brian Kennedy, Consultant, Business Services.
- Mr Roger Holding, Group 4 Prison Director, Mount Gambier Prison.

## APPENDIX 'B'

### OBJECTIVES OF THE VICTORIAN GOVERNMENT'S NEW PRISON PROJECT (NPP)<sup>196</sup>

The New Prisons Project is designed to achieve the following objectives :

- replace inadequate and ageing plant at Pentridge Prison, the Metropolitan Reception Prison and Fairlea Women's Prison with new facilities and increase the capacity of correctional facilities to meet projected demand;
- reduce the costs of development of the new infrastructure - as an example, the cost of building the last publicly constructed maximum security prison in Victoria (Barwon Prison) in 1988 was about \$250,000 per prisoner place. The cost of building the privately constructed maximum security prison (Port Phillip) in 1997 was \$100,000 per prisoner place.
- reduce the costs of correctional services through the adoption of improved work practices;
- ensure the scope and quality of services to prisoners is maintained and/or enhanced and without compromising security and safety;
- meet Government policy objectives of private sector involvement in prison operations by introducing private sector investment funds (equity) into Victorian prison infrastructure, with consequential transfer of risk to the private sector;
- establish competition within the Victorian prison system, among private and public sector providers of correctional services; and
- introduce new approaches to the design, construction and management of prisons.

The NPP stands out from other prison privatisation projects around the world on two major dimensions, viz;

1. the Government's financial requirements for private sector ownership, as well as development and operation of the facilities – through an equity contribution and ownership risk acceptance; and

---

<sup>196</sup> Department of Justice, Victoria – *Victoria's Private Prisons : An Innovative Partnership*, Foreword.

2. the size of the contribution of the new 'private' facilities to the State's correctional system is larger than in other jurisdictions – the three new prisons will accommodate over 60% of female and approximately 45% of male prisoners in Victoria.

From a financial perspective the objectives of establishing the New Prisons Project included:

- securing private finance for long term corrections infrastructure assets;
- ensuring permanent at risk equity capital was made available;
- ensuring that finance was provided with no guarantees, indemnities or other support from Government; and
- ensuring that contractual arrangements were such that Government would pay only to the extent that services were delivered and facilities were capable of meeting their intended purpose.

This risk transfer environment included effective transfer to the private sector of all project risks including design and development risk, time and cost to complete risk, operability of physical plant over the term of the concession, maintenance, insurance etc.



## APPENDIX 'C'

### ACHIEVEMENTS AND STRUCTURE OF THE VICTORIAN GOVERNMENT'S NEW PRISON PROJECT (NPP)

The NPP developed an approach which staggered the start of the bidding process for the three prisons, and thereby:

- spearheaded the program by fast tracking the smallest, most achievable and most critical prison (a 125-bed women's prison) for completion by mid 1996. Contracts were signed in June 1995 with Excor Investments Pty Ltd consortium, comprising Corrections Corporation of Australian, John Holland Construction and Engineering Pty Ltd and Societe Generale Australia Ltd;
- followed it with the second (a men's 600-bed medium security prison), for completion by mid 1997. Contracts were signed in October 1995 with Australasian Correctional Investment Ltd; comprising Wackenhut Corrections Corporation Australia Ltd, Thiess Contractors Pty Ltd and AMP Investment Services Limited; and
- finally, the third (a men's 600-bed multi-functional and remand prison), scheduled for completion by late 1997. Contracts were signed – August 1996, with Australian Correctional Facilities Pty Ltd; comprising Group 4 Corrections Services Pty Ltd, Fletcher Constructions Australia Pty Ltd, and Dresdner Australia.

The delivery of the three above projects has been achieved with a significant positive financial benefit to the Victorian Government. All three projects were delivered at substantially below the financial benchmark<sup>197</sup> established for each, as follows:

- "Metropolitan Women's Correctional Centre – over 10% below financial benchmark;
- Fulham Correctional Centre – over 20% below financial benchmark; and
- Men's Metropolitan Prison – over 15% below financial benchmark".<sup>198</sup>

---

<sup>197</sup> Benchmark definition = cost per prisoner per year of correctional services (only) in prison to be replaced. This definition was approved by the Government in 1992 and subsequent benchmark calculations in later years were adjusted for inflation. With respect to the third prison, in 1995, this benchmark was reduced by 15% to reflect changed market conditions since 1992.

<sup>198</sup> Department of Justice, Victoria, *Victoria's Private Prisons : An Innovative Partnership* , p. 2-3.

As described below, “these financial benefits have been achieved without compromising the security, safety or quality of correctional services in the facilities.

The project was also successful in attracting a high level of private sector involvement and commitment. This was evidenced by the rapid maturation of the financial market over the course of the project in response to the Government requirements for equity involvement, risk transfer and financial and correctional innovation.

At the commencement of the project, the lack of precedent in this type of social infrastructure project was reflected in a degree of caution from the private sector. By the end of the three projects, however, market confidence had grown in the Government’s ability to deliver on its commitments such that equity involvement had extended to a major Australian financial institution (Australian Mutual Provident), a first for social infrastructure in Australia.

The project has engendered an improving understanding by the private sector, with each prison, of the level and nature of risk transfer required by the Government. The Government has placed with the contractor all risks for the design, construction, ownership and management of the prison. This includes the finance risks associated with interest rates, insurance, Government indemnities and taxation changes over the contract period. Private sector investors have shown a willingness to accept these risks.

These outcomes have been associated with positive taxation rulings from the Australian Taxation Office with respect to the NPP projects. As a result of these rulings (on section 51AD and Division 16, *Income Tax Assessment Act*), private contractors can claim taxation benefits on the income from the NPP projects which effectively substantially reduce the project costs, with commensurate lower costs to the Victorian Government.

These taxation rulings were unprecedented in social infrastructure development in Australia and represent landmark decisions for private sector involvement in such projects in the future”.<sup>199</sup>

The Victorian Government’s NPP was more than just the replacement of antiquated stock, it created a competitive industry. With the three new privately owned and operated prisons as well as the existing publicly managed prisons the traditional public sector monopoly was now open to true competition. To oversee this competitive environment the Department of Justice has established an organisational structure which is based on the following principles:-

- “separation of responsibilities of providers of correctional services from the responsibilities of the purchaser of services;

---

<sup>199</sup> Department of Justice, Victoria, op. cit., p. 2-3.

- separation of policy and services delivery roles; and
- establishment of an office for the achievement of statewide objectives for planning, standards, cost effectiveness, quality of service provision and classification of prisons and their allocation on an equitable basis to private and public providers”.<sup>200</sup>

The following structure has been put in place:-

- *Correctional Services Commissioner* – responsible for the overall strategic management and oversight of the Victorian prison system (incorporated by legislative amendment to the Corrections Act 1986, in November 1994). This includes strategic planning, the development of statewide policy and standards, monitoring and delivery of correctional services in the public and the private sectors and for managing the sensitive statewide functions of classification, sentence planning and sentence calculation;
- *Public Corrections Agency* – responsible for prisons operated by the public sector and community-based corrections. This agency is accountable to the Department for the provision of correctional services under framework and service agreements. The agency’s performance will also be subject to monitoring by the Correctional Services Commissioner;
- *Contract Administrator* – represents the interests of the Minister for Corrections as a principal in the contracts with the private sector for provision of facilities and services to prisoners. The Contract Administrator will be responsible for administering the contracts with the private sector providers and the agreements with the Public Corrections Agency based on advice from the Commissioner.<sup>201</sup>

---

<sup>200</sup> Van Groningen, John, Department of Justice, Victoria, *Reforms in Corrections – Achievements and Lessons Learned*.

<sup>201</sup> Ibid.

## APPENDIX 'D'

# COMMERCIAL ARRANGEMENTS WITH CONTRACTORS FOR THE VICTORIAN GOVERNMENT'S NEW PRISONS PROJECT (NPP)<sup>202</sup>

### Commercial Principles

The Victorian Government's commercial arrangements with contractors represent a financial hybrid of the conventional Build Own Operate and an innovative partial equity approach. These arrangements were adopted to address Government, Treasury and private sector requirements in relation to infrastructure privatisation.

The New Prison Project contracts are based on the following commercial principles:

- the contractor owns the prison, through an equity investment in the facility and the acceptance of design, construction, ownership and management risks;
- Government purchases a comprehensive package of accommodation and correctional services from the contractor, over set contract periods for a defined prisoner population;
- the contractor provides new facilities and their ongoing maintenance, such that the standard of the accommodation services in the facilities is maintained over the life of the contract;
- the contractor provides correctional services and programmes for the contracted period, which maintain or enhance the standard of those available through traditional public sector delivery;
- contractual payments for both the provision of facilities and services are performance based, to specified standards and outcomes; and
- the contractor is responsible for the on-going probity of private sector participation.

In this context, the successful consortium owns the prison. In each case, the Government has contracted with the owner, under a single Prison Services Agreement, to supply both facilities and services, on the basis that the owner

---

<sup>202</sup> Department of Justice, Victoria, *Victorian Private Prisons : An Innovative Partnership*, p. 6-8.

develops the prison, including commissioning, and is responsible for the maintenance and operation of the prison, including provision of services.

The Government has arranged with the contractor for the provision of services from the facility, comprising accommodation services to contain and house prisoners and correctional services to meet the Government's corrections policy objectives of safety, security and rehabilitation of prisoners.

To this effect, the owner has been required to make an equity investment in the prison. The level of equity was nominated by the consortia as part of their bids. The return on equity investment to the owner is based on the performance of the operator in providing prisoner accommodation and correctional services and programmes.

Over the course of the project, Government and consortia have developed an understanding of the optimum level of equity contribution for these facilities, based on the balance of risk transfer and the added cost of return on equity.

Contracts provide for prison facility services for 20 years and for the provision of correctional services for an initial five years, after which the Government retains the right to re-test the market every three years.

The Government has placed with the contractor all risks for the design, construction, ownership and management of the prison. This includes the finance risks associated with interest rates, insurance, Government indemnities and taxation changes over the contract period.

The Government's position on acceptable risks has been limited to the allocation of prisoners within defined limitations and correctional policy changes. The contractor is required to comply with legislation and Government policy related to the provision of services. If the Government initiates any changes in policy, the contractor must demonstrate what impact this will have on the capital and recurrent costs, after which the Government has the option on acceptance and payment of a maximum sum per policy change.

### **Contract Payments**

Total contract payments comprise three parts, viz:

- Accommodation Services Charge ('ASC') – this payment is for provision of correctional facilities to a standard sufficient for prisoners to be accommodated and correctional services to be delivered to legislative and specified requirements. This payment stream is for the debt servicing on the facility and the maintenance and other costs associated with the upkeep of the prison to the required facility standards;

- Correctional Services Fee ('CSF') – this payment is for operation of the prisons and provision of corrective services; education, training, health and other programmes. This payment stream could be viewed as the total operational and management cost of the facility; and
- Performance Linked Fee ('PLF') – this payment gives the investment return on the contract. It represents the return on the equity contribution to the owner, provided that specified positive outcomes for both prison services and facilities are achieved.

### **Contract Standards**

The ASC and CSF payment streams are paid (monthly in arrears) for the contractor's compliance with facility and management standards, which are specified in the contracts.

In the case of the ASC, the contractor must provide prison facilities and prisoner accommodation services to specified 'facility criteria'; including relevant legislation and policies, facility standards, Australian and overseas guidelines and quality assurance programmes. Facility standards specify the provision of accommodation, access and facilities suitable for prisoners, prison authorities/agencies and visitors to meet the prisoner profile and correctional service delivery requirements.

Failure to meet the facility criteria can result in reduced ASC payments to an agreed payment reduction structure depending on the nature and extent of the non-compliance.

For example, in the event of failure of the prison electrical security system, such that the safety and security of the facility could not be adequately maintained, ASC payment reductions could result. The contract specifies that any breach of the secure perimeter as a result of failure of electronic security systems constitutes a material ASC non-compliance.

While electrical failure could result in a reduction in part of the ASC, the contracts also contain provisions for 'cure periods' and 'temporary measures' which enable full ASC payments to be paid providing the contractor makes diligent efforts to rectify the non-compliance and it is rectified within the stated cure period (see further explanation of the contractual non-compliance regime, below).

Similarly, in the case of the CSF, the contractor must deliver contracted services to specified 'correctional services criteria': including relevant legislation and policies, quality assurance programmes and stated contractual outputs ('prison management specifications'<sup>203</sup>).

---

<sup>203</sup> With respect to women's prisons, the prison management specifications were subsequently developed by the Office of the Correctional Services Commissioner into *Women's Prisons in*

The contract specifies 42 prisoner management specifications, ranging from safety and security services, the provision of food and clothes and visit and rehabilitation programmes.

The contractor is required to develop an 'operating manual' which implements these agreed criteria and specifications, which is endorsed by Government prior to the commissioning of the prison. Failure to meet the correctional services criteria can constitute a service non-compliance. Further to the correctional service standards, probity and business standards are specified and failure to meet these can also constitute a service non-compliance.

Correctional service non-compliance can result in reduced CSF payments to an agreed payment reduction structure depending on the nature and extent of the non-compliance.

For example, in the event of persistent serious assaults on prison staff, indicating that the safety and security of the prison occupants cannot be maintained, CSF payment reductions could result. The contract specifies that serious assaults on prison staff indicating a reduced level of personal safety constitute a material CSF non-compliance.

As with the ACS, while the above could result in a reduction in part of the CSF, the contracts also contain provisions for 'cure periods' and 'temporary measures' which enable full CSF payments to be paid providing diligent efforts are being made to rectify the non-compliance and it is rectified within the stated cure period.

Contractor performance and compliance with standards are managed through a contract monitoring process. Government monitoring is conducted during the contract period at the discretion of Government. It involves, as a minimum, specified service reports being regularly provided to the Correctional Services Commissioner. To enable this process, the Government retains rights of unfettered access to the facility, and to all aspects of the prison operations.

Furthermore, the Government can initiate a review of any aspect of prison operations to ensure that correctional services are being delivered to Australian and/or world's best practice.

### **Non-compliance Regimes**

ASC and CSF payments are impacted by poor performance or non-compliance with standards, in the first instance, through structured payment reductions, set out in the contracts. Payments can be reduced, in an agreed structured manner,

commensurate with the nature and extent ('materiality') of the non-compliance. This provides a commercial solution to contractual failure, which is considered preferable to the typical contractual default approach.

Performance based payments on the ASC and CSF are supported by the provision for:

- cure periods (which vary to suit the nature and extent of the required improvement);
- the capacity for 'temporary measures', to enable the continued payment of fees during a cure period, while the contractor rectifies the non-compliance;
- capacity for extension to the facility term beyond the 20-year contract period, commensurate with ASC fee reduction, to enable the completion of the contractor's project debt-servicing liability;
- default regimes, as with conventional contracts, when persistent or major contract failure occurs which has not been cured;
- agreement that contractual disputes be resolved through commercial arbitration;
- performance guarantees by the contractor on both the facility and the operations over the contract period, which gives Government unconditional access to compensatory funds in the event of termination of the contract.

Non-compliance with the Government's requirements for secure facilities can incur a further separate 'escape fee' against the contractor for each escape, based on the cost to Government of apprehending an escaped prisoner and dealing with the consequences.

### **Contract Performance**

While the ASC and CSF can be associated with the developer and prison operator performance, the PLF specifically acts as a performance linked incentive to the owner/investors in the project to ensure its on-going success.

The PLF acts as a return on equity to investors and could be considered as a profit margin over and above the ASC and CSF. This acts as a powerful driver for the owner of the facility to ensure the contractual arrangements for the facility and service delivery are met.

The PLF is an annual payment, structured in a different manner in accordance with its role as the major incentive for contract performance. The contracts specify 'service delivery outcomes' (for example, prison security, safety, health



care and programmes) to a level comparable with existing service levels in the prisons to be replaced. These measures act as gross indicators of the service quality standard which must be met in order that the maximum PLF payment is returned.

An agreed payment structure provides for reductions to the PLF where performance of the facility or service delivery falls below the agreed levels. Agreed levels are based on existing service levels in the facilities to be replaced thereby ensuring that performance levels are at least equal, or better than the service levels in the existing facilities to be replaced.

Service delivery outcomes are also subject to annual review on a rolling average basis, so that the service levels are continually improving over time.

### **Government Safeguards**

Government safeguards to ensure that contractors deliver the best possible correctional facilities and services include:

- overall responsibility for prisoners including sentence planning, initial prisoner assessment and classification remains with the State;
- day-to-day supervision of prisoners is the responsibility of the contractor under Government supervision, subject to Victorian prison system standards;
- the Government retains the right to periodically re-tender the contract for correctional services, every three years after an initial five year period;
- service delivery is subject to service monitoring and review and the Government can require removal of the operator at any time;
- contract payments are based on performance, dependent on the quality on the provision of services and facilities. The contract will not be renewed if the specified standards are not met;
- the Government has clear step-in rights, if required to maintain facility and service standards and can step in and take over ownership of the facility in the event of a change in contractor;
- the Government requires performance guarantees by the contractor over the builder and operator performance to be unconditionally accessible by Government in the event of contract termination, to recoup termination costs. Government also retains the right to sue for compensation beyond the costs recovered under the performance guarantees;

- the Government has unfettered access to all aspects of the operation of the prison and has extended the Official Visitors Programme to the new prisons; and
- legislative requirements for public accountability through Freedom of Information and the Ombudsman have been extended to the new prisons.

## APPENDIX 'E'

### PROBATION AND PAROLE

#### Tasmanian Legislation

The legislation relevant to probation and parole in Tasmania comprises:

##### 1. The *Corrections Act 1997*

This act represented the 'unified Correctional Services Act to include the fields presently covered by *Prison Act 1977*, the *Probation of Offenders Act 1973* and the *Parole Act 1975*' that had been recommended by the Hon. F.M. Neasey in a report handed down in 1993. The purpose of such legislation was "to bring together the three arms of the adult correctional service, namely, prisons, community corrections and parole, under one Act as has been done in Victoria, Queensland and South Australia"<sup>204</sup>.

The *Corrections Act 1997* repealed the three Acts referred to above which had formerly applied to probation and parole. The Act deals with the constitution and operation of the Parole Board and eligibility for parole.

The existing system of parole was essentially retained under the new legislation. The main changes were:

- the membership of the Parole Board was reduced to from 5 to 3;
- specific parole criteria were set out; and
- written reasons of the Parole Board for refusal of parole were required to be provided to an applicant.

##### 3. The *Sentencing Act 1997*

This Act consolidated the existing Tasmanian sentencing law. It was not intended to, nor did it, represent a codification of sentencing law.

It deals, amongst other things, with probation and parole in terms of sentencing orders made by the courts.

---

<sup>204</sup> In Groom, R.J., Hon., Minister for Justice, Corrections Bill 1997, Second Reading Speech, *Hansard*, 16 October 1997; <http://www.parliament.tas.gov.au:8000/ISYSquery/frame/IHTDD23.c>.

## **PAROLE UNDER THE SENTENCING ACT 1997 AND THE CORRECTIONS ACT 1997**

Parole is covered in Part 3, Division 2 (ss. 17 and 18) of the Sentencing Act 1997 and Part 8 of the Corrections Act 1997.

### **Parole Orders under the Sentencing Act 1997**

#### **1. Offenders other than those sentenced to life imprisonment s. 17 Sentencing Act 1997**

A court which sentences an offender to imprisonment – other than in the case of a person sentenced to life imprisonment - may bar or limit eligibility for parole. The court **may** order that the offender is not eligible for parole for the duration of the sentence imposed or fix a non-parole period. An offender must serve not less than half the sentence imposed before being eligible for parole.

The court may exercise its discretion as it considers necessary and appropriate and may have regard to all or any of the following:

- the nature and circumstances of the offence;
- the offender's antecedents or character;
- any other sentence to which the offender is subject.

#### **2. Offenders sentenced to life imprisonment, s. 18 Sentencing Act 1997**

Where an offender is sentenced to life imprisonment the court **must** order that the offender is not eligible for parole for the duration of his sentence or fix a non-parole period. The court may have regard to such matters as it considers necessary or appropriate and have 'particular' regard to the 3 factors noted above in relation to other offenders.

#### **3. Dangerous criminals, ss.20 to 23 Sentencing Act**

Where a court declares an offender a dangerous criminal and imposes a sentence of imprisonment in relation to the crime giving rise to such a declaration, the offender is not eligible for parole until that declaration has been discharged, but may apply to the Supreme Court to do so, after having been in prison for the non-parole period applicable to the sentence.

### **Parole under the Corrections Act 1997**

Release on parole and termination

A prisoner being considered may be heard personally if the Board so determines. In practice, a personal appearance is almost invariable and more than one interview with a prisoner is not uncommon<sup>205</sup>. The Board also requires the attendance at meetings of people it considers important to the outcome of parole, for example, potential employers, family members, intended parole officers<sup>206</sup>.

The Act sets out several criteria which the Board is required to take into consideration when determining whether a prisoner should be paroled:

- the likelihood of reoffending;
- the protection of the public;
- rehabilitation;
- comments by the court in passing sentence;
- the likelihood of compliance with conditions of parole;
- the circumstances and gravity of the offence/s for which the sentence was imposed;
- behaviour while in prison;
- behaviour during any previous release on parole;
- behaviour while subject to any order of a court;
- reports on social background, medical, psychological or psychiatric or other matters;
- probable circumstances of the prisoner after release; and
- other matters the Board thinks are relevant.

A parole order is subject to such conditions as the Parole Board considers necessary and as are specified in the sentencing court's order. A person may be released on parole even though parole was revoked on a previous occasion.

A prisoner is entitled to receive written notice of a decision of the Board to defer or refuse parole. Where parole is refused, written notice of the Board's reasons must also be provided, though the Board may withhold any or all reasons from the prisoner if it believes it is in the best interest of the prisoner, another person or the public to do so.

If parole is refused, it may not be considered until 3 months after the date of that refusal.

### Supervision

A prisoner on parole is generally required to be under the supervision of a probation officer. The parolee must comply with the conditions set down in the parole order and the requirements of the probation officer.

---

<sup>205</sup>Tasmanian Parole Board, Annual Report 1997-98;  
[http://www.justice.tas.gov.au/cc/parole/report\\_98.htm](http://www.justice.tas.gov.au/cc/parole/report_98.htm).

<sup>206</sup>Ibid.

However in circumstances that it considers 'exceptional' the Parole Board may not require a person on parole to be under the supervision of a probation officer, either for the entire period of parole or for a part of that period. However it is rare for parolees to be unsupervised while on parole.

#### Parole part of sentence

While on parole, a person is considered as being still under sentence. In the usual case, the expiration of the parole period coincides with the end of the sentence.

#### Revocation of parole

The Parole Board may revoke, vary, amend, confirm or suspend a parole order at any time, whether of its own motion or on receiving a report from a probation officer or other person. Before the Board revokes or suspends parole it is required to give a prisoner the opportunity to show why this should not occur, unless it is impractical to do so.

## APPENDIX “F”

### INTENSIVE CORRECTION ORDER<sup>207</sup>

*Penalties and Sentences Act 1992, Part 6.*

If a court sentences an offender to imprisonment of not more than one year it may make an intensive correction order for the offender.

An intensive correction order is a court order which requires an offender to serve a prison sentence of not more than 1 year by way of intensive correction order in the community. The offender may be required to reside at a Community Corrections Centre for up to 7 days at a time and participate in various programmes as directed during the order.

An offender who agrees to be placed on an intensive corrections order must :

- not commit another offence during the period of the order.
- report to an authorised Commission officer at the place and within the time stated on the order.
- report to, and receive visits from an authorised Commission officer at least twice a week.
- take part in a counselling and attend other programmes as directed by an authorised Commission officer.
- perform community service work as directed by an authorised Commission officer.
- reside at community corrections residential facilities for periods (not longer than 7 days at a time) as directed by an authorised Commission officer.
- notify an authorised Commission officer of a change in address or employment within 2 business days of the change.
- not leave or stay out of Queensland without permission of an authorised Commission officer.
- comply with reasonable directions given by an authorised Commission officer.

The order may contain requirements that the offender undergo medical, psychiatric, or psychological treatment, make restitution of property or pay compensation.

If an offender is sentenced for two or more terms of imprisonment and the total time to be served is not longer than 1 year, then the court may make intensive correction orders for each offence.

---

<sup>207</sup> Queensland Corrective Services Commission, *Not Behind Bars*, December 1993, p. 10.

An offender must not be directed to attend programmes or perform community service for more than 12 hours in any week. The normal expectation is that an offender will perform 8 hours a week community service and attend programmes for 4 hours each week, but this may be varied by a Commission officer.

Note : At the time of publication this option is not available.



## **APPENDIX 'G'**

### **OTHER JURISDICTIONS NOT VISITED**

The following comments are based on research, rather than evidence given, or from the Committee's inspections.

#### **WESTERN AUSTRALIA**

An Adult Offenders Community programme is administered through the Community Corrections Directorate, and is responsible for the management of all adult offenders who are subject to community-based supervision orders. The orders include Probation, Community Service Orders, Work and Development Orders (fine default) Community-based Work Release, Home Detention and Parole.

Community Service Orders are an alternative to imprisonment. Persons on probation may be given a CSO or it can stand as a sentence on its own. CSO's range from a minimum of 40 hours to a maximum of 240 hours, and are to be completed within a twelve month period. Breaches result in an offender being returned to a Court, which may impose a fine without necessarily altering the original number of CSO hours to be served. The Court may also increase the number of CSO hours or sentence offenders as if they are being sentenced for the first time for the original offence.

A Community Work Programme for juveniles is administered through the Juvenile Justice Community Programme.

#### **GERMANY**

As stated previously in this report, research in Germany indicates that youthful offenders sent to prison had higher rates re-admission than those given alternative sanctions.

#### **DENMARK**

Researchers P.A. Brennan and S.A. Mednich conducted a major study on the specific deterrent effects of punishment. They found:-

- "If offenders were not sanctioned, they were more likely to re-offend
- If offenders were sent to prison as the first option, they were more likely to re-offend

- The severity of the sanction did not seem to affect the actions of the offender to either re-offend or not
- Greater use of non-prison sanctions is appropriate
- Consistency in sentencing by judges was necessary for non-prison sanctions to be fully effective”.<sup>208</sup>

### **UNITED STATES OF AMERICA**

The U.S.A. has a number of non-custodial sanctions. Intensive Supervision Solution:- This sanction allows the offender to live at home, but under strict restrictions. The offender sees a probation officer 3-5 times each week, may have to submit to curfews, employment checks and tests for drug and alcohol use. An evaluation in Florida found that graduates from these programmes commit new crimes at a lower rate than a comparable group released from prison.

The study also found that the Government saved \$2,750 per offender, not counting restitution, taxes and family support paid by offenders who could work while under supervision.

Community Service : Requires completion of a set number of hours of work in and for the community.

Larimer County, Colorado:- The alternative Sentencing Unit develops alternatives to gaol for persons convicted of non-violent crimes. Options may include community service. In order to keep taxpayer costs down, offenders who participate in these programmes pay a fee. Despite the fee, it still costs about \$15 per day to place an offender in an alternative sentencing programme.

### **NEW ZEALAND**

The Criminal Justice Amendment Act 1993 provides for a community based sentence cumulative on a sentence of imprisonment.

### **UNITED KINGDOM**

Research in Kent indicates that community sentences achieve a substantial reduction in reconviction rates, when compared to prison sentences. The percentage of those reconvicted after 2 years was as follows:-

C.S.O's 37%, Probation 41%, and Custody 64%. The relative costs per month were C.S.O.'s £100, Probation £105 and Custody £2,190.

---

<sup>208</sup> Lawler, Dr Peter J., Submission to Legislative Council (No. 16), p. 13.

## LIST OF REFERENCES

- Archdiocese of Hobart Social Justice Commission, *Submission (No. 15)*.
- Australian Bureau of Statistics, *Prisoners in Australia, 1997*.
- Australasian Correctional Management Services Pty. Limited.
- Corrective Services Division, Department of Justice and Industrial Relations, *Submission (No. 21)*.
- Corrective Services Division, Department of Justice, Tasmania, *Section 42 Leave Programme*.
- Corrective Services, New South Wales, *Annual Report 1997/98*.
- Corrective Services, Queensland. *Transcript of meeting with Mr Barry Apsey*.
- Curnow, William C., Thies Contractors Pty Limited, *Email 7/7/1999*.
- Denman, Paul, *Submission 'Your Place Inc.' (No. 3)*.
- Department of Justice, Victoria, *Victoria's Private Prisons: An Innovative Partnership*.
- Department of Justice and Industrial Relations, *Annual Report 1997-98*.
- Groom, R.J., Hon., Minister for Justice, *Corrections Bill 1997, Second Reading Speech, Hansard, 16 October 1997*.
- Group 4 Correction Services, *Submission, December 1997*.
- Harding, Richard, *State Prisons and Public Accountability, 1997*, Open University Press, Buckingham.
- Lawler, Dr Peter J., *Submission to Legislative Council (No. 16)*.
- Mandela, Nelson, *Long Walk to Freedom, 1995*.
- Marris, Ben, *The Future of Prisons in Tasmania, December 1995*.
- Murray, Hon. B.L., *Reviewing the Leave of Absence Programme for Prisoners, 1988*.

Neasey, The Hon. F.M., *Report of an Inquiry into the System of Classification of Prisoners in Tasmania and Other Related Matters*

New South Wales Department of Corrective Services, *Annual Report 1995-96*

New South Wales Department of Corrective Services, *Annual Report 1997-98*

New South Wales Department of Corrective Services, *Philosophy and Purpose Document for Periodic Detention Programme.*

New South Wales Law Reform Commission, *Discussion Paper 33 : Sentencing.*

Office of the Tasmanian Ombudsman, *Risdon Prison Investigation, October 1998 – February 1999.*

Queensland Correcive Services Commission, *Not Behind Bars*, December 1993.

Roach, Peter, *Transcript of Evidence*, (No. 29), 21 July 1998.

Tasmanian Correctional Officers' Association – *Transcript of Evidence*

Tasmanian Government, *Corrective Services and the Response to Crime Tasmania, 1992.*

Tasmanian Magistracy, *Submission (No. 37).*

Tasmanian Ombudsman, *Risdon Prison Investigation, October 1998 – February 1999.*

Tasmanian Parole Board, *Annual Report 1997-98.*

U.K. HM Prisons Service, *Report Draft No. 2*, 2 July 1997.

University of Sydney, Law Society, *Polemi*, Vol. 5, Issue 1, 1994.

Van Groningen, John, Department of Justice, Victoria, *Reforms in Corrections – Achievements and Lessons Learned.*

Woolf, Rt Hon. Lord Justice and Tumim Hon. Judge, *Report of an Inquiry into Prison Disturbances*, April 1990, HMSO London.

## ATTACHMENT 1

### LIST OF WITNESSES

BATCHELOR, L.J.

BINGHAM, R.E.                      Correctional Services Division of the Department of Justice

CUNNINGHAM, B.L.

CUNNINGHAM, Mrs D.M.

DALEY, E.A. (Mrs)                Official Visitor to the Women's Prison

DENMAN, P.J.                      Co-ordinator, Prison, Drug and Alcohol Service, Your Place Inc

DODD, N.J.                        Correctional Services Division of the Department of Justice

HISCUTT, Hon. D.M.              Legislative Council Member for Emu Bay

JOHNSTON, J.                      Deputy Commissioner, Tasmania Police

LEFEVRE, D.J.                    General Secretary, The Police Association of Tasmania

LENNOX, G.

MARKS, B.F.

MARRIS, B.R.                    former General Manager Corrective Services

NAGLE, Fr. J.J.                    Spiritual Adviser to State Council of the Society of St Vincent de Paul

RICHARDS, D.J.Y.                Correctional Services Division of the Department of Justice

ROACH, P.M.                      Former Chairman of the Parole Board of Tasmania, Barrister

ROBERTS, B.A. (Mrs)	Committee Member, Holyoake Tasmania Incorporated
SPURR, R.J.	President, Tasmanian Correctional Officers Association
STORR, G.D.	Department of Justice
TRAJDOS, S.K.	Correctional Services Division of the Department of Justice
WARREN, G.L. (Ms)	Director/Counsellor, Your Place Inc
WHITLOCK, C.L.	Secretary, Tasmanian Correctional Officers Association

## **ATTACHMENT 2**

### **WRITTEN SUBMISSIONS TAKEN INTO EVIDENCE**

- (1) Police Association of Tasmania
- (2) Your Place, Inc.
- (3) Prison Drug and Alcohol Service, Your Place Inc.
- (4) Group 4, Correction Services Pty Ltd.
- (7) Tasmanian Correctional Officers Association
- (8) Australasian Correctional Services Pty Limited
- (9) Community and Public Sector Union
- (10) Holyoake Tasmania Incorporated
- (11) Cunningham, D. & B.
- (12) McLoughlin, J.
- (13) Nagle, Father John, Spiritual Adviser Society of St Vincent de Paul
- (14) Tasmania Police
- (15) Archdiocese of Hobart Social Justice Commission
- (16) Lawler, P.J. (Dr.)
- (18) Christian Brothers
- (19) Anglican Diocese of Tasmania
- (23) Walker, D.F. & W.D.H.
- (31) Crime and Punishment Tasmania
- (32) Shanahan, B.
- (33) Lennox, G.

- (34) Hiscutt, Hon. D.M.
- (35) Cox, The Hon. W.J.E., Chief Justice of Tasmania
- (36) Tasmania First Party
- (37) Tasmanian Magistracy



## ATTACHMENT 3

### DOCUMENTS TAKEN INTO EVIDENCE

- (1) Schedule A – Summary of Offences Prior to Imprisonment for Nine Offenders. (Ref. No. 14)
- (2) Schedule B – Summary of Court Action (Bail) for Eight Offenders (14)
- (3) Tasmania Police Community Drug Education Brochures titled:
  - Opium
  - Marijuana
  - Depressants
  - Stimulants (10)
- (4) Papers to accompany the oral submission of Holyoake to the Legislative Council Select Committee Correctional Services and Sentencing in Tasmania. (10)
- (5) “Role of the Juvenile Justice Teams in the Community” (WA), Extract from *The Holyoake Journal*, The Australian Institute of Alcohol and Addictions Quarterly Journal, Christmas 1997 Edition. (10)
- (6) Pie Charts showing the Holyoake clients’ relationship to addicts and the types of addictions, extract from Annual Report 1996. (10)
- (7) Letter dated 20 November 1997: Fr. John Nagle, Spiritual Advisor to State Council of the Society of St. Vincent de Paul to the Committee Secretary and accompanying background material on Court Support Services in Hobart and Launceston Magistrates Courts. (13)
- (8) Fax dated 12 January 1998: Dr. Peter J. Lawler to the Chairman enclosing information provided by the Victorian Office of the Correctional Services Commissioner on correctional facilities. (16)
- (9) Research Paper titled “Principles of Public Law, Administrative Law Research Paper, by Ben Mangan and Alex Jacobs, *An Inquiry into the Impact of Private Sector Involvement in Australian Correctional Services “private profit, public gain?”*, October 31, 1997, Professor Rick Snell, University of Tasmania. (20)
- (10) “Commercial Confidentiality, Criminal Justice and the Public Interest”, Arie Freiberg, *Current Issues in Criminal Justice*, Vol. 9, No. 2, November 1997. (27)

- (11) Internet extracts titled "Performance of Private Prison and Jail Companies, Chapter 9. (Ref. No. 34)
- (12) Australian Institute of Criminology, *trends and issues in crime and criminal justice*, No. 84 'Private Prisons in Australia: The Second Phase', Richard Harding. (34)
- (13) Letter dated 17 December 1997: John Van Groningen, Commissioner, Office of the Correctional Services Commissioner, Victorian Department of Justice to the Committee Secretary enclosing information on Victoria's Corrections System. (22)
- (14) Paper and Overheads titled "Private Sector Participation in New Prisons in Victoria, Australia, February 1998, Tony Wilson, Director, Major Projects Delivery Group, Department of Justice, Victoria. (22)
- (15) "New Prisons Project Management" Chart. (22)
- (16) Extract from 1997 Victorian Auditor-General's Report on New Prisons Project. (22)
- (17) Department of Justice, New Prisons Project, Men's Metropolitan Prison, Brief to Short-Listed Parties, August 1995 (Edited for Public Release). (22)
- (18) "Corrections Industry Training Plans 1998-2000, Part 1, Industry Environment". (22)
- (19) "Corrections Industry Training Plans 1999-2001". (22)
- (20) Second Reading Speech for The Sentencing and Other Acts (Amendment) Bill 1997 (Vic). (22)
- (21) Copy of the "Herald-Sun" sentencing survey published on 1 August 1996. (22)
- (22) Copy of the "Herald-Sun" results of the survey published 13 September 1996. (22)
- (23) Brochures -
  - "The Corrections System in Victoria"
  - "Innovations in the Victorian Corrections System"
  - "Victoria's Private Prisons: An Innovative Partnership"
  - "Women Prisoners in Victoria" (22)

- (24) Information -
- HM Prison Barwon Philosophy 1998”
  - “HM Prison Barwon Prisoner Programmes 1998”
  - “HM Prison Barwon Prisoner Information Booklet 1997”
  - “CORE, The Public Correctional Enterprise”
  - “CORE, Business Plan 1997/98, Department of Justice”
  - “CORE, Sex Offenders Programme Sheets 1-7”
  - “Message”, No. 25, Vol. 2, December 1997, No. 1, Vol. 3, February 1998. (22)
- (25) Background Information on Fulham Correctional Centre, Thies Correctional Facilities and ACM’s Centres at Junee and Arthur Gorrie. (8)
- (26) Brochure on the Metropolitan Women’s Correctional Centre, Corrections Corporation of Australia Pty Ltd (30)
- (27) Juvenile Justice Information Kit, Victorian Department of Human Services. (28)
- (28) Papers prepared by The Federation of Community Legal Centres: Corrections Working Group and People’s Justice Alliance(24):
- Metropolitan Women’s Correctional Centre, opened August 1996, Operated by CCA, Chronology 1992 – February 1998, prepared by Federation of Community Legal Centres.
  - Port Phillip Prison, opened September 1997, Operated by Group 4 Correction Services.
  - Victorian Media Coverage of Wackenhut Corporation and Australasian Correctional Management and Fulham Correctional Centre opened April 1997, operated by ACM.
  - Copies of “Prison Privatisation Report International” published by Prison Reform Trust, no. 16, Jan. 1998; no. 1, June 1996; no. 2, July 1996; no. 3, August 1996; no. 4, Oct. 1996; no. 5, Nov. 1996; no. 6, Jan. 1997; no. 7, Feb. 1997; no. 8, Mar. 1997; no. 9, Apr. 1997; no. 10, May 1997; no. 11, June 1997; no. 12, July 1997; no. 13, Sept. 1997; no. 14, Oct. 1997; no. 15, Nov. 1997.
- (29) “Sentencing Reform in Victoria, 1850-1997”, Arie Freiberg, Professor of Criminology, The University of Melbourne and Stuart Ross, Australian Bureau of Statistics, 1998. (27)

- (30) Letter dated 9 February 1998: Sandi Trajdos, Manager Programmes, Corrective Services Division, Department of Justice to the Secretary enclosing pay structures and allowances for prisoners Australia wide. (21)
- (31) Letter dated 2 February 1998: W.J. Harvey, Custodial Policy Development Officer to the Secretary providing details of Tasmanian Corrections staffing levels and distribution of prisoners. (21)
- (32) Briefing Information on Tasmanian Prison System (21):
- Programmes Unit
  - Education and Training
  - Prison Administration Unit
  - Prison Industries
- (33) Letter dated 25 March 1998: R. McCreadie, Commissioner of Police to the Committee Secretary providing information requested during Tasmania Police's hearing. (14)
- (34) Notes on visit to HM Prison, Bullingdon by Hon. Don Wing, MLC – 3<sup>rd</sup> March 1998. (m)
- (35) Letter dated 20 June 1998: David Allen to the Committee Secretary enclosing a paper titled "Drink Driving Courses as an Option to Prison" and a programme outline.
- (36) Information –
- "The Role and Resourcing of Prison Chaplaincy in New South Wales" (39)
  - Dresdner Kleinwort Benson – booklet
  - HIV/AIDS, Communicable Diseases and Health Promotion – Policies, Procedures and Management Guidelines (39)
  - Adult Education and Vocational Training Institute – package (39)
  - "Periodic Detention Programme– Philosophy and Purpose" (39)
  - "Drugs in Prison" (39)
  - "Corrective Services Industries – "A Working Future" – video package (39)
  - "Emu Plains Correctional Centre" – package (39)
  - "Home Detention in New South Wales" – package (39)
  - Queensland Corrective Services Commission "Order for early discharge of prisoner" – form (40)

- South Australian Department for Correctional Services “Community Service – cost Recover Projects” (41)
  - “Western Metropolitan Region Business Plan – Flinders Park Primary School” (41)
- (37) Brochures –
- “All about contracting out” – Government of South Australia (41)
  - “Corr Issues”, Vol. 1, No. 2, June 1998 (42)
  - “Juvenile Operations” (42)
  - “Corporate Profile” (42)
  - “Periodic Detention” – Department of Corrective Services, NSW (39)
  - “You have been sentenced to periodic detention” – Department of Corrective Services, NSW (39)
  - “MRRC – Silverwater – Metropolitan Remand and Reception Centre” (39)
- (38) “Handbook for DCS General Manager and DCS Supervisors at Mt Gambier Prison” (41)
- (39) “Presentation to the Legislative Council Select Committee – Tasmania at Mt Gambier Prison” (41)
- (40) “Department for Correctional Services – Contract Administration” (41)
- (41) Executive Summary – “Cost Effectiveness comparisons of private versus public prisons in Louisiana: A comprehensive analysis of Allen, Avoyelles, and Winn Correctional Centres” (41)
- (42) “Home Detention – Best Practice Review, October 1996” (41)
- (43) Queensland Corrective Services Commission – Annual Report 1996/97 (40)
- (44) Draft “A Guide to Community Services Work Order Projects” (41)
- (45) Periodic Detention of Prisoners Act 1981, No. 18 (39)
- (46) Periodic Detention of Prisoners Regulation 1995 (39)
- (47) Letter dated 30 June 1998” Brian Noad, Principal, Adult Education and Vocational Training Institute enclosing additional information re education of prisoners (39)

- (48) Letter dated 10 December 1997: Leo Keliher, Commissioner, Department of Corrective Services in NSW to Committee Secretary enclosing:
- a list of correctional centres indicating location, bed capacity and classification.
  - A list of periodic detention centres and their location;
  - Financial data incorporating the Department's annual operating budgets;
  - Statistical information concerning staffing levels for correctional and PDC centres as at 15 November 1997.
  - New South Wales Department of Corrective Services' Annual Report for 1996/97. (39)
- (49) Fax message dated 17 July 1998: Michael Boswell, Department of Corrective Services, South Australia to Committee Secretary enclosing:
- Terms of Reference for the Parliamentary Inquiry into the competitive tendering process and the contract for management of Mt Gambier Prison.
  - A paper prepared after commissioning of Mt Gambier Prison.
  - More detail of "Re-inventing Government" book.
  - Details of the various versions of the "Art of War". (41)
- (50) "Should Crime Pay" – Arguments against prison privatization – AFSCME Corrections United, USA – May 1998. (41)
- (51) Private Prison Report International, June 1998 Issue 21 and July 1998 Issue 22. (41)
- (52) Private Prison Watch – News Brief – 17 June, 25 June, 2 July, 7 July, 15 July 1998. (41)
- (53) Graph – nominal sentence 12 months.
- (54) Graph – nominal sentence 6 years.
- (55) Sample – Prisoner Performance – DOB 1938.
- (56) Sample – Prisoner Performance – DOB 1960.
- (57) Parole Board Report 31 March 1976 to 30 June 1977.
- (58) Parole Board Report 1 July 1977 to 30 June 1980.
- (59) Parole Board Report 1 July 1989 to 30 June 1994.
- (60) Parole Board Report 1 July 1994 to 30 June 1995

- (61) Department of Justice Annual Report 1995-96, p. 97-103.
- (62) Department of Justice Annual Report 1996-97, p.123-126.
- (63) Table of Legal Aid Expenditure.
- (64) Letter from Minister for Police and Public Safety to Mr Lennox.
- (65) Legal Aid Handbook, p. 70.
- (66) Parliamentary Research Service – Summary of Submission 17.
- (67) Notes on Committee’s visit to Canberra by Hon. Don Wing MLC – 28 June 1998.
- (68) Notes on Hon. Doug Parkinson’s visit to Junee Correctional Centre – 24 September 1998.
- (69) Notes on Hon. Don Wing’s visit to Rimutaka Prison, near Wellington, New Zealand.
- (70) Personal Demographics of Prisoners – Paul Denman. (3)
- (71) Article – “Prison Privateers: Neo-Colonialists in NSW” by Eileen Baldry.
- (72) Article – “Privatisation of Prisons in New South Wales and Queensland: A Review of Some Key Developments in Australia by Paul Moyle.
- (73) ACT Corrective Services
  - Periodic Detention Act 1995
  - Prison Project Paper
  - Discussion Paper – “The possible establishment of a correctional facility in the Australian Capital Territory.
- (74) Private Prison Watch – 21 July, 25 July, 28 July, 30 July, 5 August, 9 August and 12 August 1998.
- (75) Summary of Tandy Report “Review of Prison Security”.
- (76) External Cash Cost per Prisoner for 1997/98 by Institution – South Australia
- (77) C.V. – Dr W C Paterson

- (78) Submission to the Director of Corrective Services Tasmania – W.C. Paterson
- (79) Article in American Jails – ‘Van Dieman’s Land Revisited’ – W.C. Paterson
- (80) Article in The Australian and New Zealand Journal of Criminology – ‘Changing Philosophies and Prison Management’ – W.C. Paterson
- (81) ‘Blue or Brown: Do Colours Make the Man?’ – W.C. Paterson 1982
- (82) ‘Custody v Care: Goal Development in the Prison Setting? The Risdon Experience’ – W.C. Paterson
- (83) ‘Prison Management Theory and Practice: With Special Reference to Risdon Goal’ – W.C. Paterson
- (84) Discussion Paper – ‘New Prisons Project – Financing Aspects’ – N M Rothschild & Sons
- (85) “Evaluating Private Prisons: Comparisons, Competition and Cross Fertilisation” – A Keith Bottomley and Adrian L James
- (86) Letter dated 4 January 1999 from Prison Services, Victoria re H M Prison Won Wron, Yarram
- (87) “Contracted Prisons : Cost and Staffing Comparisons 1995-96” – Don H. Keens, Managing Director, ACM.
- (88) Letter from the Hon Bill McGrath MLA, Minister for Corrections, Victoria regarding Prisoner Costings for Victorian Prisons
- (89) “The Future of Prisons in Tasmania” – Ben Marris (45)
- (90) *Review of the Leave of Absence Programme for Prisoners*, Conducted by the Office of Corrections, Victoria – Honourable B.L. Murray, QC, CBE – August 1988.
- (91) Report to the Minister for Corrections of the Ministerial Advisory Committee on the Leave of Absence Programme for Prisoners in Victoria.
- (92) Article entitled ‘Bars of Gold’ from *The Bulletin*, Vol. 117, No. 6173 – May 11, 1999, pp. 52-53.
- (93) Report on visit to HM Prison Loddon near Bendigo, Victoria by Hon Geoff Squibb MLC.



- (94) Risdon Prison Investigation October 1998-February 1999 by the Office of the Tasmanian Ombudsman.
- (95) Email dated 7 July 1999 from Mr Bill Curnow, Thiess Constructions regarding cost comparisons of private prisons.
- (96) Plans of –
  - Risdon Maximum Security Prison
  - Ron Barwick Medium Security Prison
  - Women's Prison
  - Risdon Prison Hospital

## **ATTACHMENT 4**

### **MINUTES OF PROCEEDINGS**

**WEDNESDAY, 15 OCTOBER 1997**

The Committee met at 12.35 o'clock p.m. in the Ante Chamber of the Legislative Council, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing.

#### **Order of the Council**

The Clerk read the Order of the Council appointing the Committee.

#### **Election of Chairman**

Mr Wing was elected Chairman and took the Chair.

#### **Business**

##### ***Resolved***

- (a) That witnesses be heard under Statutory Declaration.
- (b) That evidence be recorded *verbatim* or as otherwise determined by the Committee.
- (c) That advertisements be inserted in the three daily Tasmanian newspapers and in the Public Notices of the "Weekend Australian" on Saturday, 18 October and Saturday, 8 November 1997.
- (d) That receipt of submissions be conditioned for closure on Friday, 5 December 1997 with the Committee having discretion to accept submissions beyond that date.
- (e) That the Secretary send invitations to make submissions to the following:
  - The companies providing correctional services interstate

- Secretary, Department of Justice
  - Deputy Secretary, (Corrective Services) Department of Justice
  - Parole Board
  - Probation and Parole Services
  - Tasmanian Correctional Officers Association
  - Mr John Dodd, Director of Prisons
  - Mr Peter Nute, President, Prisoners Aid Society
  - Honorary Justices Association
  - Police Association of Tasmania
  - The Law Society of Tasmania
  - Tasmanian Bar Association
  - Legal Aid Commission of Tasmania
  - Tasmanian Chamber of Commerce & Industry Ltd.
  - Salvation Army
  - Society of St. Vincent de Paul
  - Anglicare
  - Tasmanian Church Leaders
  - Youth Network of Tasmania
  - Other individuals and organisations the Members or Secretary may nominate.
- (f) That the Ministers for Justice and Police be advised of the Committee's establishment and invited to make submissions.

### **Future Programme**

The Committee briefly discussed proposed activities.

### ***Resolved***

- (a) That permission be sought from the Minister for Justice for the Committee to visit Risdon Prison and Hayes Prison Farm and to meet with Mr John Dodd, Director of Prisons, on a date(s) to be arranged.
- (b) That the Committee travel interstate in January/February 1998 to meet with correctional services operators and to inspect correctional facilities which are relevant to this inquiry

At 1.05 o'clock pm the Committee adjourned.

**WEDNESDAY, 10 DECEMBER 1997**

The Committee met at 4.20 o'clock p.m. in the Ante Chamber of the Legislative Council, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

**Future Programme**

The Committee discussed possible dates for its programme of hearings and evidence gathering.

**Resolved** That the Committee hold a meeting by teleconference to finalise dates for its programme.

At 4.35 o'clock p.m. the Committee adjourned.

**MONDAY, 15 DECEMBER 1997**

The Committee held a teleconference at 10.00 o'clock am.

**Members Present:** Mr. Parkinson - Hobart  
Mr. Squibb - Devonport  
Mr. Wing (Chairman) – Launceston

**Future Programme:**

The Committee further discussed dates for its programme of hearings and evidence gathering and agreed that the Secretary should prepare a draft programme for consideration.

At 10.55 o'clock am the Committee adjourned.

**TUESDAY, 23 DECEMBER 1997**

The Committee held a teleconference at 4.40 o'clock p.m.

**Members Present:** Mr. Parkinson – Hobart  
Mr. Squibb – Devonport  
Mr. Wing (Chairman) – Launceston

### **Future Programme**

The Committee further discussed its future programme and agreed to:

- Inspect Risdon Prison, Hayes Prison Farm, Hobart Remand Centre and meet with local correctional services staff – 27 and 28 January 1998.
- Hold Tasmanian Public Hearings – Tuesday 3, Wednesday 4 and possibly Thursday, 5 February 1998.
- Travel to Victoria – Tuesday, 10 – Sunday, 15 February 1998.
- Travel to ACT, NSW, Queensland and South Australia – from Saturday, 21 February 1998.

At 5.50 o'clock p.m. the Committee adjourned.

### **WEDNESDAY, 4 FEBRUARY 1998**

The Committee met at 9.30 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr. Parkinson, Mr. Squibb and Mr. Wing (Chairman)

### **Confirmation of Minutes**

The Minutes of the meetings held on Wednesday, 15 October and Wednesday 10, Monday 15 and Tuesday 23 December 1997, having been circulated, were accepted as a true and accurate record and confirmed.

## **Parliamentary Research Service**

**Resolved,** That Parliamentary Research Officer, Ms Marina Fuescu, be admitted to proceedings of the Committee, whether in public or private session, unless otherwise determined by the Committee.

## **Submissions Received**

**Resolved,**

That the following submissions be taken into evidence:

- (a) The Police Association of Tasmania (Ref No. 1)
- (b) G. Warren, Director/Counsellor Your Place, Inc. (2)
- (c) P. Denman, Co-ordinator Prison Drug and Alcohol Service, Your Place Inc. (3)
- (d) Group 4, Correction Services Pty Ltd. (4)
- (e) Tasmanian Correctional Officers Association (7)
- (f) Australasian Correctional Services Pty Limited (8)
- (g) Community and Public Sector Union (9)
- (h) Holyoake Tasmania Incorporated (10)
- (i) D. & B. Cunningham (11)
- (j) J. McLoughlin, Official Visitor – Hayes Prison Farm (12)
- (k) Tasmania Police (14)
- (l) Archdiocese of Hobart Social Justice Commission (15)
- (m) P.J. Lawler (Dr.) (16)
- (n) S. McManus (Br.), Christian Brothers (18)
- (o) Anglican Diocese of Tasmania (19)
- (p) D.F. & W.D.H. Walker (23)

## **Release of Submissions**

**Resolved,** That any written submission examined or document received by the Committee at a public hearing be released to interested parties upon request unless otherwise determined by the Committee.

## **Public Hearings**

MR DESMOND JAMES LEFEVRE, General Secretary, The Police Association of Tasmania, was called, made the Statutory Declaration and was examined.

At 10.15 am the Committee adjourned.

At 10.30 am the Committee resumed.

The same Members were present.

DEPUTY COMMISSIONER JOHN JOHNSTON, Tasmania Police, was called, made the Statutory Declaration and was examined.

**Resolved,** That the following documents be taken into evidence:

- (a) Schedule A – Summary of Offences Prior to Imprisonment for Nine Offenders. (Ref. No. 14)
- (b) Schedule B – Summary of Court Action (Bail) for Eight Offenders (Ref. No. 14)

The witness withdrew.

MRS BETTY ANNE ROBERTS, Committee Member, Holyoake Tasmania Incorporated, was called, made the Statutory Declaration and was examined.

**Resolved,** That the following documents be taken into evidence:

- (a) Tasmania Police Community Drug Education Brochures titled:
  - Opium
  - Marijuana
  - Depressants
  - Stimulants (10)
- (b) Papers to accompany the oral submission of Holyoake to the Legislative Council Select Committee Correctional Services and Sentencing in Tasmania. (10)
- (c) “Role of the Juvenile Justice Teams in the Community” (WA), Extract from *The Holyoake Journal*, The Australian Institute of Alcohol and Addictions Quarterly Journal, Christmas 1997 Edition. (10)

- (d) Pie Charts showing the Holyoake clients' relationship to addicts and the types of addictions, extract from Annual Report 1996. (10)

The witness withdrew.

MRS ELIZABETH ANN DALEY, Official Visitor to the Women's Prison was called, made the Statutory Declaration and was examined.

The witness withdrew and the public hearings concluded.

### **Late Submissions**

The Committee confirmed that it would accept late submissions from Messrs Marks and Batchelor, Official Visitors to HM Prison Risdon and from the Justice Department.

### **Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) Letter dated 20 November 1997: Fr. John Nagle, Spiritual Advisor to State Council of the Society of St. Vincent de Paul to the Committee Secretary and accompanying background material on Court Support Services in Hobart and Launceston Magistrates Courts. (13)
- (b) Fax dated 12 January 1998: Dr. Peter J. Lawler to the Chairman enclosing information provided by the Victorian Office of the Correctional Services Commissioner on correctional facilities. (16)
- (c) Research Paper titled "Principles of Public Law, Administrative Law Research Paper, by Ben Mangan and Alex Jacobs, *An Inquiry into the Impact of Private Sector Involvement in Australian Correctional Services "private profit, public gain?"*, October 31, 1997, Professor Rick Snell, University of Tasmania. (20)

### **Requests to Present Verbal Evidence**

The Committee confirmed and noted the following requests to appear:

- (a) Messrs L.J. Batchelor and B. Marks.
- (b) Fr. John Nagle, Spiritual Advisor to State Council of the Society of St. Vincent de Paul.



## **Correspondence Received**

The following correspondence was tabled and received:

- (a) Letter dated 4 November 1997: Marnie Ferguson to Mr. Parkinson seeking employment with the Committee.

The Committee agreed that the Secretary write to thank Miss Ferguson for her approach and advise her that it was not in a position to offer an appointment.

- (b) Letter dated 12 December 1997: John Beswick, Minister for Police and Public Safety advising that Tasmania Police will be presenting both written and verbal evidence to the Committee. (14)
- (c) Letter dated 25 November 1997: Tony Wilson, Director, Major Projects Delivery Group, Department of Justice Victoria to the Committee Secretary in response to invitation to make submission to the Committee. (22)

## **Department of Justice Assistance**

The Committee recorded its appreciation for the Department's offer to provide an officer to accompany Members to interstate correctional facilities and confirmed its decision to decline the offer in order to keep travel costs to a minimum.

## **Chairman's Visit to UK**

**Resolved,** That the Chairman be authorised to undertake on the Committee's behalf, inspections of correctional facilities and meetings with corrections officers while in the UK for a CPA Conference.

## **Tasmania Police Evidence**

**Resolved unanimously,** That the supporting documentation provided on each offender listed in Schedule A – Summary of Offences

Prior to Imprisonment for nine offenders and Schedule B – Summary of Court Action (Bail) for eight offenders, not be made public.  
At 1.20 pm the Committee adjourned until 9.30 am tomorrow.

**THURSDAY, 5 FEBRUARY 1998**

The Committee met at 9.30 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr. Parkinson, Mr. Squibb and Mr. Wing (Chairman)

**Public Hearings**

MS GLYNIS LEE WARREN, Director/Counsellor, Your Place Inc., was called, made the Statutory Declaration and was examined.

At 10.40 am the Committee adjourned.

At 10.50 am the Committee resumed.

The same Members were present.

MR PAUL JAMES DENMAN, Co-ordinator, Prison, Drug and Alcohol Service, Your Place Inc., was called, made the Statutory Declaration and was examined.

The witness withdrew.

MR RUSSELL JACK SPURR, President and MR COLIN LINDSAY WHITLOCK, Secretary, Tasmanian Correctional Officers Association, were called, made the Statutory Declaration and were examined.

The witnesses withdrew and the public hearings concluded.

### **Release of Transcripts**

The Secretary reported that Deputy Police Commissioner Johnston had requested a copy of the tape or transcript of his evidence.

**Resolved,** That Deputy Commissioner Johnston be permitted to view the transcript of his evidence but that the request for a copy be declined.

At 1.00 pm the Committee adjourned until Tuesday, 10 February 1998 in Melbourne.

### **TUESDAY, 10 FEBRUARY 1998**

The Committee met at 10.00 am at Port Phillip Prison, Cnr. Doherty's and Palmers Road, North Laverton, Victoria.

**Members Present:** Mr. Parkinson, Mr. Squibb and Mr. Wing (Chairman)

The Committee met with Mr. Stephen Twinn, Director of Operations and Business Development, and Mr. Dave McDonnell, Prison Director, Group 4 Correction Services Pty. Ltd.

The Committee then inspected the Prison accompanied by Mr. McDonnell.

At 2.30 pm the Committee left Port Phillip Prison.

The Committee met at 3.05 pm in Meeting Room 93, Parliament House, Spring Street, Melbourne.

The same Members were present.

The Committee met with the following representatives of the Federation of Community Legal Centres (Vic) Incorporated:

Ms. Catherine Gow, Ms. Shelley Burchfield, Ms. Kate Lawrence, Mr. Charander Singh, and Ms. Judy Cox.

At 5.35 pm the Committee adjourned to travel to 371 Church Street, Richmond to meet with Father Peter Norden, Director, Jesuit Social Services. The meeting concluded at 6.30 pm.

### **WEDNESDAY, 11 FEBRUARY 1998**

The Committee met at 9.00 am in the office of the Correctional Services Commissioner, 6/452 Flinders Street, Melbourne, Victoria.

**Members Present:** Mr. Parkinson, Mr. Squibb and Mr. Wing (Chairman)

The Committee met with the following officers from the Office of the Correctional Services Commissioner:

- Mr. John Van Groningen, Commissioner  
Mr. Terry O'Donoghue, Deputy Commissioner
- Ms. Philippa Wisdom, Acting Director – Policy and Standards  
Mr. Ken Penaluna, Policy and Planning Officer
- Ms. Isabel Hight, Director – Sentence Management
- Ms. Robin Trotter, Director – Monitoring and Assessment

and with:

- Mr. Tony Wilson, Director and Mr. Dave McCurry, Corrections Consultant, Major Projects Delivery Group (previously New Prisons Project), Department of Justice.
- Ms. Angela Cannon, Director, Attorney-General's Policy Division.
- Dr. Peter Lynn
- Professor Arie Freiberg, Criminology Department, University of Melbourne.

### **Document Received**

**Resolved,** That the following document be taken into evidence:

“Commercial Confidentiality, Criminal Justice and the Public Interest”, Arie Freiberg, *Current Issues in Criminal Justice*, Vol. 9, No. 2, November 1997. (27)

At 6.30 pm the Committee adjourned until tomorrow.

#### **THURSDAY, 12 FEBRUARY 1998**

The Committee travelled by car to Lara with Ms. Isabel Hight, Director - Sentence Management, Office of the Correctional Services Commissioner. The Committee met with Mr. Trevor Craig, Operations Manager, and then inspected HM Prison Barwon.

In the afternoon the Committee travelled to the Metropolitan Women’s Correctional Centre at Deer Park managed by Corrections Corporation of Australia Pty. Ltd. The Committee met with Ms. Chris Nash, Operations Manager and Ms. Karen Hannay, Quality Assurance Manager, before inspecting the Prison.

#### **THURSDAY, 13 FEBRUARY 1998**

The Committee travelled by car to Sale with Mr. John Van Groningen, Commissioner, Office of the Correctional Services Commissioner.

The Committee held a meeting at 10.00 am.

**Resolved,** That a copy of the transcript of evidence presented by Deputy Police Commissioner Jack Johnston be made available for his personal use only.

At 10.03 am the Committee concluded its meeting to resume travel to the Fulham Correctional Centre.

The Committee met with Mr. Don Keens, Managing Director, Australasian Correctional Services Pty. Limited, Mr. Terry Easthope, General Manager of the Centre, and Mr. John Myer, Operations Manager, before inspecting the facility.

The Committee then travelled to Yarram to inspect HM Prison Won Wron before returning to Melbourne.

### **SATURDAY, 14 FEBRUARY 1998**

The Committee met at 10.00 am with Ms. Diana Batzias, Chief Executive Officer, Melbourne Juvenile Justice Centre and Ms. Noelle De Clifford, Chief Executive Officer, Parkville Youth Residential Centre, to discuss Victoria's Juvenile Corrections system. The Committee then inspected the Juvenile Justice Centre before leaving at 1.15 pm.

**Resolved,** That Mr. Squibb be authorised to visit HM Prison Loddon on behalf of the Committee when he visits Victoria for another commitment.

### **WEDNESDAY, 25 MARCH 1998**

The Committee met at 5.25 pm in the Legislative Council Ante-Chamber, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing.

#### **Order of the Council**

The Clerk read the Order of the Council regarding the appointment of the Committee on Tuesday, 24 March 1998.

#### **Election of Chairman**

Mr Wing was appointed Chairman and took the Chair.

#### **Business**

#### **Suggested Resolutions**

- (a) That witnesses be heard under Solemn Declaration.

- (b) That evidence be recorded *verbatim* unless otherwise determined by the Committee.
- (c) That Parliamentary Research Officer, Ms Marina Furescu, be admitted to proceedings of the Committee whether in public or private session, unless otherwise determined by the Committee.
- (d) That any written submission examined or document received by the Committee at a public hearing be released to interested parties upon request unless otherwise determined by the Committee.

### **Future Programme**

The Secretary tabled a letter dated 6 March 1998 from Mr Stephen Twinn, Director of Operations and Business Development, Group 4 Correction Services Pty Ltd, offering to arrange a briefing with Mr Rod McPherson, Director of Structured Finance, Dresdner Kleinwort Benson, on options for private financing and ownership of a new prison.

**Resolved,** That the Committee:

- (a) Hold a further public hearing in Hobart on Thursday, 9 April 1998 and, if possible, meet with Mr McPherson.
- (b) Hold public hearings in the North and North West and inspect the Launceston Remand Centre, the Burnie Cells and Ashley Boys' Home on Thursday, 14 and Friday, 15 May 1998.
- (c) Travel to the ACT, NSW and Queensland from Friday, 22 May to Saturday/Sunday, 30/31 May 1998 to gather further evidence on interstate corrections facilities.

At 6.00 pm the Committee adjourned until Thursday, 9 April 1998.

### **THURSDAY, 14 MAY 1998**

The Committee met at 10.45 am in the meeting room, 4<sup>th</sup> floor, Henty House, One Civic Square, Launceston.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

The Committee met informally with Mr Arnold Shott, Chief Magistrate.

At 12 noon the Committee adjourned.

At 12.15 pm the Committee resumed.

The same Members were present.

### **Public Hearing**

Witness:

FR JOHN JAMES NAGLE, Spiritual Adviser to State Council of the Society of St Vincent de Paul was called, made the solemn declaration and was examined.

The witness withdrew.

The Committee adjourned at 1.10 pm to tour the Launceston Remand Centre with the Acting Manager, Mr Kevin Salter and Mr John Dodd Director of Prisons, Corrections Division, Department of Justice.

The Committee then travelled to Ashley Youth Detention Centre for a tour of and discussions with the Manager, Mr Neil Warnock, Mr Bob Gilkes, Director Child, Youth and Family Support, Department of Community and Health Services, Mr Jed Egan, a teacher, and other staff.

### **FRIDAY, 15 MAY 1998**

The Committee met at 9.50 am in the Parliamentary Offices, Braddon House, Wilmot Street, Burnie.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

### **Public Hearings**

**Witnesses:**



MR BARRY LYLE CUNNINGHAM and MRS DOROTHY MERLE CUNNINGHAM were called, made the solemn declaration and were examined.

The witnesses withdrew.

At 10.05 am the Committee adjourned.

At 10.10 am the Committee resumed.

The same Members were present.

THE HON. DESMOND MILLER HISCUTT, Legislative Council Member for Emu Bay was called, made the solemn declaration and was examined.

### **Documents Received**

Resolved, That the following documents be taken into evidence:

- (a) Internet extracts titled "Performance of Private Prison and Jail Companies, Chapter 9. (Ref. No. 34)
- (b) Australian Institute of Criminology, *trends and issues in crime and criminal justice*, No. 84 'Private Prisons in Australia: The Second Phase', Richard Harding. (34)

The witness withdrew.

At 11.10 am the Committee adjourned.

At 11.25 am the Committee resumed.

The same Members were present.

### **Confirmation of Minutes**

The Minutes of the meetings held on Wednesday 4, Thursday 5, Tuesday 10, Wednesday 11, Thursday 12, Friday 13, Saturday 14 February and on

Wednesday 25 March 1998, having been circulated, were accepted as a true and accurate record and confirmed.

### **Submissions Received**

**Resolved,** That the following submissions be taken into evidence:

- (a) Crime and Punishment Tasmania (Ref No 31)
- (b) B. Shanahan (32)
- (c) G. Lennox (33)
- (d) D. Hiscutt, MLC for Emu Bay (34)
- (e) Chief Justice Cox (35)
- (f) Tasmania First Party (36)
- (g) Tasmanian Magistracy (37)
- (h) Father John Nagle, Spiritual Adviser Society of St Vincent de Paul (13)

### **Supplementary Submission Received**

**Resolved,** That the following supplementary submission be taken into evidence

D.F. & W.D.H. Walker (23)

### **Requests to Present Verbal Evidence**

The Committee noted that requests to present verbal evidence had been received from the following:

- (a) P.M. Roach, Inaugural Chairman of the Parole Board of Tasmania.
- (b) Mr G. Lennox (Dunalley) (Ref No 33)

### **Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) Letter dated 17 December 1997: John Van Groningen, Commissioner, Office of the Correctional Services Commissioner, Victorian Department of Justice to the Committee Secretary enclosing information on Victoria's Corrections System. (22)
- (b) Paper and Overheads titled "Private Sector Participation in New Prisons in Victoria, Australia, February 1998, Tony Wilson, Director, Major Projects Delivery Group, Department of Justice, Victoria. (22)

- (c) "New Prisons Project Management" Chart. (22)
- (d) Extract from 1997 Victorian Auditor-General's Report on New Prisons Project. (22)
- (e) Department of Justice, New Prisons Project, Men's Metropolitan Prison, Brief to Short-Listed Parties, August 1995 (Edited for Public Release). (22)
- (f) "Corrections Industry Training Plans 1998-2000, Part 1, Industry Environment". (22)
- (g) "Corrections Industry Training Plans 1999-2001". (22)
- (h) Second Reading Speech for The Sentencing and Other Acts (Amendment) Bill 1997 (Vic). (22)
- (i) Copy of the "Herald-Sun" sentencing survey published on 1 August 1996. (22)
- (j) Copy of the "Herald-Sun" results of the survey published 13 September 1996. (22)
- (k) Brochures - "The Corrections System in Victoria"  
"Innovations in the Victorian Corrections System"  
"Victoria's Private Prisons: An Innovative Partnership"  
"Women Prisoners in Victoria" (22)
- (l) Information - "HM Prison Barwon Philosophy 1998"  
"HM Prison Barwon Prisoner Programs 1998"  
"HM Prison Barwon Prisoner Information Booklet 1997"  
"CORE, The Public Correctional Enterprise"  
"CORE, Business Plan 1997/98, Department of Justice"  
"CORE, Sex Offenders Program Sheets 1-7"  
"Message", No. 25, Vol. 2, December 1997,  
No. 1, Vol. 3, February 1998. (22)
- (m) Background Information on Fulham Correctional Centre, Thies Correctional Facilities and ACM's Centres at Junee and Arthur Gorrie. (8)

- (n) Brochure on the Metropolitan Women's Correctional Centre, Corrections Corporation of Australia Pty Ltd (30)
- (o) Juvenile Justice Information Kit, Victorian Department of Human Services. (28)
- (p) Papers prepared by The Federation of Community Legal Centres: Corrections Working Group and People's Justice Alliance(24):
  - Metropolitan Women's Correctional Centre, opened August 1996, Operated by CCA, Chronology 1992 – February 1998, prepared by Federation of Community Legal Centres.
  - Port Phillip Prison, opened September 1997, Operated by Group 4 Correction Services.
  - Victorian Media Coverage of Wackenhut Corporation and Australasian Correctional Management and Fulham Correctional Centre opened April 1997, operated by ACM.
  - Copies of "Prison Privatisation Report International" published by Prison Reform Trust, no. 16, Jan. 1998; no. 1, June 1996; no. 2, July 1996; no. 3, August 1996; no. 4, Oct. 1996; no. 5, Nov. 1996; no. 6, Jan. 1997; no. 7, Feb. 1997; no. 8, Mar. 1997; no. 9, Apr. 1997; no. 10, May 1997; no. 11, June 1997; no. 12, July 1997; no. 13, Sept. 1997; no. 14, Oct. 1997; no. 15, Nov. 1997.
- (q) "Sentencing Reform in Victoria, 1850-1997", Arie Freiberg, Professor of Criminology, The University of Melbourne and Stuart Ross, Australian Bureau of Statistics, 1998. (27)
- (r) Letter dated 9 February 1998: Sandi Trajdos, Manager Programs, Corrective Services Division, Department of Justice to the Secretary enclosing pay structures and allowances for prisoners Australia wide. (21)
- (s) Letter dated 2 February 1998: W.J. Harvey, Custodial Policy Development Officer to the Secretary providing details of Tasmanian Corrections staffing levels and distribution of prisoners. (21)
- (t) Briefing Information on Tasmanian Prison System (21):
  - Programs Unit
  - Education and Training
  - Prison Administration Unit

- Prison Industries
- (u) Letter dated 25 March 1998: R. McCreadie, Commissioner of Police to the Committee Secretary providing information requested during Tasmania Police's hearing. (14)
- (v) Notes on visit to HM Prison, Bullingdon by Don Wing, MLC – 3<sup>rd</sup> March 1998. (m)

### **Evidence from Victoria**

**Resolved,** That the Committee request from the Victorian Office of the Correctional Services Commissioner, copies of the contracts between the Government and private operators relating to corrections facilities in that State.

### **Consultancy**

The Committee confirmed its decision that it was not able to offer Mr Paul Moyle the consultancy he was seeking in his e-mail dated 6 March 1998.

### **Future Programme**

The Committee briefly discussed its future programme.

### **Resignation of Committee Secretary**

The Chairman, on behalf of the Committee, expressed his sadness about the resignation from the Legislative Council of the Secretary, Inta Mezgailis. He referred to the valuable contribution she had made and the expertise she has brought to the Committee. He wished her well in the future.

At 12.40 pm the Committee adjourned to visit the holding cells at the Burnie Court House with Mr David Langmaid, Deputy Registrar of the Court, and the Police Station with Supt. Mitch Krushka.

## **SUNDAY, 28 JUNE 1998**

The Committee met at 10.00 am with Mr James Ryan, AM, Director ACT Corrective Services, Mr Ian Fitzgerald, Assistant Director and Mr Eddie Issa, Executive Officer to discuss corrective services in the ACT.

The Committee then inspected the Belconnen Remand Centre, the Periodic Detention Centre and the Youth Detention Centre.

**MONDAY, 29 JUNE 1998**

The Committee met at 10.00 am in the office of the Department of Corrective Services, Roden Cutler House, 24 Campbell Street, Sydney.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

The Committee met with the following officers from the Department of Corrective Services:

- Ms Catriona McComish, Assistant Commissioner, Inmate Management.
- Dr Brian Noad, Principal, Adult Education and Vocational Training.
- Supt Ken Kellar, Operations, Head Office.
- Supt Barry Russell, Operations, Head Office.
- Supt Steve D'Silva, former Director, Periodic Detention.
- Mr Paul Nash, Corporate Counsel.
- Ms Brenda Smith, Assistant Commissioner, Probation and Parole.
- Mr Ken Studerus, Director, Home Detention Programme.

and with

- Mr Richard Button, Director, Criminal Law Division.
- Mr Rod McPherson, Dresdner Klienwort Benson.

At 6.00 pm the Committee adjourned until tomorrow.

**TUESDAY, 30 JUNE 1998**

The Committee met at 9.30 am at the Metropolitan Regional Office, Long Bay Complex.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

The Committee inspected the Malabar Special Programs Centre and the Parole Unit Long Bay.

The Committee then met with Mr Bob Hassan, Regional Superintendent, Mr Brian Cook, Manager, Fr Harry Moore and other key personnel.

At 1.30 pm the Committee left Long Bay.

The Committee met at 2.30 pm in the Waratah Room, Parliament House, Sydney.

The same Members were present.

The Committee met with:

- Mr Jim Mellor, Community Justice Coalition.
- Mr Ray Jackson, Indigenous Social Justice Association.
- Dr Aileen Baldry, Department of Social Work.

and with:

- Professor Tony Vinsin, Director of Research, Uniya Jesuit Social Service Centre.

At 5.30 pm the Committee adjourned until tomorrow.

### **WEDNESDAY, 1 JULY 1998**

The Committee met at 9.30 am at the Metropolitan Periodic Detention Centre, Paramatta.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

The Committee met with the Officer-in-Charge, Mr Keith Bushell and Superintendent Steve D'Silva to discuss periodic detention.

The Committee then inspected the Metropolitan Periodic Detention Centre, Paramatta.

At 11.00 am the Committee left Paramatta.

The Committee met at 12.00 noon at Emu Plains Correctional Centre, Old Bathurst Road, Emu Plains.

The same Members were present.

The Committee met with the Governor Ms Lee Downes and other key personnel.

The Committee then inspected the Emu Plains Correctional Centre.

At 2.30 pm the Committee left Emu Plains Correctional Centre.

The Committee met at 3.30 pm at the Metropolitan Remand and Reception Centre at Silverwater.

The same Members were present.

The Committee met with Mr John Dunthorne, General Manager and Jan Hall, Client Services Manager.

The Committee then inspected the Metropolitan Remand and Reception Centre.

At 5.30 pm the Committee adjourned until tomorrow.

#### **THURSDAY, 2 JULY 1998**

The Committee met at 10.30 am in the office of the Queensland Corrective Services Commission, 24<sup>th</sup> Floor, State Law Building, 50 Anne Street, Brisbane.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

The Committee met with the following:

- Mr Ray Cole re home detention.
- Sir Max Bingham  
Mr Barry Apsey, Director-General, Queensland Corrective Services Commission.

and with:

- Mr Peter Severin, Acting Chief Executive Officer, Queensland Corrections.
- Mr Keith Hamburger, former Director-General, Queensland Corrective Services Commission.



- Ms Anne Dutney, Director Operations, Corrections Corporation of Australia Pty Ltd.
- Mr Jim Kennedy, author 1988 review into the provision of correctional services in Queensland.

At 5.30 pm the Committee adjourned until tomorrow.

#### **FRIDAY, 3 JULY 1998**

The Committee travelled by car to the Borallon Correctional Centre.

At 10.00 am the Committee met with Ms Anne Dutney, Director Operations, CCA and Mr Bob Bradbury, General Manager, Borallon Correctional Centre.

The Committee then inspected the Borallon Correctional Centre.

At 2.30 pm the Committee left the Borallon Correctional Centre.

The Committee travelled by car to the Arthur Gorrie Correctional Centre.

At 3.00 pm the Committee met with Mr Brad Linguard, Acting General Manager, Mr Kevin White, General Manager and Mr Ross Millican, Executive General Manager Operations.

The Committee then inspected the Arthur Gorrie Correctional Centre.

At 5.30 pm the Committee adjourned until tomorrow.

#### **SATURDAY, 4 JULY 1998**

The Committee travelled by car to the Woodford Correctional Centre with Mr Peter Severin, Acting Chief Executive Officer, Queensland Corrections and Mr Martin Grandelis, General Manager, John Oxley Youth Detention Centre.

The Committee met with Mr John McGowan, General Manager and then inspected the Woodford Correctional Centre.

At 11.15 am the Committee left Woodford and travelled to the John Oxley Youth Detention Centre for an inspection.

#### **MONDAY, 6 JULY 1998**

The Committee met at 9.00 am in the office of the South Australian Correctional Services, 6<sup>th</sup> Floor, 25 Franklin Street, Adelaide.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

The Committee met with the following officers from the South Australian Correctional Services:

- Mr Tony Kelly, Director Operations.
- Mr Gary Dickie, Acting Director Strategic Services.
- Ms Jann McBride, Manager Policy and Stakeholder Services.
- Ms Lou Denley, Director, Justice Strategy Unit.
- Mr John Heath, Regional Manager, Western Metropolitan Region.
- Ms Deidre Butler, Manager, Community Programs, Western Metropolitan Region.
- Mr David Nankivell, Acting Manager, Community Programs, Southern Metropolitan Region.

At 1.00 pm the Committee left Franklin Street, Adelaide and travelled by car to inspect the Shepherds Hill Recreational Park and the Flinders Park Primary School to observe “user pays” community service.

At 3.30 pm the Committee travelled to the Adelaide Community Correctional Centre to be briefed on home detention and the use of electronic bracelets.

At 5.15 pm the committee adjourned until tomorrow.

## **TUESDAY, 7 JULY 1998**

At 8.45 am the Committee travelled by car to the Adelaide Remand Centre to meet with Derek Taylor, General Manager, and then inspected the Centre.

At 11.00 am the Committee travelled by car to the Adelaide Women’s Prison to meet with Cheryl Clay, General Manager and other key personnel, and then inspected the Prison and the Living Skills Unit.

At 1.00 pm the Committee met with Mr Kevin Baohm, General Manager at the Adelaide Pre-Release Centre, and then inspected the Centre.

At 2.15 pm the Committee travelled by car to meet with Maria Bordoni, General Manager and other key personnel at Yatala Labour Prison, and then inspected the prison.

**WEDNESDAY, 8 JULY 1998**

The Committee travelled by plane to Mt Gambier and met at 9.30 am with the following Department for Correctional Services staff:

- Mr Michael Boswell, General Manager Business Services.
- Mr Bob Legat, Manager Operations.
- Mr Brian Kennedy, Consultant, Business Services.

and with:

- Mr Roger Holding, Group 4 Prison Director, Mt Gambier Prison.

The Committee then inspected the Mt Gambier Prison.

**TUESDAY, 21 JULY 1998**

The Committee met at 9.40 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

**Confirmation of Minutes**

The Minutes of the meetings held on Thursday, 14 May and Friday, 15 May 1998, having been circulated, were accepted as a true and accurate record and confirmed.

**Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) Letter dated 20 June 1998: David Allen to the Committee Secretary enclosing a paper titled "Drink Driving Courses as an Option to Prison" and a program outline.
- (b) Information –
  - "The Role and Resourcing of Prison Chaplaincy in New South Wales" (39)
  - Dresdner Kleinwort Benson – booklet

- HIV/AIDS, Communicable Diseases and Health Promotion – Policies, Procedures and Management Guidelines (39)
  - Adult Education and Vocational Training Institute – package (39)
  - “Periodic Detention Programme – Philosophy and Purpose” (39)
  - “Drugs in Prison” (39)
  - “Corrective Services Industries – “A Working Future” – video package (39)
  - “Emu Plains Correctional Centre” – package (39)
  - “Home Detention in New South Wales” – package (39)
  - Queensland Corrective Services Commission “Order for early discharge of prisoner” – form (40)
  - South Australian Department for Correctional Services “Community Service – cost Recover Projects” (41)
  - “Western Metropolitan Region Business Plan – Flinders Park Primary School” (41)
- (c) Brochures –
- “All about contracting out” – Government of South Australia (41)
  - “Corr Issues”, Vol. 1, No. 2, June 1998 (42)
  - “Juvenile Operations” (42)
  - “Corporate Profile” (42)
  - “Periodic Detention” – Department of Corrective Services, NSW (39)
  - “You have been sentenced to periodic detention” – Department of Corrective Services, NSW (39)
  - “MRRC – Silverwater – Metropolitan Remand and Reception Centre” (39)
- (d) “Handbook for DCS General Manager and DCS Supervisors at Mt Gambier Prison” (41)
- (e) “Presentation to the Legislative Council Select Committee – Tasmania at Mt Gambier Prison” (41)
- (f) “Department for Correctional Services – Contract Administration” (41)

- (g) Executive Summary – “Cost Effectiveness comparisons of private versus public prisons in Louisiana: A comprehensive analysis of Allen, Avoyelles, and Winn Correctional Centres” (41)
- (h) “Home Detention – Best Practice Review, October 1996” (41)
- (i) Queensland Corrective Services Commission – Annual Report 1996/97 (40)
- (j) Draft “A Guide to Community Services Work Order Projects” (41)
- (k) Periodic Detention of Prisoners Act 1981, No. 18 (39)
- (l) Periodic Detention of Prisoners Regulation 1995 (39)
- (m) Letter dated 30 June 1998” Brian Noad, Principal, Adult Education and Vocational Training Institute enclosing additional information re education of prisoners (39)
- (n) Letter dated 10 December 1997: Leo Keliher, Commissioner, Department of Corrective Services in NSW to Committee Secretary enclosing:
  - i) a list of correctional centres indicating location, bed capacity and classification.
  - ii) A list of periodic detention centres and their location;
  - iii) Financial data incorporating the Department’s annual operating budgets;
  - iv) Statistical information concerning staffing levels for correctional and PDC centres as at 15 November 1997.
  - v) New South Wales Department of Corrective Services’ Annual Report for 1996/97. (39)
- (o) Fax message dated 17 July 1998: Michael Boswell, Department of Corrective Services, South Australia to Committee Secretary enclosing:
  - i) Terms of Reference for the Parliamentary Inquiry into the competitive tendering process and the contract for management of Mt Gambier Prison.
  - ii) A paper prepared after commissioning of Mt Gambier Prison.
  - iii) More detail of “Re-inventing Government” book.
  - iv) Details of the various versions of the “Art of War”. (41)
- (p) “Should Crime Pay” – Arguments against prison privatization – AFSCME Corrections United, USA – May 1998. (41)
- (q) Private Prison Report International, June 1998 Issue 21 and July 1998 Issue 22. (41)

- (r) Private Prison Watch – News Brief – 17 June, 25 June, 2 July, 7 July, 15 July 1998. (41)

### **Public Hearings**

#### **Witnesses:**

MR PETER MICHAEL ROACH was called, made the solemn declaration and was examined.

### **Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) Graph – nominal sentence 12 months.
- (b) Graph – nominal sentence 6 years.
- (c) Sample – Prisoner Performance – DOB 1938.
- (d) Sample – Prisoner Performance – DOB 1960.
- (e) Parole Board Report 31 March 1976 to 30 June 1977.
- (f) Parole Board Report 1 July 1977 to 30 June 1980.
- (g) Parole Board Report 1 July 1989 to 30 June 1994.
- (h) Parole Board Report 1 July 1994 to 30 June 1995
- (i) Department of Justice Annual Report 1995-96, p. 97-103.
- (j) Department of Justice Annual Report 1996-97, p.123-126.

The witness withdrew.

At 11.25 am the Committee adjourned.

At 11.30 am the Committee resumed.

The same Members were present.

MR BRIAN FREDERICK MARKS and MR LESLIE JAMES BATCELOR were called, made the solemn declaration and were examined.

### **Submission Received**

**Resolved,** That the submission by Mr Marks and Mr Batchelor be taken into evidence.

The witnesses withdrew.

At 1.00 pm the Committee adjourned.

At 2.07 pm the Committee resumed.

The same Members were present.

MR GLENN LENNOX was called, made the solemn declaration and was examined.

### **Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) Table of Legal Aid Expenditure.
- (b) Letter from Minister for Police and Public Safety to Mr Lennox.
- (c) Legal Aid Handbook, p. 70.

The witness withdrew and the public hearings concluded.

At 2.37 pm the Committee adjourned.

At 2.40 pm the Committee resumed.

The same Members were present.

### **Future programme**

The Committee briefly discussed its future programme.

The Committee adjourned at 3.00 pm to tour the Risdon Prison with Mr Denbigh Richards, Deputy Secretary, Corrective Services and Mr John Dodd, Director of Prisons, Corrections Division, Department of Justice.

## **THURSDAY, 17 DECEMBER 1998.**

The Committee met at 10.05 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing  
(Chairman)

## **Public Hearing**

### **Witnesses**

MR RICHARD EARDLEY BINGHAM, MR DENBIGH JOHN YELLARD RICHARDS, MR NORMAN JOHN DODD AND SANDRA KATE TRAJDOS from the Correctional Services Division of the Department of Justice were called, made the Statutory Declaration and were examined.

The witnesses withdrew.

At 12.30 pm the Committee suspended.

At 12.42 pm the Committee resumed.

### **Confirmation of Minutes**

The Minutes of the meetings held on Sunday 28 June, Monday 29 June, Tuesday 30 June, Wednesday 1 July, Thursday 2 July, Friday 3 July, Saturday 4 July, Monday 6 July, Tuesday 7 July, Wednesday 8 July and Tuesday 21 July, having been circulated, were accepted as a true and accurate record and confirmed.

### **Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) Parliamentary Research Service – Summary of Submission 17.
- (b) Notes on Committee's visit to Canberra by Don Wing MLC – 28 June 1998.
- (c) Notes on Doug Parkinson's visit to Junee Correctional Centre – 24 September 1998.
- (d) Notes on Don Wing's visit to Rimutaka Prison, near Wellington, New Zealand.
- (e) Personal Demographics of Prisoners – Paul Denman. (3)
- (f) Article – "Prison Privateers: Neo-Colonialists in NSW" by Eileen Baldry.



- (g) Article – “Privatisation of Prisons in New South Wales and Queensland: A Review of Some Key Developments in Australia by Paul Moyle.
- (h) ACT Corrective Services
  - Periodic Detention Act 1995
  - Prison Project Paper
  - Discussion Paper – “The possible establishment of a correctional facility in the Australian Capital Territory.
- (i) Private Prison Watch – 21 July, 25 July, 28 July, 30 July, 5 August, 9 August and 12 August 1998.
- (j) Summary of Tandy Report “Review of Prison Security”.

At 12.56 pm the Committee suspended.

At 3.08 pm the Committee resumed.

The Committee deliberated and agreed that there be two new prisons in Tasmania, one in the North and one in the South. Both prisons to cater for maximum, medium, and minimum security prisoners, as well as women.

***Resolved,***

- That the Secretary provide an analysis of the interstate prisons visited.
- That the Secretary investigate the cost per day per prisoner and what costs are included, at –

HM Prison Won Wron, Yarram  
Juncie Correctional Centre, NSW  
Fulham Correctional Centre, Sale  
Emu Plains Correctional Centre  
Adelaide Pre-Release Centre  
Adelaide Women’s Prison  
Mt Gambier Prison

- That the Secretary advise the Committee regarding the Community Service program in South Australia and its link with home detention.
- That each Committee member write a paper on the following –

Home Detention – Mr Parkinson  
Community Service – Mr Squibb  
Periodic Detention – Mr Wing

At 4.08 pm the Committee adjourned.

**WEDNESDAY, 3 MARCH 1999.**

The Committee met at 10.35 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing  
(Chairman)

**Public Hearing**

**Witnesses**

MR RICHARD EARDLEY BINGHAM, MR DENBIGH JOHN YELLARD RICHARDS, AND MR GEOFFREY DONALD STORR from the Department of Justice (21) were called, made the Statutory Declaration and were examined.

The witnesses withdrew.

At 12.55 pm the Committee suspended.

At 2.15 pm the Committee resumed.

The Committee deliberated and agreed that the Secretary contact a private company in order to provide written evidence that privatisation is cheaper.

**Confirmation of Minutes**

The Minutes of the meeting held on Thursday, 17 December, 1998, having been circulated, were accepted as a true and accurate record and confirmed.

**Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (a) External Cash Cost per Prisoner for 1997/98 by Institution – South Australia
- (b) C.V. – Dr W C Paterson
- (c) Submission to the Director of Corrective Services Tasmania – W.C. Paterson
- (d) Article in American Jails – ‘Van Dieman’s Land Revisited’ – W.C. Paterson
- (e) Article in The Australian and New Zealand Journal of Criminology – ‘Changing Philosophies and Prison Management’ – W.C. Paterson
- (f) ‘Blue or Brown: Do Colours Make the Man?’ – W.C. Paterson 1982
- (g) ‘Custody v Care: Goal Development in the Prison Setting? The Risdon Experience’ – W.C. Paterson
- (h) ‘Prison Management Theory and Practice: With Special Reference to Risdon Goal’ – W.C. Paterson
- (i) Discussion Paper – ‘New Prisons Project – Financing Aspects’ – N M Rothschild & Sons
- (j) “Evaluating Private Prisons: Comparisons, Competition and Cross Fertilisation” – A Keith Bottomley and Adrian L James
- (k) Letter dated 4 January 1999 from Prison Services, Victoria re H M Prison Won Wron, Yarram

At 2.58 pm the Committee adjourned until 9.30 am on Thursday, 4 March, 1999 in Committee Room 3, Parliament House, Hobart.

**WEDNESDAY, 4 MARCH 1999.**

The Committee met at 9.37 am in Committee Room No. 3, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

The Committee discussed the format and contents of its report.

At 10.55 am the Committee suspended.

At 11.15 am the Committee resumed.

Resolved:

- (i) That the report include the following:-
  - (a) Quote from Mandella
  - (b) Overview – current situation and historical account on Risdon, Hayes, Launceston Cells, Burnie Cells, Remand Centre and Transport Services and Bail and other Applications
  - (c) General discussion on current system
  - (d) Desirable facilities
  - (e) Privatisation
  - (f) Home Detention and Community Service Orders
  - (g) Official Visitors
  - (h) Drugs and all counselling programs
- (2) That the Secretary provide background information on each Correctional Facility to the Chairman.
- (3) That the Chairman draft the overview.
- (4) That Mr Squibb research the financing aspects of prisons.
- (5) That Mr Parkinson contact Bill Kernot, ACM Queensland, regarding financing prisons.

At 12.25 pm the Committee adjourned until 11.15 am on Wednesday, 10 March 1999 to visit the Remand Centre.

**WEDNESDAY, 14 APRIL 1999**

The Committee met at 11.02 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing  
(Chairman)

### **Public Hearing**

#### **Witness**

MR BENJAMIN RICHARD MARRIS, former General Manager Corrective Services, (45) was called, made the Statutory Declaration and was examined.

At 12.44 pm the Committee suspended.

At 2.35 pm the Committee resumed.

The witness withdrew.

At 4.08 pm the Committee suspended.

At 4.45 pm the Committee resumed.

### **Confirmation of Minutes**

The Minutes of the meetings held on Wednesday, 3 March and Thursday, 4 March 1999, having been circulated, were accepted as a true and accurate record and confirmed.

### **Documents Received**

**Resolved,** That the following documents be taken into evidence:

- (l) "Contracted Prisons : Cost and Staffing Comparisons 1995-96" – Don H. Keens, Managing Director, ACM.
- (m) Letter from the Hon Bill McGrath MLA, Minister for Corrections, Victoria regarding Prisoner Costings for Victorian Prisons
- (n) "The Future of Prisons in Tasmania" – Ben Marris (45)

### **Business :**

**Resolved,** That the Secretary write to the Clerk of the Legislative Council requesting that an allowance be paid to Mr Ben Marris for travelling expenses incurred attending the hearing.

**Report Deliberations :**

The Committee considered the prison facilities to be recommended in the report.

At 5.30 pm the Committee adjourned until 10.30 am on Thursday, 15 April, 1999 in Committee Room 1, Parliament House, Hobart.

**THURSDAY, 15 APRIL 1999**

The Committee met at 10.40 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

**Report Deliberations :**

The Committee deliberated.

**Resolved,** That the Committee include the following matters in its report :

- Periodic Detention (both front and back end) – to be housed in the minimum security section of each prison, north and south.
- Favour home detention
- Courts be given a discretion in cases where it is appropriate to do so, to defer commencement of prison sentences and to order that it be served periodically, eg during a period of a prisoners' annual leave.
- Consideration to be given to the re-development of Risdon Prison, ie demolish cell blocks and redevelop the site to an appropriate standard.
- Consideration be given to selling Hayes Prison Farm.
- That the Prison Hospital be retained in the one location at Risdon.
- Two prisons – one in the north, between Launceston and Devonport and one in the south, at Risdon if practicable.
- Each prison to include maximum, medium and minimum classifications (and periodic detention).
- Each prison to accommodate between 120-150.

- The Women's Prison at Risdon be retained, but upgraded to modern day standards, and catering for prisoners to visit family members in other parts of the state.

At 12.54 pm the Committee suspended.

At 2.35 pm the Committee resumed in the Members' Lounge to view a video on prisons recorded by the 7.30 Report on 19 March 1999.

At 2.50 pm the Committee resumed deliberations in Committee Room No. 1.

- Launceston Watch-house site to be retained but redeveloped as the Northern Remand Centre. Possible use for periodic detention when there is the separate capacity.
- Burnie Cells – if overnight facilities are required they should be maintained at a standard equivalent to other remand centres.
- Devonport Cells – remain as is.
- Privatisation – tenders call for all main centres to design, construct, finance and manage (redevelopment of Risdon).
- Ensure that at least one prison continues to be operated by the State.
- A probity committee be appointed to advise Government.

**Resolved,** That the Secretary provide the following information –

- Transcript of evidence from Arthur Gorrie Correctional Centre.
- No. of cells at Mt Gambier prison
- Copy of the "Review of the Leave of Absence Programs for Prisons Conducted by the Office of Corrections, Victoria".
- Copy of Rt. Hon. Lord Justice Woolf and Hon. Judge Tumim (1991) "Report of an Inquiry into Prison Disturbances, April 1990", HMSO London.
- South Australian Home Detention Legislation

**Resolved,** That the Secretary divide the transcripts between the members of the Committee and the secretary for reviewing at the next meeting.

At 4.15 pm the Committee adjourned until the evening of Thursday, 29 April, 1999 in Committee Room 1, Parliament House, Hobart.

#### **THURSDAY, 29 APRIL 1999**

The Committee met at 8.20 pm in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

**Confirmation of Minutes**

The Minutes of the meetings held on Wednesday, 14 April and Thursday, 15 April 1999, having been circulated, were accepted as a true and accurate record and confirmed.

**Correspondence Received**

(a) Letter from Clerk of the Legislative Council approving the payment of an allowance to Mr Ben Marris (45).

**Report Deliberations :**

The Committee discussed documents for further consideration.

At 10.00 pm the Committee adjourned until 1.00 pm on Wednesday, 19 May, 1999 in Committee Room 1, Parliament House, Hobart.

**WEDNESDAY, 19 MAY 1999**

The Committee met at 1.45 pm in Committee Room No. 1, Parliament House, Hobart.

**Members Present :** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

**Confirmation of Minutes :**

The Minutes of the meeting held on Thursday, 29 April 1999, having been circulated, were accepted as a true and accurate record and confirmed.

**Documents Received :**

(a) *Review of the Leave of Absence Programme for Prisoners*, Conducted by the Office of Corrections, Victoria – Honourable B.L. Murray, QC, CBE – August 1988.



- (b) *Report to the Minister for Corrections of the Ministerial Advisory Committee on the Leave of Absence Programme for Prisoners in Victoria*
- (c) Article entitled 'Bars of Gold' from *The Bulletin*, Vol. 117, No. 6173 – May 11, 1999, pp. 52-53.

**Report Deliberations :**

The Committee discussed issues for inclusion in the Report.

**Witness :**

At 2.55 p.m. Mr Damon Thomas, Ombudsman met informally with the Committee. Mr Thomas gave a broad outline of his investigation into complaints received in relation to Risdon Prison.

Mr Thomas tabled a confidential paper on the Victorian Prison System and a list of complaints relating to Corrective Services taken from the Ombudsman's 1998 Annual Report.

At 4.00 pm Mr Thomas withdrew and the Committee suspended.

At 4.10 pm the Committee resumed.

**Report Deliberations :**

The Committee further discussed issues for inclusion in the Report.

At 5.15 pm the Committee adjourned until 10.30 am on Thursday, 20 May, 1999 in Committee Room 1, Parliament House, Hobart.

**THURSDAY, 20 MAY 1999**

The Committee met at 10.50 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

**Report Deliberations :**

The Committee allocated areas for the preparation of draft notes as follows :

Present Facilities – Don Wing

Statistical Information and Comparisons – Sue McLeod  
Purpose of Incarceration – Doug Parkinson  
Suitability and Adequacy of Present Facilities – Don Wing  
Consultation Process (including summary of interstate visit) – Sue McLeod  
Facilities Recommended – Don Wing  
Cost of open and secured prisoners – Doug Parkinson  
Public, Private or Contracting Out? – Don Wing  
Financing Options – Geoff Squibb  
Sentencing Options – definitions – Sue McLeod  
Periodic Detention – Don Wing  
Leave of Absence Program – Don Wing  
Deferment of operation of sentence – Don Wing  
Serving imprisonment during Annual Leave – Don Wing  
Home Detention – Doug Parkinson  
Community Service Orders – Geoff Squibb

At 12.40 pm the Committee suspended.

At 2.50 pm the Committee resumed.

The Committee requested the Research Service to provide updated statistical information.

#### **Document Received**

Report on visit to HM Prison Loddon near Bendigo, Victoria by Hon Geoff Squibb MLC.

At 4.30 pm the Committee adjourned until 2.30 pm on Friday, 21 May, 1999 in Committee Room 1, Parliament House, Hobart.

#### **FRIDAY, 21 MAY 1999**

The Committee met at 3.05 pm in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

#### **Report Deliberations :**

The Chairman outlined his draft paper on periodic detention for the Committee's consideration.

Mr Squibb advised that his paper on the financing issues would be based on the Victorian model.

At 3.42 pm the Committee adjourned *sine die*.

### **WEDNESDAY, 7 JULY 1999**

The Committee met at 3.04 pm in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

#### **Confirmation of Minutes :**

The Minutes of the meetings held on Wednesday, 19 May, Thursday, 20 May and Friday, 21 May 1999, having been circulated, were accepted as a true and accurate record and confirmed.

#### **Report Deliberations :**

The Committee considered the draft report.

At 5.10 pm the Committee adjourned until 10.30 am on Thursday, 8 July, 1999 in Committee Room 1, Parliament House, Hobart.

### **THURSDAY, 8 JULY 1999**

The Committee met at 10.30 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

Suspended : 11.05 am

Resumed : 11.40 am

**Report Deliberations :**

The Committee considered the draft report.

Suspended : 12.48 pm

Resumed : 2.30 pm

The Committee further considered the draft report.

Suspended : 3.50 pm

Resumed : 4.05 pm

The Committee further considered the draft report.

**Resolved,** That the quorum for meetings of the Committee, except for final report deliberations, shall be two.

At 4.45 pm the Committee adjourned until 2.00 pm on Wednesday, 28 July, 10.00 am on Thursday, 29 July and possibly 10 am on Friday, 30 July 1999 in Committee Room 1, Parliament House, Hobart.

**WEDNESDAY, 28 JULY 1999**

The Committee met at 2.33 pm in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman)

**Confirmation of Minutes :**

The Minutes of the meetings held on Wednesday, 7 July and Thursday, 8 July 1999, having been circulated, were accepted as a true and accurate record and confirmed.

**Other Business :**

The Committee discussed the invitation to attend the Ombudsman Conference on Friday, 10 September 1999 between 4.00 – 5.15 pm. The Chairman advised that he was available to attend. Mr Squibb and Mr Parkinson will advise the Secretary at a later date.

The Committee also discussed the invitation to participate in the Corrective Services Workshop 12-13 August.

**Resolved,** That the Committee will attend if the Report has been tabled by that date.

**Report Deliberations :**

The Committee considered the draft report.

At 4.50 pm the Committee adjourned until 10.00 am on Thursday, 29 July, 1999 in Committee Room 1, Parliament House, Hobart.

**THURSDAY, 29 JULY 1999**

The Committee met at 10.15 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Squibb and Mr Wing (Chairman)

**Report Deliberations :**

The Committee considered the draft report.

Mr Parkinson took his place.

Suspended : 11.45 am

Resumed : 2.35 pm

The Committee further considered the draft report.

At 4.50 pm the Committee adjourned until 9.30 am on Friday, 30 July, 1999 in Committee Room 1, Parliament House, Hobart.

**FRIDAY, 30 JULY 1999**

The Committee met at 9.40 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Squibb and Mr Wing (Chairman)

**Report Deliberations :**

The Committee considered the draft report.

At 12.35 pm Mr Parkinson took his place.

The Committee further considered the draft report.

**Next Meeting :**

9.30 am Monday, 9 August 1999

10.15 am Tuesday, 10 August 1999

At 1.03 pm the Committee adjourned until 9.30 am on Monday, 9 August, 1999 in Committee Room 1, Parliament House, Hobart.

**MONDAY, 9 AUGUST 1999**

The Committee met at 9.40 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Squibb and Mr Wing (Chairman). Marina Fuscscu (Research Officer) was also present.

**Confirmation of Minutes :**

The Minutes of the meetings held on Wednesday, 28 July, Thursday, 29 July and Friday, 30 July 1999, having been circulated, were accepted as a true and accurate record and confirmed.

**Documents Received :**

**Resolved,** That the following documents be received :

- Risdon Prison Investigation October 1998-February 1999 by the Office of the Tasmanian Ombudsman
- Email dated 7 July 1999 from Mr Bill Curnow, Thiess Constructions regarding cost comparisons of private prisons

Mr Parkinson took his place.

**Report Deliberations :**

The Committee considered the draft report (as at 6 August 1999).

Suspended 11.50 am

Resumed 12.05 pm

The Committee further considered the draft report.

Suspended 12.45 pm

Resumed 2.20 pm

The Committee further considered the draft report.

**Next Meeting :**

Tuesday, 10 August, 1999 at 10.15 am in Committee Room 1, Parliament House, Hobart.

At 4.20 pm the Committee adjourned to visit the Risdon Maximum Security Prison and the Ron Barwick Medium Security Prison, now being used by Ashley Detention Centre.

**TUESDAY, 10 AUGUST 1999**

The Committee met at 10.20 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman). Marina Furescu (Research Officer) was also present.

**Documents Received :**

**Resolved,** That the following documents be received :

Plans of –

- Risdon Maximum Security Prison
- Ron Barwick Medium Security Prison
- Women's Prison
- Risdon Prison Hospital

**Report Deliberations :**

The Committee considered the draft report (as at 6 August 1999).

Suspended 11.45 am  
Resumed 1.25 pm

The Committee further considered the draft report.

Suspended 3.10 pm  
Resumed 3.40 pm

The Committee further considered the draft report.

At 5.28 pm the Committee adjourned until 10.00 am on Monday, 16 August 1999.

**MONDAY, 16 AUGUST 1999**

The Committee met at 10.35 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

**Report Deliberations :**

The Committee further considered the draft report (as at 6 August 1999).

Suspended 12.17 pm  
Resumed 2.20 pm

The Committee further considered the draft report.

Suspended 3.58 pm  
Resumed 4.08 pm

The Committee further considered the draft report.

**Confirmation of Minutes :**



The Minutes of the meetings held on Monday, 9 August and Tuesday, 10 August 1999, having been circulated, were accepted as a true and accurate record and confirmed.

At 5.00 pm the Committee adjourned until 10.15 am on Tuesday, 17 August 1999.

### **TUESDAY, 17 AUGUST 1999**

The Committee met at 10.25 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

#### **Report Deliberations :**

The Committee further considered the draft report (as at 6 August 1999).

Suspended 12.44 am  
Resumed 2.33 pm

The Committee further considered the draft report.

At 4.50 pm the Committee adjourned until 10.00 am on Thursday, 19 August 1999.

### **THURSDAY, 19 AUGUST 1999**

The Committee met at 10.30 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present:** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

#### **Report Deliberations :**

The Committee considered the draft report (as at 18 August 1999).

#### **Confirmation of Minutes :**

The Minutes of the meetings held on Monday, 16 August and Tuesday, 17 August 1999, having been circulated, were accepted as a true and accurate record and confirmed.

Suspended 11.52 am  
Resumed 2.35 pm

The Committee further considered the draft report.

At 5.30 pm the Committee adjourned until 10.30 am on Friday, 20 August 1999.

### **FRIDAY, 20 AUGUST 1999**

The Committee met at 10.35 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present :** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

#### **Confirmation of Minutes :**

The Minutes of the meeting held on Thursday, 19 August 1999, having been circulated, were accepted as a true and accurate record and confirmed.

#### **Report Deliberations :**

The Committee considered the draft report (as at 18 August 1999).

Suspended 12.05 am  
Resumed 12.15 pm

The Committee further considered the draft report.

Suspended 1.07 pm  
Resumed 2.50 pm

The Committee further considered the draft report. The Committee agreed that Mr Parkinson, the Chairman and Secretary should discuss any proposed amendments to the report prior to the next meeting.

At 5.45 pm the Committee adjourned until 2.00 pm on Wednesday, 1 September 1999.

**WEDNESDAY, 1 SEPTEMBER 1999**

The Committee met at 10.10 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present :** Mr Squibb and Mr Wing (Chairman).

**Apologies :** Mr Parkinson

**Confirmation of Minutes :**

The Minutes of the meeting held on Friday, 20 August 1999, having been circulated, were accepted as a true and accurate record and confirmed.

**Business :**

Mr Trevor Sutton met with the Committee to discuss the details to be included in a media release for Friday, 3 September.

Suspended 11.30 am  
Resumed 2.15 pm

Mr Parkinson took his place.

**Report Deliberations :**

The Committee considered the final draft report.

Mr Parkinson withdrew.

The Committee further considered the draft report.

Suspended 1.07 pm  
Resumed 2.50 pm

The Committee further considered the draft report.

Mr Parkinson took his place.

At 5.45 pm the Committee adjourned until 9.30 am on Thursday, 2 September 1999.

#### **THURSDAY, 2 SEPTEMBER 1999**

The Committee met at 9.30 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present :** Mr Parkinson, Mr Squibb and Mr Wing (Chairman).

#### **Report Deliberations :**

The Committee considered the final draft report.

**Resolved,** That the Report be presented to the Deputy President at 11.30 am on Friday, 3 September 1999 and that a press conference be held at 12.00 noon.

Suspended 10.40 am  
Resumed 10.52 am

The Committee further considered the draft report.

Suspended 1.10 pm  
Resumed 3.20 pm

The Committee further considered the draft report.

Suspended 5.50 pm  
Resumed 8.10 pm

The Committee further considered the draft report.

At 3.00 am the Committee adjourned until 10.00 am on Friday, 3 September 1999.

#### **FRIDAY, 3 SEPTEMBER 1999**

The Committee met at 10.00 am in Committee Room No. 1, Parliament House, Hobart.

**Members Present :** Mr Parkinson, Mr Squibb and Mr Wing  
(Chairman).

**Report Deliberations :**

The Committee agreed to the Final Report, page by page.

**Confirmation of Minutes :**

The Minutes of the meetings held on Wednesday, 1 September, Thursday, 2 September and today, Friday, 3 September 1999 were accepted as a true and accurate record and confirmed.

At 11.40 am the Committee adjourned.