

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Estimates and Financial Operations - Financial Management of Prisons - Twenty-ninth Report

Resumed from 21 September on the following motion moved by Hon Mark Nevill -

That the report be noted.

Hon MURIEL PATTERSON: As members will recall, when we were last discussing this issue, I was extolling the virtues of, and the great resources that Professor Christian Pfeiffer was offering to, services on research into criminality. If members are interested in that, I will talk more about it at another time. We met the Director of Prisons, Dr Christoph Flugge, who is the head of 16 independent prison administrators. Those administrators decide on prison policy, which is a different way of doing things. Once again, we heard that Germany has more prisoners than beds. The director said that the Government does not see the danger these prisoners are being placed in, that building new prisons was not the answer and that other methods must be found to fight criminality, rather than jailing everyone. This was of particular interest to us. The situation is much the same in Germany as it is here. There have been no big changes in criminality in society, but judges are giving longer sentences; consequently, more rooms are required.

We had a bit to learn from the people in Germany inasmuch as their view was that prisoners must start working for their release from their first day in prison. They place a great emphasis on psychologists and social workers. I am not saying for one moment that that has made a great improvement. The subculture of violence is still there, because of the mix of Bosnians, Serbs, Turks and Kurds. The people who are coming into the country often bring their problems with them. However, one of Germany's policies is for open prisons. If a prisoner is stable, he is placed in an open prison after conviction. The reason for that is that the person must learn straightaway that he is responsible for his behaviour. I thought that was an excellent line to take, because at times we tend to take away all responsibility from our prisoners. At this stage, it is a very good start. If prisoners misbehave, they will be placed in a closed prison and that is a very heavy punishment. Dr Flugge, who was previously a judge, said that judges are not qualified to judge and that it should be left to the administration. He believes that judges are too removed from the people to understand different circumstances.

Another point of interest was absconding from prison. In Germany it is no longer an offence and just becomes part of the administration responsibility.

Hon Kim Chance: Absconding?

Hon MURIEL PATTERSON: Yes. It is not an offence in Holland either, whereas in Australia it is. It is up to the administration to punish or reprimand the prisoners if necessary.

Another extremely interesting point was that half the juveniles in prisons have one parent who has died, or they have a single parent or an unknown parent. That is a big tragedy. One can imagine how difficult it is for these youngsters without the support of a family. The situation in Berlin was very fair in a lot of ways, because it started off with enormous problems with people from nearby countries bringing their problems with them.

We also went to the United States and visited the Office of Juvenile Justice and Delinquency Prevention, where we met Professor Frank Porpotage. He was very refreshing inasmuch as he said that the department was working on the theory that convicted juveniles are redeemable and that it was working on 10 different program designs, including after care for adults on parole, continuing rehabilitation and living life successfully. Some of the prisons cost more per individual than a college education. If we in Western Australia suggested that we should help a prisoner through college, people would not be too happy about paying for that; yet perhaps it would be a great asset. More scholarships were available when I was younger than are available today. It would be a very worthy thing to look at some time.

We found that at least 60 to 80 per cent of the prisoners had learning difficulties. Many suffered abuse, neglect, early childhood misbehaviour and extreme poverty, and had criminal parents. When one looks at it from this angle, one can see that these kids did not have much of a role model. Another important point was that when a child who had learning difficulties went to prison and was taught to read, often that child's attitude changed overnight because he had accomplished something and was the same as everybody else. The child needed that accomplishment to give him some self-esteem. When the professor said that juveniles could be redeemable, he was making a very good point. They also have after-care guidance that could, in many cases, last up to five

years. It is something of which the community needs to be aware. Often these kids have had bad starts in life. Churches and many other worthy causes would do well to take on the responsibility of some of these youngsters.

I will also refer to the drug situation, as everywhere in the world seems to have a terrible problem with drugs. The concept is that there are more drug problems among the black community or the poorer people than there are in the white community.

That is not necessarily true. The focus should be less on stopping drugs and more on channelling money to focus on addiction problems with substances such as heroin and chemical drugs. Alcohol was the drug of the native American Indians. The blacks use crack because it is cheaper than powdered cocaine, which is used by whites. Heroin use is equal between black and white. LSD is used by the middle class. The blacks are more disadvantaged than whites because the penalty for offences involving crack cocaine is 100 per cent higher than the penalty for more refined cocaine, when it is really the same offence. A person who can afford a better drug - if there is such a term - faces a lesser offence than a person who uses a coarser drug. This is serious discrimination.

We hear people say that our prisons are overcrowded, or prisoners are kept locked up for too long. My eyes were opened by my visit to the Metropolitan Detention Centre in Brooklyn. This centre carried pre-trial and remand prisoners and was opened as a temporary measure in 1993. The prison was built inside a huge warehouse. It is really hard to imagine. It had no exterior windows and was lit artificially. The people inside could not tell whether it was night or day, or whether it would rain. Prisoners were allowed out to the exercise room, which was in the confines of this warehouse, for one hour a day. It was absolutely dreadful. I saw one ball and a couple of minor pieces of equipment. There was no incentive for prisoners to go into this room to exercise, or to do anything. These people were locked up for 23 hours a day. There were 1 212 inmates and 288 staff. The prisoners slept in long rooms that had double bunks. They had their meals in the same rooms sitting on their beds or standing up because there were not enough tables and chairs. Only a few people had chairs. The ablution area was at the other end of this large room. There was no privacy. An inmate could not retain his dignity. When we talk about overcrowding in Western Australian prisons, perhaps we should consider that we are doing very well. Another prison to hold 2 000 beds was being built to join this building. There would ultimately be 3 200 beds in this complex. It will be the second largest prison in the country. Education levels among the prisoners were very poor. The men had no trades and many came from broken families, in which the single parent worked and left the children alone. The problems were generally considered to stem from a lack of parental guidance. One of the questions we repeatedly asked throughout our research was whether incarceration improved matters. We were repeatedly told that it did not. I do not want the House to get the impression that we are soft on crime or that we are bleeding hearts or whatever else people would like to call us. It is not that at all. People who cause harm to the community should be severely punished. I do not move away from that one little bit. There are times when we must look at the very serious issue of sending people to prison. One day those people will be released, and they must come out better people than they went in. That will not happen if we treat them badly, as some of these people have been treated.

One of the greatest things that we can do is prevention. This cannot start young enough. We, as a Government, and future Governments, should look closely at what they can do to help families, particularly those with young children, which need help with education, early childhood learning problems or health problems. This is already happening in Western Australia. I do not want anyone to lose sight of that. There are times when there will be single parent families and I am sympathetic to causes like that. However, as I said right at the beginning, the community is also responsible for people. We should take more interest in some of the activities of younger people and perhaps spend more time with them. I know that we are all busy people. However, when I look back on my childhood, which is a long time ago, I recall that some of the greatest times were simple times. Those times were spent talking to other people who would give a bit of their knowledge, play with me, or take me to do some activity. The Attorney General's program, which involves prisoners being taken into the community to work, is an excellent program. One program that I have only recently learnt about - although it has been going for a long time - involves long-term prisoners, escorted by a senior officer, being taken shopping, down the street or around the community. This enables them to become reacquainted with the community before they are re-established in the community. An important part of this is contact with other families, who are responsible for the offender and who give that person some idea of home life. My sister and brother-in-law are helping a person who has been in prison for more than 12 years. It is a big learning curve for them but it is also a big learning curve for the prisoner, who has to get back into the community. I would like to think that such actions help people come out of prison better people and that they have learnt something from the punishment. Criminal offences must be punished. Punishment is to be locked up, not to be ill-treated. I support the submission that the committee has made and I endorse what the chairman has said. I thank this Parliament for giving me the opportunity and privilege to go on this research tour. It has given me a far greater understanding of the work that must be done.

Hon SIMON O'BRIEN: As a member of the Standing Committee on Estimates and Financial Operations, I am pleased to associate myself with this report. As our chairman mentioned in his opening remarks, this report is the result of a lengthy period of inquiry. We have been actively involved with the issues contained in this report for about two years. That is one of the reasons the report is relatively large. I can assure members that the report is as concise as the committee could have made it. Over the course of the inquiry the world did not stand still and changes were implemented in the prison system in Western Australia. The changes encouraged the committee not to pursue some matters that could have been included in the report. The prison system in Western Australia has taken up some of the developments and changes in prison management. The report contains a number of recommendations. I commend them to members and I encourage members to read the report. The report covers a number of apparently disparate matters which are, in fact, related through the financial management of prisons and which deal with a wide variety of social and financial aspects. The committee could have spent a lot of its time canvassing those issues. I will restrict my remarks to a few items which I have a particular interest in bringing to the notice of the House. Previous speakers have presented some isolated observations on particular aspects of the inquiry and the report. Hon Muriel Patterson's contribution illustrated that there are a number of items in the report that members will find of interest.

I want to touch on the subject of private prisons as it is an issue of the day in Western Australia. The committee was able to observe, compare and contrast the operations of private prisons during the course of its inquiries. The first prison visited was at Lowdham Grange in the United Kingdom. It was a privately run prison. The committee was very interested to enter the prison and to feel its atmosphere. Members who have visited a prison will know that a prison environment has a very discernible atmosphere that one can sense as soon as one enters. It is remarkable that one becomes aware that different prisons have different atmospheres that reflect the type of management practices that are in place. One can also feel the levels of tension in the prisons. When the committee entered Lowdham Grange prison it could feel the difference between it and a normal, government-run prison. Lowdham Grange is a so-called private prison. The staff wear a different style of uniform. It is unlike the normal paramilitary style of prison uniform and more like that of a civilian corporate wardrobe. The newness of the prison struck me and I appreciated that the systems within the prison had not yet fully developed or settled down. The prison had not developed its own unique atmosphere at the time of our visit. The facilitator for our visit, Mr John Sandy, was provided by the Home Office. I place on record my appreciation of the assistance and expertise he gave the committee. Mr Sandy helped open many doors for the committee in the United Kingdom. Mr Sandy is a former prison governor in the United Kingdom and his knowledge of the culture of prisons was invaluable to the committee. During his career as a prison governor Mr Sandy has commissioned two new prisons. In his experience, all newly commissioned prisons were the same. He told the committee that it takes about two years for a prison to settle down. By that he meant it would take that amount of time to establish its routines and develop its own atmosphere. That has ramifications for Western Australia, as the State is to commission a very large prison in the near future. In the course of doing that there will be matters to be tested that have not been tested before in this State. The new prison will be privately run rather than being a traditional, government-run prison. It is to be expected that the State's new prison will not be different from any other newly commissioned prison in Australia or Britain. The prison will take time - perhaps the two years that Mr Sandy suggests - to settle down, get through the teething troubles, establish routines and work out the glitches. Glitches will always occur with such a venture. It will be interesting to observe the reactions of commentators, political or otherwise, and members of this House as they observe the commissioning and establishment of the State's first privately run prison. I hope there will not be - but I suspect there will be - considerable effort to make mountains out of molehills when problems start to arise. It is important to remember that a new prison needs a settling-in period. It will not mean that the project is failing. There must be a dispassionate view of events over a period of several years before the performance of a new prison can be truly gauged. The comments contained in the report as well as observations by members of the committee may be of assistance to this Chamber in considering such matters.

I want now to highlight the topic of recidivism and re-offenders. It is common knowledge among members that a significant amount of crime is committed by a fairly small proportion of the community. Of the crimes committed, a significant number are committed by a small number of repeat offenders. That information is not new to anybody. As such, we should learn from it. All members would agree that early intervention with offenders is a golden rule that needs to be observed. Whenever a pattern or a likelihood of offending behaviour is predicted, it is important that the community, through its various instrumentalities, intervene to help put youngsters back on the rails and give them the positive guidance that they need, which so often is lacking.

We use an old phrase to describe the concept of early intervention; that is, of course, that an ounce of prevention is better than a pound of cure.

Hon Peter Foss: A stitch in time saves nine.

The CHAIRMAN: Order! I feel the Chamber is getting out of control.

Hon SIMON O'BRIEN: The question of re-offending and recidivism is dealt with in detail, in some aspects at least, in this report. It is also a subject of some moment in our community currently. Members may have received communication from a gentleman called Tom Lawson.

Hon Bob Thomas: Regularly.

Hon SIMON O'BRIEN: He is a regular correspondent, and he makes some interesting observations.

Hon Derrick Tomlinson: A very interesting web site.

Hon SIMON O'BRIEN: Yes. His observations are not at odds with the conclusions reached by the committee. Basically, I summarise those conclusions in this way: Knowing that there is a comparatively small number of offenders who commit most of the crimes -

Hon Peter Foss: It is about 3 000.

Hon SIMON O'BRIEN: Yes. Knowing that there are certain indicators that people are prone to re-offend, knowing that we spend large amounts of community resources on the justice system, whether it be prisons or any of the other mechanisms of the justice system, and knowing that crime impacts dramatically upon our citizens, most of whom are trying to live a peaceful existence, perhaps we should target our resources more at that group of people who we know are re-offenders or, as I alluded to in my previous point, are likely to become re-offenders. That is an attempt to maximise efficiency and gain more positive results for our community. That is the way that we can seek to reduce crime at a greater rate than we are currently. It occurs to me - I think this is reflected in the report - that, especially in an age of rapid change in society, rather than going on and on, as traditional systems tend to, doing the same thing in response to the same stimuli - in this case I am talking about offences being committed, offenders maybe being arrested, offenders being thrown into prison and then being let out and often re-offending so that the cycle continues - perhaps the time has come when we need to do things differently; perhaps we need a fresh approach. That is why I applaud those people within the Ministry of Justice, which is a very solid, traditional and established instrument of state, who seek to break new ground, work towards achieving goals and improve the system, and have the guts to introduce changes. It is also why the introduction of the new prison system - the private prison - presents the opportunity to make major changes, to break the established mould and to introduce new courses of action which will take prison operations in Western Australia into the twenty-first century.

I do not intend to comment further on this report, except to reiterate that I am pleased to associate myself with it. It certainly took a large amount of time and effort to produce it. In some aspects, it was almost a labour of love. I was pleased to work on this report with the members of the committee, including Hon Bob Thomas who has since left the committee but who was a contributor to the report. I also acknowledge the assistance of the committee staff in producing the report.

Hon HELEN HODGSON: It is interesting to listen to all the comments of members who were fortunate enough to visit the prison regimes in the other countries, as well as those who have taken an interest because of what is happening in our own State. Last time we debated this issue, I commented about the way in which matters have moved on since the report was commenced. After listening to the high degree of unanimity of views of the people in this Chamber, one hopes that we will start to implement some of the ideas and proposals that have been brought forward in this report. None of them is new to people who work in the areas of penal reform. However, the committee has done a good job of bringing together many of these issues and presenting them in a form that is digestible to members of this Chamber. I hope that those ideas and proposals will go beyond members of this Chamber to the general community.

The thrust of my comments at the moment is that it is all well and good for us to debate this report and to say that, yes, we should move in this direction, but I am concerned that when it comes to matters that are brought before us in the way of legislation, the policy settings do not necessarily support these approaches. For example, I recall last year when we debated the sentencing Bills that it took a considerable degree of work on the part of the Attorney General, other members in this place and me to go back to ensure that systems were in place that allowed for home detention and work release orders, because the original proposals brought to this place indicated that they would be removed. I appreciate that some technical issues must be tidied up. However, the point is that we must take these issues seriously. Instead of separating the question of what happens when a person is in prison, we should look at why a person has been put in prison in the first place. That is why we need the early intervention and drug assistance programs. We need to deal with drug abusers when they are outside prison as well as inside, and they should be given proper treatment.

I do not have the committee report in front of me, but a number of other issues were also raised - I cannot remember what the other chapter in which I was interested covered. However, all of these penal reform issues have been debated for a long time. We must make sure that we are setting the right policy directions on sentencing and funding these programs. We must take an interventionist approach. We must try to keep people

out of prisons. For as long as the current sentencing decisions and sentencing attitudes are adopted, the population in our prisons will continue to increase, and that will continue to create the problems that this committee report has identified and said should be redressed.

I appreciate that in this place we are driven to a large extent by what we hear from the community. That is why these matters should be debated publicly. We need to send the message to the community that although it may be necessary to lock up offenders - it may be necessary to protect the community in some cases, it may be an essential part of the punishment, and it may be necessary to provide treatment - it does not resolve the problem of the cycle of crime, unless there are all the other elements that go with it; that is, proper rehabilitation, proper interventionist strategies and fair treatment while people are in prison.

That is the value of the report that is before us. It brings together a lot of research and work that has been done around the world. I would like the message to get out into the community generally that crime is not dealt with by locking away people forever. Other strategies are needed, and we have a responsibility to start implementing those strategies.

Hon PETER FOSS: Although I have already spoken on this matter, I would like to clarify some points that have been raised. The point made by Hon Simon O'Brien about new prisons is true. I have provided for Acacia Prison to have three alternative start-up times of three, six or 12 months. My own preference is for 12 months. A number of people I have spoken to in the prisons area are certain that a prison should be filled gradually. The reason is that it is not only a matter of the staff settling down and the processes being agreed to, but also because every prison has its own pecking order, particularly among prisoners. To a large degree it is the prisoners who maintain the order and discipline of a prison. It is like any disciplined area; that is, a small number of people are in charge and a large number of people are under that charge.

Once the method has been set, inertia maintains what is usual. Riots occur when that inertia, or that control of the prisoners, is lost for some reason or other. The number of officers is far fewer than the number of prisoners. Although bars and other methods keep the prisoners under control, that is not ultimately what is relied upon day-to-day; of course, it must be there for when things get out of hand. Ultimately the reliance is on people to do what is expected of them - because everyone is expected to do it, it happens. A riot occurred and a fire was started in a new prison that was opened in Queensland. The people involved said that the real reason was not the banning of cigarettes, but because the prison was filled too quickly. I have spoken to people in prisons in other areas who say that often a prison gets off on the wrong foot by being filled too quickly. Prisons should be started with a significant number of staff with a small number of prisoners. The prisoners should be virtually outnumbered in the first instance and programs should then be set in place with a small number of people who can be controlled. As they get into the routine, more prisoners can then be added. As more prisoners are added, they will adjust their pecking order. Members all know about pecking orders. One or two people who are added to a group can easily find their places in the pecking order, however, if many people are added at one time, it becomes an interesting observation of human behaviour to see how they establish that relationship. As more prisoners are fed in, they can more easily fit into that system. If the numbers increase, more prisoners can be added. Starting with 50 prisoners one could add another 50, then another 100. The essential thing is not to put the lot in at one time because that will cause a significant problem with setting standards and getting the prisoners to accept them.

Hon Derrick Tomlinson: Was that the experience at Casuarina Prison?

Hon PETER FOSS: I do not know. It has been the experience in a number of prisons. I spoke to people who have said that some prisons started off on the wrong foot because from day one there was confusion due to the large numbers of people involved. It does not mean that that problem will occur every time, but wisdom dictates that a prison should be filled slowly. When one thinks about it, it makes sense. School is another example of an institution with large numbers of people. The way the place works is handed on from generation to generation. This Chamber is another example; usually only a few new members start at the same time. If one is not sure what is happening, one waits to see how things work and finds out from others, because the majority of members know how it runs, so that it does not become totally confusing.

Hon Derrick Tomlinson: How long does it take one to find out?

Hon PETER FOSS: There are members who continually change the rules and disrupt things, but that is reasonably capable of being handled. If there were 34 new members who had loud voices with which to interject, it might make a totally different situation. It is this Government's intention that the Acacia Prison should be filled slowly. It is very much a matter of seeing how it goes, but the Government has allowed itself between three and 12 months in which to fill it. Another point raised by Hon Simon O'Brien is that there are too many problems that are made an issue of when they occur in private prisons. The one example I have given is that of a prison in Victoria that allowed police into the prison with their weapons on, which was cited as a breach of security, and it was a serious breach.

Hon B.M. Scott: Was that Flinders?

Hon PETER FOSS: No, it was Deer Park. The police were allowed into Deer Park with their weapons. American prisons are managed with guns inside the prisons, but they handle it slightly differently; they use guns as the major form of discipline. We do not allow people with guns into our prisons. The police were allowed into Deer Park with their guns, but luckily they were caught while going from the gatehouse to administration. They were not among the prisoners at the time; however, there is no doubt that it was a serious lapse of security and should not have happened. A huge fuss was made about it and it was one of the bases on which the Victorian Government has terminated the contract. I am not downplaying the seriousness of that breach. It was interesting that at about the same time in that State, the government system allowed some police in the maximum security men's prison to wear guns among the prisoners before it was detected, yet that hardly received any publicity.

Hon Muriel Patterson: Do you not think there is more scrutiny of private prisons generally and of the service and behaviour of the staff also?

Hon PETER FOSS: That is exactly so. This Government has tried to put all the prisons on the same basis; there should be scrutiny. I do not for one moment disagree with those people who criticise some of the contracts of private prisons in other States where there has not been proper scrutiny; however, it does not mean that the public system is any better. Often the public system is better than the private system at covering things up. Neither system should be allowed to cover up issues to avoid public scrutiny. The Government has put degrees of scrutiny in its contracts. Members have seen that I have subjected the public prison system to scrutiny by way of inspection reports. It has been a new idea as far as our prisons service is concerned to have somebody methodically say what is wrong with the prison system; it is time it was done.

I am pleased it will get tougher under the Inspector of Custodial Services, Professor Harding - he will not let them get away with anything. That will be a new regime that the privately run prisons and the Government must get used to because it will generate demand for capital works, moneys to be spent on programs and so forth. It is something that we should all be subject to. It started with private prisons. Private prisons, naturally enough, will always have people who do not like them, and who will decry them and detract from them. That does not mean that those matters should not be raised but, just as equally, those matters should be raised with private prisons as well as public prisons.

Another point made by Hon Simon O'Brien was that of the feeling of the prison, and he is absolutely right. One of the most useful things one can do is to step inside a prison. Nothing that a person can say, or even pictures, will describe the feeling of a prison. Generally speaking, it takes only about 10 minutes and one knows the feeling of a prison. One of the most useful things I have been able to do as the Minister for Justice is to visit prisons. If I am going to a Standing Committee of Attorneys General, I will visit a prison or two. That might seem a strange habit, but I find it extremely valuable. One walks into a place and feels what the atmosphere is like and asks what it is that makes the atmosphere like that. An old, decrepit prison can have a good atmosphere. I visited a prison for drug offenders in Bendigo, Victoria, which was built in 1860 or thereabouts. That was not exactly a time of enlightened prison design. It had an excellent atmosphere. It is purely for drug rehabilitation. As soon as I walked in I knew it was doing things in the right way. It had a very good way of dealing with prisoners, and they responded to that. It had the makings of an excellent rehabilitative program for drug addicts.

Hon Mark Nevill interjected.

Hon PETER FOSS: Prisoners like it; it is light, open and airy. I have seen prisons built in the Victorian era like Mt Eden in Auckland, which must be one of the most depressing prisons I have ever visited. I would understand if prisoners were to immediately commit suicide. I have been into modern prisons in England, one of which was supposed to be one of the best but I found it oppressive compared with nearly all Australian prisons. I invite members to visit two prisons in Western Australia that have an excellent feel to them; that is, Riverbank Prison and Nyandi Prison. Members opposite commented on what we should be doing; I think we have done those things in those prisons. I urge members who have not visited those facilities to do so.

Hon Derrick Tomlinson: We cannot unless we are invited.

Hon PETER FOSS: I am offering to facilitate a visit. Riverbank and Nyandi are examples of places with totally unsuitable surroundings - that is, the built environment - where we have achieved significant positive outcomes through the management method. Riverbank was a depressing youth facility, and is now a very pleasant place. I might have mentioned previously that one of the prisoners there at present, who had been at Riverbank as a youth, said that he went there full of trepidation because he remembered it as a most horrible place. He could not work out what the change was when he compared it with his first experience there. He said it was not like the place he had been used to as he was being treated nicely by the officers. He said it was the best thing that had ever happened to him. He said that he had never been treated so well in his whole life, inside or outside

prison. Riverbank has a strong art program and he was getting involved in that. He is a talented young artist. He is encouraged to spend large parts of his day developing his art and producing artwork. He has the skills to go on and earn his living as an artist. It is a positive experience for him, and there has been a positive interaction between staff and prisoners, in particular, with the 20 prisoners who are mentally impaired.

Nyandi is a minimum security women's prison. It is hard to get a real feel for Nyandi because the women are nearly always out of the prison. If one goes there during the day, one would find that most of them are not present because they are either working or on a work camp, or whatever. We have seen a positive response. The superintendent is Christine Ginbey, and her whole heart is in it. Everyone is addressed by her Christian name. The women are enthusiastic about the place. They are all pulling together as a team to try to rehabilitate themselves. It is a drug-free prison because the women make it drug free. If somebody brings in drugs, the other women who are keen to stay clear of drugs will say that has occurred, and that person will be sent back to Bandyup Women's Prison. It is another juvenile facility that was built like a maximum-security facility. It has the most unprepossessing surroundings. However, once women have been there they do not want to go back to Bandyup, because the atmosphere is very different.

Hon Muriel Patterson: How hard is it to get staff suitable for this sort of the work?

Hon PETER FOSS: I am glad that Hon Muriel Patterson asked that question. We staffed both of those prisons with people who we thought would be suitable and would have positive attitudes to make it work. We found one of the funniest things was that prison officers who have gone through Nyandi who have had a reputation for being tough nuts who would not stand any nonsense and were strict disciplinarians were, in a short time, calling the prisoners by their Christian names. The prison service is not civilised in the way prisoners are addressed. Prisoners are always referred to by their surnames, followed by their initials - the initials do not even precede one's surname! The officers certainly would not allow a prisoner to call them by their Christian names. These tough nuts melted completely in that environment. When they leave they say, "Don't tell anybody what I was like when I was here." The atmosphere in a prison has the capacity to change the officers. I mentioned the style in this prison. If the majority of people follow a particular attitude, it will have an impact on everybody. If there is a bad attitude, it does not matter how good and positive new officers are, they will change, because the atmosphere will drive them that way. If we have a positive atmosphere, we can change things. I have always made it clear that Riverbank and Nyandi have a special subset of prisoners. If we moved some of the prisoners in Casuarina Prison to Riverbank, we would quickly destroy that environment. Some people have chips on their shoulders or criminal libidos that are so strong that no matter what we did there, they would destroy that atmosphere. However, they are the extreme, and a huge number of people in the middle will respond to different treatment - much more than the prison populations of Casuarina and Hakea Prisons. A lot of people would respond to different treatment, but change is difficult. One of the things we have done is to move staff through Riverbank and Nyandi to try to give them that idea. We have also sent superintendents overseas and around Australia. I make no apology for that, because the only way to get people to understand is for them to see these situations for themselves. In the same way, this committee has learnt a great deal and its members have been changed by what they have seen. It is hard to explain to somebody that one has changed one's attitudes. One can tell people about it, but the impact comes when they see it for themselves. I have been keen for superintendents to go overseas because if they can see what is possible, they will be in a better position to change our prisons. Only by doing that will we start to get that change of attitude and mindset.

The real problem is that the risk of ending up in prison is set by the age of five. Studies around the world indicate that risk factors are set by the age of five. That does not mean the outcome is a certainty. People can experience all these risk factors and end up as perfect citizens, while others who experience a nurturing environment can end up as bad citizens. However, statistically, we know that the prison population will come from those people with all those risk factors, and after the age of five we cannot do an awful lot to change the statistical liability of those people ending up in jail. It is terrible to think that by the time we get them in the prison system -

Hon Bob Thomas: That is not quite right. Professor Pfeffer says that a lot of other societal factors need to be taken into account such as education, the sorts of relationships they have on the outside and whether they have accommodation when they come outside.

Hon PETER FOSS: Yes, Hon Bob Thomas is quite right. We can do all sorts of things for individuals but that does not make a huge difference to the statistical risk. Overall it does not matter what else we do, if those factors existed up to the age of five the risk factors seem to be set. That does not mean we do not do things in prison. However, all too often we get recidivism. Those risk factors are statistically set by the age of five. Maybe we can do other things with education, but, generally speaking, the risk is set by the age of five. For that reason the Government has tried to do a number of things. The Government started the Aboriginal cycle of offending program that recognises that Aboriginal people are excessively over-represented in the prison system.

Extract from *Hansard*
[COUNCIL - Thursday, 12 October 2000]
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Hon Muriel Patterson; Hon Simon O'Brien; Chairman; Hon Helen Hodgson; Hon Peter Foss

Debate adjourned, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm