



THIRTY-EIGHTH PARLIAMENT

REPORT 12

**STANDING COMMITTEE ON PUBLIC
ADMINISTRATION**

**REPORT ON A PROPOSED INQUIRY INTO
REGIONAL PRISONS**

Presented by Hon Max Trenorden MLC (Chairman)

May 2011

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“7. Public Administration Committee

7.1 *A Public Administration Committee* is established.

7.2 The Committee consists of 5 members.

7.3 The functions of the Committee are to inquire into and report on -

- (a) the structure, efficiency, and effectiveness of the system of public administration;
- (b) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
- (c) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;
- (d) any Bill or other matter relating to the foregoing functions referred by the House; and
- (e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character.

7.4 The Committee is not to make inquiry with respect to -

- (a) the constitution, functions or operations of the Executive Council;
- (b) the Governor’s establishment;
- (c) the constitution and administration of Parliament;
- (d) the judiciary;
- (e) a decision made by a person acting judicially;
- (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
- (g) the merits of a particular case or grievance that is not received as a petition.”

Members as at the time of this inquiry:

Hon Max Trenorden MLC (Chairman)

Hon Jim Chown MLC

Hon Jon Ford MLC (Deputy Chairman)

Hon Ed Dermer MLC

Hon Ken Baston MLC

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REPORT OF THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION

IN RELATION TO

A PROPOSED INQUIRY INTO REGIONAL PRISONS

1 BACKGROUND

- 1.1 In November 2009, as part of its scrutiny of the Inspector of Custodial Services Reports, the Public Administration Committee visited Broome and Roebourne Regional Prisons to meet with staff and view the prison facilities. The Committee was considering adopting terms of reference drafted on 16 September 2009. These were:

The Committee is to inquire into and report on programs for, and the management of, prisoners in regional prisons provided by the Department of Corrective Services. In particular:

- 1) training programs for prisoners;*
- 2) re-entry programs for prisoners and post-release support;*
- 3) the impact of parole on participation in treatment programs by prisoners;*
- 4) the evaluation of programs, including programs for indigenous prisoners who constitute the majority of prisoners in regional prisons;*
- 5) the impact of the management of prisons on the effectiveness of programs; and*
- 6) any other relevant matter.*

- 1.2 However, at its meeting on 3 March 2010, the Committee was advised that the Legislative Assembly's Community Development and Justice Standing Committee (CDJSC) was undertaking an inquiry with similar Terms of Reference. The Committee then resolved not to undertake an inquiry immediately, but wait until the report was published by the CDJSC and consider the matter then.

2 THE COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE REPORT

- 2.1 The CDJSC reported in two parts, with an Interim Report being tabled on 24 June 2010 and the Final Report being tabled on 25 November 2010. The first report focussed on prison employment and industries. The second report considered vocational education, post release support and innovative strategies to better address

the issue of Aboriginal recidivism. The reports contained a number of significant findings and a total of 38 recommendations on a range of issues including:

- prison industries and the effect of chronic underemployment of prisoners;
- prisoner training and employment;
- staff management and work practices;
- data management within the Department of Corrective Services, post-release support and transition accommodation for prisoners;
- the specific needs of women within the prison system;
- a number of issues specific to indigenous Western Australians within the system, including access to culturally-sensitive education and training, cultural training for prison officers and other staff, re-entry strategies; and
- ‘justice reinvestment’, which involves the investment at a community level as well as an individual level, with funds being directed to crime prevention strategies and service provision within those communities.¹

3 THE INSPECTOR OF CUSTODIAL SERVICES REPORT

- 3.1 In addition to the CDJSC report, the Inspector of Custodial Services (**the Inspector**) has recently tabled reports on two unannounced visits (Casuarina Prison and Rangeview Remand Centre). In both cases, several of the Committee’s concerns have been considered.
- 3.2 Neither of these reports focussed on regional prisons, however they covered issues relevant to regional as well as metropolitan prisons, including overcrowding and its impact, prisoner employment and training, programs for prisoners, the needs of indigenous prisoners and particularly re-entry processes and prison management practices. The reports also addressed staff shortages and their impact on prisoner rehabilitation and shortfalls in staff training.

4 THE PUBLIC ADMINISTRATION COMMITTEE’S PROPOSED INQUIRY

- 4.1 While not addressing all of the issues considered in the Public Administration Committee’s draft terms of reference, both the CDJSC and the Inspector have raised serious matters that require the urgent attention of government.
- 4.2 In light of this, the Committee considers that a further inquiry into these matters at this time would be counter-productive as it may distract the Department and the government from addressing the concerns raised in the tabled reports.

¹ Western Australia, Legislative Assembly, Community Development and Justice Standing Committee, Report 6, *‘Making Our Prisons Work’ An Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies*. 25 November 2010, p 77.

- 4.3 However, an issue raised in the CDJSC report is of particular concern to the Committee and deserves mention. It was highlighted in the Committee's visits to the regional prisons in Broome and Roebourne and relates to the high number of prisoners who are incarcerated for offences related to the lack of a driver's licence.
- 4.4 Of the 58 adult aboriginal prisoners held for driver's licensing offences as of 30 June 2010, the CDJSC reported that 28, or nearly half, had never held a driver's licence. This lack of a driver's licence has implications beyond the immediate incarceration. It affects the rates of recidivism in that, for example, the lack of driver's licence affects the prisoner's employability and therefore is a contributing factor in offending behaviour.
- 4.5 The CDJSC identified a number of structural obstacles in obtaining a driver's licence, including:
- distances to licensing centres;
 - the lack of alternative means of transport;
 - being tested on road conditions that are outside of their experience;
 - language barriers, where English may not be the first language;
 - there can be low literacy levels; and
 - no-one in the community who meet the requirements of an unblemished driving record to provide the required hours of supervision.²
- 4.6 The CDJSC noted that different solutions have been proposed at different times, including the establishment of Remote Outreach Licensing Units providing licence education and testing in regional and remote communities; structural change and modification of legal requirements for licence requirements for those in remote areas; licences valid for regional areas of Western Australia only and granting extraordinary licences to Aboriginal people in remote communities.³
- 4.7 The Public Administration Committee agrees with the CDJSC that the lack of a driver's licence is a significant contributory factor in the incarceration of Aboriginal prisoners and that the issue requires urgent action by government. It is the strong view of the Committee that driver training and licensing should form part of the training regime within prisons and would make a significant contribution to reducing recidivism.

² Ibid, p77.

³ Ibid, p78.

Recommendation 1: The Committee recommends that as a matter of urgency the government investigates and implements procedures whereby prisoners in regional prisons who otherwise have limited access to driver training and licence testing receive such training prior to release, and that the Department of Corrective Services works with the Department of Transport to develop a program of driver testing within regional prisons.



Hon Max Trenorden MLC
Chairman
26 May 2011