



LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

COMMITTEE VISIT TO WESTERN AUSTRALIA, THE NORTHERN TERRITORY AND SOUTH AUSTRALIA

Third interim report in the prison series

**Report No. 11 of the
Standing Committee on Justice
and Community Safety**

December 2000

Resolution of Appointment

That—

The following general purpose standing committees be established to inquire into and report on matters referred by the Assembly or, matters that are considered by the committee to be of concern to the community...

...a Standing Committee on Justice and Community Safety to examine matters related to administration of justice, legal policy and services, registrar and regulatory services, electoral services, consumer affairs, corrective, emergency and police services and fair trading and any other related matter .

Legislative Assembly for the ACT, Minutes of Proceedings, No.2, 28 April 1998, p 15 as amended in Minutes of Proceedings, No.70, 25 November 1999, p 622.

Terms of Reference

The Standing Committee on Justice and Community Safety has resolved to inquire into and report on the establishment of a prison in the ACT with particular reference to:

- (1) the justification for the prison;
- (2) the process used by the ACT Government to establish the prison including the use of consultants;
- (3) the philosophical approach of the prison and whether it should be publicly run or privately run;
- (4) community involvement in the development, design and siting of the prison;
- (5) Australian and international best practice models for prisoner rehabilitation and avoidance of deaths in custody;
- (6) cost effectiveness issues in the establishment and running of the prison;
- (7) any other related matter.

Committee Membership

Mr Paul Osborne MLA (Chair)

Mr John Hargreaves MLA (Deputy Chair)

Mr Harold Hird MLA

Mr Trevor Kaine MLA

Secretary: Ms Fiona Clapin

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List of Recommendations

Recommendation 1

The committee recommends that the ACT Government note the consistent message from all recognised experts in the jurisdictions visited by the delegation is that, in the absence of any alternative competitive model proposed by the soon-to-be commenced prison consultancy, the ACT is advised to establish a prison in public ownership.

Recommendation 2

The committee recommends that the Government demonstrate a greater commitment to cross-portfolio strategic planning when planning the prison project. It should ensure that adequate attention and resources are devoted to community-based alternative sentencing options and throughcare including post-release services.

Recommendation 3

The committee recommends that the Government:

- (i) continues to promote active community participation in the design of the prison; and**
- (ii) initiates community education about the causes of crime and the cost-effectiveness of different sentencing options and rehabilitation strategies.**

Recommendation 4

The committee recommends that the Government:

- (i) demonstrate how it proposes to increase the numbers of offenders engaged in community-based sentencing options instead of prison;**
- (ii) consult with ACT magistrates and judges about any perceived deficiencies of the available programs and their suggestions for new options; and**
- (iii) develop and release firm proposals for home detention programs for community discussion.**

Recommendation 5

The committee recommends that the Government:

- (i) develop a strategy to ensure ACT Corrective Services attracts and keeps top-quality staff and management (both policy and operational); and**
- (ii) provide that the use of paramilitary uniforms will not be a feature of the ACT prison.**

Recommendation 6

The committee recommends that:

- (i) the Government initiate a community debate on sentencing options for ACT female offenders canvassing a range of innovative models; and**
- (ii) the women's prison facility should be located in close proximity to the men's facility, but not within the men's facility, and should have a separate manager.**

1. INTRODUCTION

Purpose of this report

The committee travelled to WA, SA and the NT between the 20 August and 26 August 2000 as part of its inquiry into the establishment of an ACT prison.

This report aims to inform the Assembly of the beneficial outcomes of the trip.

Reason for travel

While the ACT is in the early stages of establishing its first prison facility, other Australian jurisdictions have considerable experience in designing and managing prisons, both 'public' and private'.

The purpose of the travel was to learn from these more experienced jurisdictions, in particular, to inform members about financing arrangements and models for female prisoners.

These jurisdictions were chosen because they demonstrate three different models; while SA has one established privately-managed, publicly-owned prison with all other prisons publicly managed, WA will soon open its first privately managed prison and the NT has no private prisons.

We visited correctional facilities and held detailed discussions with correctional experts.

In response to a pre-travel request from the committee, officials in all three jurisdictions shaped their presentations around the following issues:

- tender design and management;
- prison financing;
- comparative costs of public and private components;
- strategic/planning and accountability;
- models for managing and accommodating female prisoners; and
- models for managing drug-related issues.

We were fortunate to have the opportunity to meet most of the senior correctional officials in WA, the NT and SA. Committee members found the discussions with officials most valuable and we thank them for their

contributions. The visit was so successful the committee intends to organise similar discussions with officials in NSW and Victoria in the near future.

Previous and future reports

To date, the committee has produced two interim reports for this inquiry: one on the siting of the prison (July 1999); and the other on general philosophical and strategic issues (October 1999). The Government responded to these reports in May 2000.

The committee plans to release at least one further interim report before the end of this Assembly covering:

- what is learnt from discussions with officials from NSW and Victoria;
- the committee's views on public/private financing, ownership and management; strategic planning, accountability and coordination (including continuity of care); and alternative models for female prisoners¹;
- an evaluation of the Government's financial justifications for major prison-related decisions; and
- an evaluation of the Community Prison Panel's work and the Government's response to the Panel's work.

The committee will continue to monitor the Government's use of consultants and the Government's progress in implementing our recommendations.

¹ While this report addresses some of these issues, the committee expects to provide more detailed analysis and recommendations in its next report.

2. WESTERN AUSTRALIA

Itinerary

Meetings were held with public officials throughout the day of Monday 21 August 2000. Matters dealt with included:

- Prison services initiatives
- Overview of the assessment process and integrated prison regime
- Case management of prisoners
- Programs for female drug addicted prisoners
- Women's prison facilities in WA
- Lessons learnt in designing and managing the tender process for the Acacia private prison
- The accountability and monitoring framework for WA prisons, including the Acacia private prison
- The costs and benefits of public and privately managed and owned prisons (both social and financial)
- Alternative sentencing including home detention

The committee also met with Professor Richard Harding, WA Inspector of Custodial Services and Mr Alan Piper, the Director General of WA Prisons.

Background

WA has six metropolitan prisons and six regional prisons with the one private prison, Acacia due to open in 2001. Acacia is publicly funded and publicly owned. CCA, a private operator has a five-year management contract with renewal options of three to five years. WA has over 3100 prisoners with a 31% recidivism rate. There are over 1300 prison officers in WA.

WA has established a new Office of Inspector of Custodial Services with Professor Richard Harding appointed Chief Inspector. This office has jurisdiction over all prisons, transportation, juvenile detention and police lockups. It can carry out announced and unannounced inspections, thematic inspections such as inquiries and reports directly to parliament.

WA is implementing a new case management system. Officials expect that its success will depend on the quality of the relationship and communication between the case officer and the offender.

In WA, substance abuse is the major problem facing those managing female prisoners, with cannabis use particularly high. WA has a policy of not using methadone as they believe it is replacing one drug with another. There are exceptions to this policy, such as pregnancy. Drug addictions are managed with detoxification aided by prescribed drugs. WA is currently conducting a pilot program using Naltrexone.

Issues discussed in relation to the management of female prisoners include:

- overcrowding;
- escalating population of females;
- standard of accommodation;
- equity with male counterparts; and
- limitations in accessing employment, education and programs.

WA officials informed us that females need to be managed differently to men. Post-release support programs are critical. They suggested women should live in groups of about six to eight and that in designing accommodation for women, it is not necessary to strictly apply security classifications.

Members were interested to learn that the private prison at Acacia, was publicly financed and owned because WA Treasury advised that the WA Government could borrow funds more cheaply than a private company. The committee was especially interested in the WA decision as the ACT Government will shortly be making a decision on whether the ACT prison will be publicly or privately financed and owned.

Significantly, the contract between the Government and the private operator is a public document and can be accessed on the WA Government Internet site. This contrasts with SA, where the contract for the Mount Gambier Prison is not publicly available.

We were told Scandinavian countries have greater community involvement in prisons than Australia and the US. Danish prisons divide prisoners into smaller, more manageable groups with adequate resources.

Officials also advised that changing prison culture depends on selection of the right people as prison officers. This message was reiterated in discussions with officials in other jurisdictions.

We were also told that evaluation should be a core function of the business of running a prison.

Professor Harding emphasised that legislation is needed in addition to Executive authority to administer prisons. Professor Harding was also

emphatic that the ACT Government should own the prison but could consider a range of management options, including public and private management.

Conclusions

After visiting WA, the committee firmed in its view that the ACT prison facility should be **publicly owned** because public ownership gives the Government more control if it needs to take over from a private operator. This view was cemented after discussions in SA.

Similarly, the committee believes there are strong arguments in favour of **public financing** rather than private financing of the ACT prison facility. This view is strengthened by the WA Government's support for public financing instead of private financing, on the basis of cost-effectiveness. The committee also believes that public financing enables better parliamentary scrutiny than private financing.

3. THE NORTHERN TERRITORY

Itinerary

Visit to Darwin Correctional Centre

Meeting with NT Correctional Services Managers to discuss:

- their accountability and monitoring framework;
- alternative sentencing options;
- prison classifications;
- how NT measures the quality and rehabilitation outcomes;
- case management model; and
- work release program.

Visit to Alice Springs Correctional Centre

Background

The Northern Territory has two prisons, both publicly financed and managed.

The ***Alice Springs Correctional Centre***, situated 25 kilometres out of Alice Springs, has been operational since August 1996. It is the Territory's principal maximum security facility and houses prisoners of all security ratings (both male and female). Up to 316 prisoners can be accommodated inside the main centre complex and a further 84 in the Low/Open Security Cottages outside the main complex. The Cottages operate with minimum officer supervision on a self-help type system, whereby inmates housed in this unit are responsible for their own cooking and cleaning.

The annual budget for the Centre in 1998/99 was \$12.6m. The centre has an approved staffing level of 150 custodial officers, which results in a prisoner to staff ration of 2.67:1 at full capacity. Prisoners participating in the Community Support Program (which involves reparation to the community) contributed 37,825 hours of work to the Alice Springs community, equivalent to a \$560,000 saving to the community.

The medical services at the centre are contracted out to a private operator.

The cost per prisoner per day in 1998/99 was \$145.26.

The ***Darwin Correctional Centre***, situated 17 kilometres out of Darwin holds male, female and juvenile prisoners of all security ratings and classifications

and has an accommodation capacity of 360. Total expenditure at the Centre in 1998/99 was \$14.9m. The Centre has an approved staffing level of 170 custodial officers, resulting in a prisoner to staff ratio of 2.12:1 when the Centre is at full capacity. In 1998/99 prisoners contributed 63,987 hours of work through the Community Support Program, providing a saving of \$950,000 to the community. The cost per prisoner per day in 1998/99 was \$145.58.

Over the past few years the Northern Territory has experienced an increase in the average number of prisoners in custody. Indigenous people are over-represented in custody with 77% of adult prisoners in the Territory being indigenous.

The accountability and monitoring framework includes:

- Strategic Plan (vision, mission, key outcome areas and performance indicators with operational areas reporting against agreed targets);
- Commissioner's Directives (Policy Statements that form basis for Operational Procedures);
- Audit and Investigation (external audits, Ombudsman's investigations, internal investigations, individual complaints);
- Correctional Services Training Package (maps competencies against national standards); and
- Program evaluation against stated goals (including evaluation of Commonwealth-funded programs).

Offender rehabilitation programs include:

- Ending Offending (cost \$50,000- involves 150 indigenous prisoners having opportunity to gain nationally accredited education and training while exploring issues of offending, culture, substance abuse etc);
- Alcohol and Other Drugs Unit (cost \$250,000-employs two psychologists and two program facilitators);
- Prisoner Education and Vocational Training (cost \$770,000- includes training in art, music industry, information technology, literacy, numeracy, horticulture, mechanics and woodwork as well as tertiary education);
- Domestic and Indigenous Family Violence Program (cost \$70,000);
- Indigenous Sex Offender Program (cost \$50,000-delivered by indigenous staff); and

- Young Offender Project (cost \$230,000-employs two intensive support workers to assist 13-20 year olds reintegrate upon release).

The prison inspections exemplified two contrasting models for housing female prisoners. While the female prisoners at the Alice Springs Correctional Centre were housed in a small unit within the main prison grounds, female prisoners at the Darwin Correctional Centre were housed in a unit located outside the main prison. The Darwin model was preferred by the committee because it provided for greater separation of males and females.

Commissioner Moore pointed out that while part of the appeal of privatising prisons lies in the perception that politicians can distance themselves from responsibility for negative outcomes associated with prisons, this is a misconception. The public will always look to the Government and Minister for accountability. For example, when there are deaths in custody or escapes, the media will want to interview the responsible minister, not the CEO of the private operator. In the Commissioner's view, privately managed prisons can present difficulties for the Government as the Government has less control over their operations while being fully accountable for their operations.

Conclusions

The committee found the visits to the two Northern Territory correctional centres useful as they cater to a cross-section of prisoners including remand and sentenced prisoners, male and female and the range of prisoner classifications. The proposed ACT facility will probably need to accommodate a similarly diverse prison population and a similar number of prisoners. The opportunity to inspect the facilities gave the committee an idea of the size and scale of the proposed ACT facility.

It was also interesting to observe prison operations in a jurisdiction which has chosen not to privatise the financing, ownership or management of their prisons. Committee members questioned officials closely on the reasons for this approach and learnt that the Northern Territory does not accept that private prisons are necessarily more cost effective. If the Northern Territory, with a smaller population, more complex prison population and greater geographical challenges manages to run a public prison system, presumably it is not beyond the capability of the ACT Government to manage a public prison.

4. SOUTH AUSTRALIA

Itinerary

Introduction – John Paget Chief Executive

Prison and Prisoner Movement Outsourcing

Community Service/Home Detention

Community Corrections

Case Management and Rehabilitation

Meeting with Minister, the Hon. Robert Brokenshire MP

Tour the Adelaide Pre Release Centre and the Adelaide Women's Prison

Background

SA has one privately managed (publicly owned) prison at Mount Gambier, run by Group 4. All other prisons in South Australia are publicly owned, financed and managed.

In SA 57% of people on remand do not get a custodial outcome.

Community attitudes

Officials highlighted the influence of media and community attitudes in shaping correctional policies and practices.

The SA CEO stressed that increased spending on law and justice does not necessarily result in decreased crime.

While the ACT is probably less vulnerable to media manipulation due to a more highly educated population and more sophisticated media contributions, we need to recognise that community attitudes are critical. The committee considers that the ACT Government may need to take greater initiative in influencing media debate on sentencing and correctional issues.

The SA CEO told us he was particularly proud of the networking with Aboriginal stakeholder groups and that community networking is absolutely fundamental. Government should be open and transparent, and should seek to embrace the community and get them on board. The CEO and general managers need to set the tenor for embracing the community. It was important to be talking with community leaders, church leaders, academics

and clubs such as Rotary as a means of enlisting community support and destroying myths.

Public/private

When discussing the cost-effectiveness of private prisons, officials pointed out that private prisons may be more cost-effective in the US than Australia because the US has a different economy and a different labour market together with a higher incarceration rate.

The SA CEO pointed out that good management is the key to quality of outcomes and it is possible to achieve good management in both the public and private systems. He acknowledged that private prisons enjoy more flexibility on how they hire and fire. He also made the important point that the key question is –why are you chasing privatisation?-what is the objective? In South Australia, the reason for chasing privatisation in Mount Gambier was for innovation while in Victoria it was to challenge the power of the unions.

SA officials noted that one of the objectives of having Mount Gambier privately managed was to increase competition. The presence of Mount Gambier has led to a dampening effect on costs across the system. They believe that the threat of privatisation is more powerful as an implicit threat rather than an explicit threat.

SA officials also echoed the views of NT officials that the principle of separating remand from sentenced prisoners does not have to apply in all cases.

The SA CEO noted that women prisoners will be marginalised in any system because they represent such a small proportion of the total prisoner population and are disadvantaged by the lack of opportunity for economies of scale.

The SA officials also were of the opinion that ‘transfer of risk’ to the private sector is a dangerous concept.

While some of the financial risk may be transferred, risk associated with management and operations is not transferable. As we were told in the NT, SA officials said when escapes and deaths occur, the media look to the Minister for an explanation, not the prison operator.

According to SA officials, the major financial benefits of the private system are linked with the ownership of the building. This is because of the tax benefits private operators can achieve, which do not apply to the public sector. The SA Government, by deciding to maintain public ownership of the Mount Gambier

facility, has demonstrated it is prepared to carry the financial risk associated with ownership.

Do we want a strategic partnership or a contract with the private sector? How do we give the private sector the leeway to be innovative but not prescriptive? These were suggested as key questions for the ACT to resolve. It was noted that Victoria had tried to be too prescriptive with their private operators and this made it hard to be innovative. SA has more of a strategic alliance while Victoria is more adversarial. From the SA perspective, Victoria also has different health providers which makes throughcare and case-management difficult.

The contract between the SA Government and Mount Gambier/Group 4 has not been publicly released (unlike WA). The South Australian Government has not applied any penalties to the Mount Gambier prison, in contrast to the recent takeover of a Victorian private prison by the Victorian Government. The contract for the Mount Gambier prison only includes penalties for escapes. Officials advised that the Mount Gambier prison is subject to more scrutiny and accountability than public prisons, through on-site monitors.

Prison staff and culture

Officials suggested it is very important to get prison officers out of paramilitary uniforms to create the right culture in prisons. The biggest challenge they face is developing supervisors and achieving quality at that first level of supervision. Some of the unit managers have not been well chosen in the past. We were told first level supervisors need to deal with things quickly and appropriately so things don't blow up. It was noted the Queensland CEO recruits unit managers directly.

One official claimed there is no other industry that needs to have such a high level of strategic planning and day to day operational issues. Skills needed include modern management methods, information technology skills, interface with the justice system, project management skills, strategic planning skills and decision-making, methodology and planning tools.

We were also told that the CEO needs to be a cool head at the top, with a top-down vision the key to creating a shared vision of what the system could be.

Chaplains are an important unsung group. According to SA officials, they influence the general climate in the prison, do work people aren't aware of and have leverage in the community. In SA, they run programs such as Preparation for Marriage and influence both the prisoners and the prison officers.

Community corrections and home detention

We were told that the future for SA is in community corrections, not prisons. Officials said SA will never have the capital that NSW and Queensland have. Technology has the option for redefining how SA can deal with loss of liberty, for example, through home detention.

SA officials told us that many European jurisdictions have greater political and public confidence in community corrections. Philosophically, the more the community takes part in the responsibility for criminal behaviour, the better chance of rehabilitation through the community.

In SA, they have 241 staff working in community corrections. The total number of community orders has declined in recent years. They have experienced an increase in probation orders, an enormous increase in home detention and a fall in fine expiation (due to 1999 legislation prohibiting conversion of fines to community service).

The number of community service hours worked per month in SA is in the order of 16,000-17,000.

SA officials emphasised that community corrections promotes restorative justice and that when the community sees criminals giving something back it is a powerful signal. An example of this is seeing prisoners picking up syringes in public places.

SA is exploring the possibility of prisoners performing community service in their own home.

In 1995, SA moved to total cost recovery for community service: they have Memoranda of Understanding with the departments of Education and Environment, local government, school parks and national parks. A few years ago community service lacked the confidence of the courts but once they started asking for payment they got better jobs. If the work is not satisfactory it must be done again. They have local committees (comprising local magistrates, union and local community representatives) which approve the work programs. The feedback they have received is the standard of work is very high.

South Australia's ***home detention*** scheme has operated since 1986. It has strict eligibility requirements. For example, they must have a home and a phone and be engaged in full time employment or education. It involves different stages of monitoring. They can urine test people at home any time of the day or night and people are sent straight back to prison for breaches. South Australia has about 140 people in home detention at any given time and they are looking at expanding it to about 200-300 people early next year. There is growth in number of people doing bail 'front end' home detention.

Their home detention scheme includes 9 dedicated supervisors with good community links. The rapport that builds up with supervisors is important. Intensive supervision is not cheap; each supervisor has a caseload of about 15-20. Working in home detention can be a career path for prison officers.

Home detention is not seen as an easy option by participants. It is particularly hard for Aboriginal people who are also disadvantaged in gaining access to the scheme because of a lack of stable homes and telephones.

While home detention is cheaper than accommodating maximum security prisoners (at \$60,000 pa) cost comparisons need to take account of different categories of prisoners and marginal cost savings.

Compared to NSW, the SA scheme covers more non-urban areas. NSW is better resourced and stricter (with more regular urinalysis) but SA is based on better planning aimed at reducing offender impulsivity.

Case management

The committee was told that:

- effective case management impacts on security as well as rehabilitation;
- it is difficult for prison officers to be jailer and case manager at the same time;
- it is easier to deliver short term case management projects but longer term projects are more effective;
- the initial case management plan is discussed with prisoners who know it will go to their next institution;
- case officers do not need a 4 year degree but common sense;
- electronic case files are safer than paper, have a stronger auditing capability and make it easier to process FOI requests;
- case files include general and classified information; and
- a future issue will be demands from victims for information on their attacker (eg location, what courses they are doing).

Adelaide Women's Prison and Pre Release Centre

The ***Adelaide Women's Prison*** has a capacity of 77 and caters for remand and all security ratings as well as pre-release. They are trying to offer everything to women but it is difficult with an old building and without the economies of scale. Their unit cost per prisoner is the highest in the state. The department's 6 core training programs were designed for men and not based on any research into women. The Prison Manager identified the need for female-specific components in the anger management and drug and alcohol courses and female delivery of some courses. The work in the prison is based on traditional sewing and textiles work. The prison accommodates children but is not properly funded for safe children's equipment.

The ***Adelaide Pre Release Centre*** for male prisoners involves re-socialisation with a staged release, starting with accompanied family release, perhaps uni or a course for 4 hours per week and then building up to unaccompanied release for longer periods of time. Prisoners are expected to concentrate on putting into practice what they have learnt while in prison; they may do refresher courses in some areas. There is a National Parks work release program to help encourage a normalised work ethic. They have opportunities to get their drivers' licence, organise housing, clothes and life skills such as budgeting and shopping. The committee concluded that the activities of this Centre might well be taken as a model for the ACT.

5. GENERAL CONCLUSIONS

Discussions with officials reaffirmed the views outlined in the committee's previous report, *The Proposed ACT Prison Facility: Philosophy and Principles*. In particular, the committee reaffirms its commitment to the importance of:

- community education and community participation;
- cross-portfolio strategic planning which facilitates coordination between health, corrections and justice agencies and policies;
- correctional policies which emphasise prisoner rehabilitation, casework and throughcare;
- the provision of adequately-resourced post-release programs;
- high-quality correctional management and staff (both policy and operational); and
- the availability and funding of community-based alternative sentencing options (including home detention and drug rehabilitation programs).

1. Public/private ownership, financing and management

The committee calls on the Government to base decisions on prison ownership, financing and management on hard evidence. These decisions should not be driven by preconceived but unproven ideas.

Ownership

The committee was presented with propositions that private companies support private ownership because this is the part of the project which gives them the greatest profit due to tax benefits.

ACT officials should guard against being 'captured' by the arguments of private operators against public ownership driven by private interests rather than the public interest.

The committee believes that arguments favouring **public ownership** are persuasive and that the public interest will be better served by public ownership. Both WA and SA have been convinced by arguments linking public ownership of prison facilities with greater Government control. The recent Victorian Government takeover of the privately-owned and managed Deer Park Women's Prison has provided further evidence of the need for the ACT Government to maintain control over prison buildings.

Financing

The committee, after questioning the cost-effectiveness of **private financing** with the Government on numerous occasions, has been advised that the Government will undertake a financial assessment before making a decision on financing. However, because the Government has repeatedly stated its preference for private financing and has not included any funding allocation for the construction of the facility in the forward estimates, the committee is not optimistic that the Government will ultimately support public financing. The committee is aware that one of the attractions for Government in choosing private financing is that these debts do not have to be recorded in the financial statements in the same way government borrowings do and so are less vulnerable to parliamentary scrutiny through estimates committees. Private financing (usually through BOOT schemes) also gives the illusion that the Government has less debt than it really has.

The committee remains sceptical of the validity of arguments suggesting private financing and ownership are justified because financial risk is transferred to the private sector.

On the question of financing, the committee has tentatively come down in favour of **public financing** on the grounds of cost-effectiveness and for reasons of transparency and accountability. However, the committee is still open to persuasion by consideration of evidence the Government may wish to provide which demonstrates that private financing will be more cost-effective and transparent. To date, no such evidence has been provided.

Management

The committee, at this stage, is not committed to either public or private management. We do have some concern that while all other Australian jurisdictions with privately-managed prisons also have publicly-managed prisons, the ACT, if choosing a privately-managed prison, will have the highest proportion of prisoners in the private system, with 100% of prisoners managed privately. We have learnt, particularly from SA, that one of the key benefits of private management is its subtle impact on the performance of publicly-managed prisons. It is the competition between the two models within the one jurisdiction which contributes to the cost efficiencies. Because the ACT will only have one facility it is unlikely that the ACT will benefit to the same extent as other jurisdictions from competition. Nevertheless the committee is open-minded at this stage about which is the best model for the ACT.

It is noted that the Government has indicated to the committee that the Corrective Services bureaucracy does not have the expertise to manage a prison in the ACT. This was advised to the committee three years ago. The committee believes that the Government has had three years to address this issue, yet has failed to do so.

Recommendation 1

The committee recommends that the ACT Government note the consistent message from all recognised experts in the jurisdictions visited by the delegation is that, in the absence of any alternative competitive model proposed by the soon-to-be commenced prison consultancy, the ACT is advised to establish a prison in public ownership.

2. Cross-portfolio strategic planning and coordination

Both WA and SA officials highlighted the importance of having clear objectives when planning a prison.

The committee reiterates its strong support for cross-portfolio strategic planning and most importantly the development of a framework which facilitates the coordination of health, corrections and justice systems and policies. While such a high proportion of ACT prisoners have mental health issues and drug addictions and are in prison for drug-related crime, it is imperative that health, justice and corrections staff and agencies work together cooperatively. Systems must be in place to minimise competition (for funding, resources and power) and maximise cooperation between the Department of Justice and Community Safety and the Department of Health, Housing and Community Care.

The Government must consult closely with ACT magistrates and judges on the adequacy of current sentencing options and take seriously their suggestions for new sentencing options, particularly diversionary programs.² There is a danger that the focus on the creation of a prison will lead to neglect (in planning and funding) of alternative community-based sentencing options. The Director of Public Prosecutions³ has recently drawn attention to the lack

² For example Special Children's Magistrate Shane Madden recently identified the lack of a permanent residential drug and alcohol detoxification centre for those under 18 as a critical area of deficiency. (The Canberra Times, 29/11/00), p3.

³ Director of Public Prosecutions, Annual Report 1999/00,p3 The DPP said 'There is still a significant shortage of rehabilitative options for mandatory and voluntary drug abusers and this hampers the effectiveness of the increasingly creative approaches that courts and correctional agencies are taking to these issues. This is especially so where mental health issues are involved.'

of alternative sentencing options available to the judiciary and the Government is urged to redress this problem.

The strategic framework should be based on the principle that prison is a last resort, designed mainly for those sentenced for violent crimes, or for those whom there is no other suitable approach.

Strategic planning should also include attention to the content of enabling legislation and the development of legislation to ensure proper accountability and scrutiny of prison policies, staff, decisions and conditions.

Throughcare, an integral part of good practice in corrections, will only be facilitated through proper strategic planning.

The funding and planning of post-release programs will be vital to the success of the prison project and a commitment to strategic planning will assist this.

Clearly strategic planning is necessary to guard against net widening. The legislative framework (including bail policies) and the availability of alternative sentencing options will influence the numbers of people contained in the facility.

The committee remains to be convinced that the Government is committed to developing a coordinated strategic planning framework. We urge the Government not to abrogate responsibility for this important function.

Recommendation 2

The committee recommends that the Government demonstrate a greater commitment to cross-portfolio strategic planning when planning the prison project. It should ensure that adequate attention and resources are devoted to community-based alternative sentencing options and throughcare including post-release services.

3. Community education and participation

The committee's last report urged the Government to ensure the community had opportunities to be involved in the design and operation of the prison facility. The Government has acknowledged the importance of this by convening a Prison Community Panel, with wide community representation. The Panel is due to report shortly on design issues and the committee looks forward to reading the report and meeting with Panel representatives to discuss their ideas.

Discussions with officials in WA, SA and the NT reaffirmed the committee's strong support for community involvement in all stages of the prison project. These discussions also highlighted the importance of Government leading the

community debate about law and order, sentencing and corrections policies so that the public is aware of the evidence and not swayed by emotional arguments.

The Government needs to influence the debate on law and order away from the simplistic dichotomy of 'soft on crime' versus 'hard on crime'.

The Government needs to promote the message that 'out of sight out of mind', 'lock them up throw away the key' policies are not in the long term interests of the community. While these policies may give short-term emotional satisfaction to people angry about certain crimes, it is not in the community's long term interest to see prisoners come out of prison still disturbed, angry and unskilled.

The general community also ought to be aware that a very high proportion of prisoners come from abused childhoods (for example a recent Queensland survey showed that 80% of female prisoners had experienced childhood sexual abuse).⁴ This does not mean these offenders are not responsible for their crimes. It does mean that society must understand the effect that such abuse has on victims during their lifetimes. The general community, through the Government, must ensure that prisoners have every opportunity to be rehabilitated and become useful, contributing members of the community.

Based on the experiences of SA and the NT, the ACT community may also be favourably influenced by restorative justice programs where they can see offenders contributing to the community.

The committee also sees value in consulting with prisoners, their families and victims of crime in the design of the prison and other corrections programs. Some current prisoners and ex-prisoners will have good ideas about what works and what doesn't work in assisting their rehabilitation. It would be remiss of the Government to miss this opportunity to obtain input from key stakeholders.

Recommendation 3

The committee recommends that the Government:

- (i) continues to promote active community participation in the design of the prison; and**

⁴ Queensland Department of Corrective Services, *Profile of Female Offenders Under Community and Custodial Supervision in Queensland*, p26.

- (ii) initiates community education about the causes of crime, and the cost-effectiveness of different sentencing options and rehabilitation strategies.**

4. Community corrections and alternative sentencing

The CEO, South Australian Corrections, gave the committee food for thought with his comment that community corrections are the way of the future. The committee is aware of the potential for community corrections programs (such as intensive supervision, work programs and home detention) to achieve positive rehabilitation outcomes. These programs are also more cost-effective than imprisonment. We note that while the Government has previously indicated its support for home detention programs, it has not released any concrete proposals for community discussion.

It is a matter of concern that the number of offenders engaged in community corrections has been falling in the ACT in recent years. The committee encourages the Government to take action to reverse this trend. The establishment of the prison could easily lead to net widening, with an increase in the number of offenders sentenced to prison and a decrease in those sentenced to community-based programs. The Government must address this with appropriate planning, coordination of services and budget allocations.

Recommendation 4

The committee recommends that the Government:

- (i) demonstrate how it proposes to increase the numbers of offenders engaged in community-based sentencing options instead of prison;**
- (ii) consult with ACT magistrates and judges about any perceived deficiencies of the available programs and their suggestions for new options; and**
- (iii) develop and release firm proposals for home detention programs for community discussion.**

5. Staffing and management

We received the consistent message, from all jurisdictions visited, that high quality staffing and management are vital to a prison's success. Our ACT prison must have a visionary corrections CEO driving the process and the prison manager and management team must be able to deliver the outcomes set down by Government through the creation of the right culture.

We also took note of the difficulties of recruiting the right staff for front-line management in the prison. The Government should be considering this challenge now and not just hoping a private manager will take care of this.

We envisage that a best-practice prison in the ACT would have staff capable of implementing high-quality case management.

The committee agrees with the CEO of SA corrections that we should avoid the use of paramilitary uniforms. Paramilitary uniforms are not conducive to the creation of a healthy, cooperative atmosphere in a prison. These uniforms represent the old style of prison management and do not assist prisoners and staff to develop positive relationships with each other. Paramilitary uniforms are not needed to maintain security in a prison and not needed to maintain high standards of occupational health and safety for prison staff.

Recommendation 5

The committee recommends that the Government:

- (i) develop a strategy to ensure ACT Corrective Services attracts and keeps top-quality staff and management (both policy and operational); and**
- (ii) provide that the use of paramilitary uniforms will not be a feature of the ACT prison.**

6. Female offenders

A major challenge is presented in the design of appropriate facilities, programs and policies for female offenders. This is a challenge for all jurisdictions as women usually comprise only 5-10% of the prison population. It is even more of a challenge in the ACT as we only have between 3 and 20 female offenders in prison or remand at any one time. These women have committed a range of offences and will have a range of security classifications and a range of program needs.

Officials in all jurisdictions acknowledged that women are always marginalised in prison because they make up such a small proportion of the prison population. Facilities and programs are generally designed for the majority

(men) to the detriment of women. The committee observed evidence of this when viewing substandard accommodation for female prisoners in some of the prisons.

The committee believes there is a need for the Government to open up a community debate on sentencing options for ACT women offenders. We need to be imaginative when designing corrections facilities and programs to accommodate and rehabilitate the small but diverse female prisoner population. At this stage, alternative options such as bail hostels, community-based housing and diversionary programs should be explored seriously. Innovative programs could be established instead of establishing a more traditional women's prison facility. Or, if there is a clear need for a traditional women's prison facility, innovative programs could be developed to complement the facility. In any case, a women's prison facility should not be located inside the men's prison, although it should be collocated for administrative reasons.

Policies need to be developed which acknowledge that women will need gender-specific programs and training delivered by females.

The committee will give further consideration to how female prisoners should be catered for in its next report, after considering the advice provided by the Prison Community Panel and interested members of the community.

Recommendation 6

The committee recommends that:

- (i) the Government initiate a community debate on sentencing options for ACT female offenders which canvasses a range of innovative models; and**
- (ii) the women's prison facility should be located in close proximity to the men's facility, but not within the men's facility, and should have a separate manager.**

John Hargreaves MLA

Deputy Chair

6 December 2000

Appendix A: Itinerary

SUNDAY, 20 AUGUST 2000

Depart Canberra Airport at 5.55pm on Qantas Flight (QF863) to Adelaide

Depart Adelaide Airport at 7.45pm on Qantas Flight (QF609) to Perth

Arrive Perth Airport at 9.35pm

Travel by taxi to Holiday Inn Hotel, 778 Hay Street, Perth.

MONDAY, 21 AUGUST 2000

8.30 am Meet in foyer of Hotel, travel by taxi to Ministry of Justice.

8.45 am Meet with Robert Harvey, Executive Director Offender Management.

Address: Ministry of Justice, Level 12, Offender Management, 141 St Georges Terrace Perth.

9.00 am Session 1

- Welcome (Robert Harvey)
- Overview of the Assessment
- Process & Integrated Prison Regime (Stephen Jenkins)
- Case Management of prisoners (Jan McBride)
- Programs for female drug addicted prisoners. (Romana Lee)
- Women's Prison Facilities in Western Australia (Lyn Bennett)

Morning Tea (approx 10.30 – 11.00 am)

- Coordination of prison services, especially health and corrections department in relation to drug rehabilitation services (T Simpson / C Henderson)

LUNCH with Prof Richard Harding

2.30 pm Session 2

- Lessons Learnt in designing and managing the tender process for the Acacia Private Prison (A Taylor)
- The accountability and monitoring framework for WA prisons, including the Acacia Private Prison (A Taylor)
- The cost and benefits of public and privately managed and owned prisons (both social & financial) (A Taylor)

Afternoon Tea (3.30pm – 4.00pm)

- Alternative Sentencing including home detention (D Daley)

4.45 pm

Drinks with the Director General – Mr Alan Piper, Terry Simpson, General Manager Prison Services and Robert Harvey, Executive Director Offender Management (approx 4.45pm)

Hosts: Mr Robert Harvey, Executive Director Offender Management
Mr Alan Piper, Director General, Ministry of Justice
Ms Krishna Rowcroft, Premier and Cabinet
Mr Alex Taylor, Director Service Procurement
Mr David Daley, General Manager Community Based Services
Mr Terry Simpson, General Manager Prison Services
Dr Chris Henderson, Director Health Services
Ms Jann McBride, Consultant Integrated Prison Regime Project
Mr Stephen Jenkins, Manager Strategic Projects
Ms Romana Lee, Manager Substance Use Resource Unit
Ms Lyn Bennett, Project Manager Bandyup Women's Prison
Re-development

TUESDAY, 22 AUGUST 2000

11.00 am Meet in foyer of Hotel, travel by taxi to Perth Airport.

Depart Perth Airport at 12.10pm on Qantas Flight (QF942) to Darwin

Arrive Darwin Airport at 7.35pm

Travel by taxi to All Seasons Hotel, Cnr Smith & Knuckey Streets, Darwin.

WEDNESDAY 23 AUGUST 2000

- 8.40am Meet with Commissioner David Moore in foyer of hotel.
- 9.00am Visit to Darwin Correctional Centre accompanied by Commissioner David Moore.
- 11.00am Attend NT Correctional Services to discuss Prison Issues:
- Accountability & monitoring framework for NT prisons –
Chris Manners
 - Alternative sentencing options – Julie Furby
 - Prison classifications – Steve Russell
 - How NT measures the quality & rehabilitation outcomes –
Wendy Hunter
 - Models in place for case management of prisoners – Julie Furby/Chris Manners
 - Work release programs – Julie Furby
- 12.30pm Lunch – NT Correctional Services, Headquarters
- 1.30pm Travel by taxi to Darwin Airport.
- Depart Darwin airport at 3.00pm on Qantas flight (QF731) to Alice Springs
- Arrive Alice Springs Airport at 5.00pm
- Travel by taxi to Alice Springs Vista Hotel, 46 Stephens Road, Alice Springs.

THURSDAY 24 AUGUST 2000

- 9.30am Meet Commissioner Moore in foyer of hotel.
- 10.00am Visit to Alice Springs Correctional Centre
accompanied by Commissioner David Moore
- 12.00 midday Lunch – Alice Springs Correctional Centre

Northern Territory Correctional Services personnel:

Commissioner David Moore
Director, Community Corrections – Julie Furby
A/Superintendent Darwin Correctional Centre - Steve Russell
A/Superintendent Alice Springs Correctional Centre – Harry McVeigh
A/Director, Offender Program Management – Wendy Hunter

4.00pm Travel by taxi to Alice Springs airport

Depart Alice Springs airport at 5.40pm on Qantas flight (QF492) to Adelaide

Arrive Adelaide Airport at 7.35pm

Travel by taxi to Hotel

FRIDAY 25 AUGUST 2000

- 8.40am Meet in foyer of hotel
- 9.00am Arrive Department of Correctional Services. 6th Floor, 25 Franklin Street, Adelaide. Contact Mr Chris Johnson
- 9.10am Introduction – John Paget Chief Executive
- 9.15am Prison and Prisoner Movement Outsourcing – Greg Weir. Director Strategic Services and Chris Johnson Consultant Executive Services.
- 10.30am Break
- 10.45am Community Service/Home Detention – Lange Powell, Director

Community Corrections, John Munro, Regional Manager, Deidre Butler, Manager Case Management, Rudi Brunner, A/Regional Manager.
- 11.30am Case Management and Rehabilitation – Greg Weir, Anne Bloor, A/Manager Stakeholder Services.
- 12.00 pm **Meeting with Minister, the Hon. Robert Brokenshire MP**, the chief executive, John Paget and Greg Weir in John Paget’s office.
- 12.30pm Sandwich Lunch
- 1.00pm Travel to the Adelaide Pre Release Centre and the Adelaide Women’s Prison – Chris Johnson / Greg Weir
- 1.30pm Tour the Adelaide Pre Release Centre, General Manager Kevin Baohm, and the Adelaide Women’s Prison, General Manager Cheryl Clay. (Discuss the work release programs of the Department).
- 4.00pm Return to Adelaide.

SATURDAY 26 AUGUST 2000

11.00am Travel by taxi to Adelaide airport.

Depart Adelaide airport at 12.40pm on Qantas flight (QF482) to Canberra via Melbourne

Arrive Canberra Airport at 2.20pm

Appendix B: Documents Received

Northern Territory

- Community Corrections Information (August 2000)
- Evaluation of the Northern Territory Court-Mandated and Court-Referred Program for Offenders of Domestic and Aboriginal family Violence (December 1999)
- Measuring the Quality of Rehabilitation Activity (including information on programs such as Ending Offending)
- Northern Territory Correctional Services Strategic Directions 2000-2001
- Northern Territory Correctional Services Annual Report 1998/99
- Workplace Plan-Darwin Correctional Centre (April 2000)
- NT Correctional Services Sentence Management Flow Chart
- Pilot Sentence Planning Project

South Australia

- Radio Frequency Electronic Monitoring System
- Home Detention
- Case Management in the Department of Correctional Services
- Community Services Presentation
- Comparison of orders commenced in 1993/94 and 1999/00
- DCS Service Specification-Case Management
- The Adelaide Pre Release Centre Information Guide
- Home Detention Information For Sentenced Prisoners (22 March 2000)

