

REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE
INCREASE IN PRISONER POPULATION**

INQUIRY INTO INCREASE IN PRISONER POPULATION

At Sydney on Wednesday, 23 February 2000

The Committee met at 10.00 a.m.

PRESENT

The Hon. J. F. Ryan (*Chair*)

Ms Lee Rhiannon (*Deputy Chair*)
The Hon Jan Burnswoods
The Hon Dr Arthur Chesterfield-Evans
The Hon Jennifer Gardiner
The Hon Peter Primrose

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KATHERINE LYNN McFARLANE, Solicitor, Executive Member, Positive Justice Centre, and

ANNA SOLANGE DE MATOS CRISTO ROSA, Policy Officer, New South Wales Users and AIDS Association, and Executive Member, Positive Justice Centre, affirmed and examined:

CHAIR: Could you briefly outline your qualifications and experience as they are relevant to the inquiry?

Ms McFARLANE: Currently co-authoring a prisoners rights manual for the Council for Civil Liberties. I was a member of that committee for two years; currently on the board of CIC Justice Support; I was an official visitor for Corrective Services for two and a bit years and I have experience of five years in the criminal justice area generally.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms McFARLANE: I have.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms McFARLANE: Yes.

CHAIR: Ms Rosa, I need to ask you the same questions. Could you briefly outline your qualifications and experience as they are relevant to the inquiry?

Ms ROSA: I have experience in the criminal justice system of about three years. I have worked at the Aboriginal Legal Service; I have been Co-ordinator of Justice Action; I have worked with the Council for Civil Liberties and am the project manager for them for a prisoners rights manual as well as a human rights audit of criminal justice laws in New South Wales.

I have also been involved in the Criminal Justice Coalition. I was the secretariat for about two years. That was a coalition of about 14 different organisations. Currently in my capacity as policy officer for the New South Wales Users and AIDS Association I am doing policy work around drugs in prisons and also as an executive member of the Positive Justice Centre, an organisation that we founded about three years ago.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms ROSA: I have.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms ROSA: I am.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will usually accede to your request and resolve into private

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session. I should warn you, however, that the Parliament has the power to override that decision at any time and may make your evidence public. Are there any opening remarks you would like to make to the Committee before members of the Committee ask questions?

BOTH WITNESSES: No.

CHAIR: Has your organisation, either Positive Justice or the No New Women's Prison group made a written submission as yet? I do not think you have.

Ms McFARLANE: We have made a submission to the Inquiry Through Social Support. I understand that those submissions have been passed on to this Committee.

CHAIR: There is one for Law and Justice. You would be happy to have that submission as part of your evidence to this inquiry?

Ms McFARLANE: Yes.

CHAIR: I suppose it would be fair to say that the No New Women's Prison Campaign as a group has a very strong view as to whether the Department of Corrective Services ought to proceed with building the proposed new prison at South Windsor. Would you like to explain what that view is and why?

Ms McFARLANE: The No New Women's Prison campaign is a loose coalition of organisations; of about 150 all up, with an executive committee, of which the Positive Justice Centre is one member on that committee. We have, as you said, very definite views as to why the location of the gaol at Windsor should not go ahead. It is not restricted to opposing that particular gaol; it also looks at the increases in the women's population particularly as well.

Briefly, we will be preparing another submission that also addresses step by step the reasons why we oppose the new gaol but, basically, I can take you through those now.

The first one is that the mission of the Department of Corrective Services is to punish offenders, to contain them in a secure setting for the security of the public, to rehabilitate people so they do not offend again and to deter people from committing or recommitting offences. None of those aims is met by imprisonment, with the possible exception of protecting the community for the short term that somebody is actually physically inside a gaol.

That being said, there are many alternatives which should be looked at before the Government commits itself to building a new gaol at a cost of \$42 million.

On the little information that we have, it appears that recidivism rates are quite high. In New South Wales recently the Commonwealth Government report "Government 2000" quoted statistics on recidivism, and New South Wales was the highest State in the country for the number of people that returned to gaol. Those statistics are defined at two years, so if you look at a broader definition the figures blow out even higher.

The main issues in relation to the issue of Windsor gaol in particular are as follows. We argue that there is no evidence to support the Government's contention that building a new gaol is the only option. There is no thorough evaluation, other than this inquiry, that has been undertaken to evaluate what other community options exist in New South Wales or in other

States that would make a prison the only option that you could do.

What we do know is that they cost a lot of money. We know that they do not rehabilitate in terms of reducing recidivism. In fact, there are very strong arguments and there is evidence to show that crime increases and that the levels of crime that people commit increase after a period of imprisonment. We know that there are very, very poor social support structures in the community that address the needs of prisoners, particularly women prisoners, and we know that until those issues are addressed, then crime rates will not fall.

Given that one of the major reasons for building a new gaol is to reduce crime - that is a stated reason - then it seems obvious that any possible alternatives, whether interstate or internationally, should be evaluated before government commits to something that you cannot turn back from in the form of a new gaol.

Ms ROSA: Linked to the issue of recidivism is the issue of drug use. We know that there is evidence to show that 70 to 80 per cent of prisoners have a history of drug use or are in for drug-related offences, so in order to address that issue, to be able to reduce recidivism, imprisonment has been shown not to be adequate in effectively rehabilitating people.

That is linked to the whole issue of drug law reform in the sense that the current drug laws are increasingly putting women and men, but women in particular, in prison for drug offences and, in order to house all those prisoners, that is why you want to build a new prison.

We say that the services that are available in prison currently for women for rehabilitating drug offenders is not adequate and, in fact, in many instances women turn to drugs more because perhaps, for example, their children might have been taken away from them and put into foster care or they are continually worrying about children and family obligations and, therefore, there is more stress and anxiety associated with imprisonment, which means that when women come out then they are not necessarily rehabilitated and cannot cope, so there are a whole number of issues related to drug use.

CHAIR: I guess we need to clear up just one detail. With regard to your campaign, are your organisations opposed to any new prison at all or just the women's prison proposal that the Government has announced recently for South Windsor?

Ms McFARLANE: The No New Women's Prison group, as I said before, is a very large collection of organisations which have views ranging from fairly conservative views all the way through to total abolition of prison, so we are collecting as the No New Women's Prison that range of experience and views and presenting those to government.

From the Positive Justice Centre's point of view, we are not strict abolitionists in that the argument is that there are some situations where you would need imprisonment for some people. However, I feel confident in saying that in terms of women's imprisonment there is no need to increase the number of beds, and whether that is new beds in another gaol, whether it is Windsor gaol, or whether they put it in another place, or whether they increase existing facilities, the main pressure from the Positive Justice Centre is to eliminate the number of people and the rates of people being put in gaol rather than building new prisons and allowing those rates to increase.

Ms ROSA: Just to add to that, women's incarceration rates are increasing at such a rapid rate that we are saying that building new prisons to accommodate those prisoners is just a quick-

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fix solution. So we are opposing any further building of prisons but, rather, want to look at alternatives in order to be able to effectively seek to rehabilitate those people who have already been caught up in the criminal justice system and, at the same time, be able to address the processes and the laws that lead to the incarceration of those women.

CHAIR: The Committee recently undertook a visit to the Mulawa prison and inspected the facilities with the Department of Corrective Services. It would be fair to say that few people had the view - I do not know what the view of the whole Committee is but a few people outside who were giving us submissions took the view that the Ann Conlon wing of the Mulawa detention centre was not up to the normal standards you would expect of a modern prison in terms of it being very gloomy, and there were large iron doors on each of the individual cells, when compared to the more congregate care versions at Emu Plains, where women live in cottages and so on.

That did not appear to be the best opportunity for women to rehabilitate themselves under those circumstances, so Corrective Services put the view strongly to us that there was a need to remove that prison and demolish it and to move the beds somewhere else where they were able to build facilities that were more humane. Is there not some merit to at least doing that?

Ms ROSA: We are not saying that that should not be done. We are obviously not advocating for inhumane conditions for women prisoners. What we are saying is that there needs to be a look at alternatives to prisons. We do not necessarily need to have another prison in order to accommodate women. We are looking at alternatives such as transitional centres, where women can be accommodated in facilities that are perhaps more similar to Emu Plains. So it is not that we are saying that women should be accommodated in inhumane conditions by any means.

Ms McFARLANE: Can I add to that? I was visiting Mulawa on a regular basis for about three years and providing legal assistance to women in prison, and one of the issues that we constantly raised with the administration was that the conditions at Mulawa were grossly inadequate.

Conlon wing is a bad wing, but it is not the worst wing. Morgan House and various other areas within Mulawa have been over the years closed and opened up again, closed and opened, depending on the numbers.

Until the Minister was to give a guarantee by bulldozing an actual physical accommodation unit, there are no guarantees that you can rely upon that if the numbers increase again those same units are not going to be reopened. Parramatta gaol is a classic example that a lot of community groups use.

The Minister made a press statement saying that the conditions there were inhumane and that basically you would not keep a dog in the conditions. Less than three or four months later the place was reopened for periodic detainees. Presumably they do not need the same levels of care. I am not too sure of the justification.

But Mulawa is characterised by special purpose units being built and then having those units fail basic human standards. An example was a multipurpose unit, which was specially designed to address the particular needs of women prisoners in crisis, the women coming off

detox, women with mental health issues, and one of the classic examples of stupidity of the system is that they put a perspex wall between people coming in, new offenders, and people who had mental health problems. This was before the new specially built purpose unit of Mum Shirl, the new one that caters for the mentally ill and various other special needs women.

I was a witness to a woman on one side of the glass wall coming in who was detoxing, lying there with a pillow because there were no suitable methods for her to detox, while a woman who had mental health problems repeatedly threw herself at the perspex wall. One woman had never been in before; the other woman had blood coming down her face from throwing herself at a wall. This is a special built purpose centre to deal with women's particular needs when they are in crisis. That has now gone and there is a new centre built, but there are innumerable examples through the Women In Prison Task Force, the Children of Imprisoned Parents Report and any history of Mulawa that shows that the department's record in building units that cater for the special needs of women within the correctional environment simply are inadequate.

Ms ROSA: Just one more point on that question is that quite often we hear the Department of Corrective Services saying that the issue of the rising numbers of women prisoners is beyond their control, that they have to deal with what is happening and, therefore, accommodate the consequences of law enforcement.

What we are saying is that they do have some control over how those women are housed, how they are accommodated and how they are rehabilitated. There are numerous examples in the international field, evaluated examples, as well as in Australia that provide examples for back-end programs where women can be released early for alternatives to housing women in prison, and the Department of Corrective Services has some control in having a look at what those options are.

We understand that those options have not been carefully looked at or evaluated. If that was done, the department could implement certain policies and could have an impact on the rehabilitation of women prisoners in a more effective way than is happening in prisons. If the recidivism rate is so high, surely something is not being done properly.

CHAIR: What is your understanding of the consultation process that occurred before the decision was made to build the new prison and did any of the organisations that you represent have any input into making that decision?

Ms McFARLANE: The consultation process with the department is very layered. There is a fairly regular consultation process in terms of funded organisations such as CRC Justice Support, Children of Prisoners, because they have required reporting obligations in terms of the services that they provide and funding basically. There are also various other levels. What could be one of the most important is the Women's Advisory Network, which many of the community organisations have expressed a keen interest in being part of, and that is a network that advises the assistant commissioner on what options there could be for women in prison and those being released.

What is interesting is that all of the groups that are identified by the department and sort of commonly accepted as being experts in the area of service provision, at the very least in terms of women in prison, such as the groups I mentioned previously and various unfunded organisations, have protested the difficulty in maintaining an ongoing consultation process with the department. Whether that is lack of resources from their end or whether that is just a lack of

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commitment and follow-up, it has been a serious complaint.

That is reflected in the community grants project submission that a range of community groups put in where that is elaborated more clearly. That caused us grave concerns when we were dealing with the proposal for the new gaol.

The first that the community organisations knew about it was the announcement in the budget in May, and that was quite alarming in that several members were actually on the Women's Advisory Network and also held various key positions and are acknowledged experts in the area from corrections.

The Hon. JENNIFER GARDINER: They did not know about it, either?

Ms McFARLANE: No.

CHAIR: Which are the women whom you are referring to?

Ms McFARLANE: For example, Gloria Larmen from Children of Prisoners, Violet Roumeliotis from CRC Justice Support. There are quite a number. It is a fairly extensive committee.

You also have a process whereby the department does facilitate discussions on particular issues, but in terms of this particular campaign what we have found - and this is reflected in the article by Wendy Bacon and the interview she had with Minister Debus where he was slightly dismissive of the community groups' concerns about the new gaol by saying that we should stop picking on corrections and look at the wider process because corrections warehouse and they are not responsible for the implementation of policies or reducing the numbers. That is a public view. It is fairly concerning because it indicates that, on the one hand, you have groups that are elevated to the status of experts in that they are funded, they are consulted with, where things are raised, and they publicly speak on issues. On the other hand, when groups criticise the policies of the department, of the Minister or of the Government, those viewpoints are dismissed as not being independent or not as something that we have expertise on. That is a real concern, and that characterises the entire campaign.

Ms ROSA: There is a sort of ongoing history. As part of the Criminal Justice Coalition in the past, which is, as I mentioned, 14 different organisations that had some interest in criminal justice, we would regularly meet with the Minister for Corrective Services as well as the Senior Assistant Commissioner, Ron Woodham. This was over a period of quite a number of years.

Through those consultations that we would have, perhaps on a monthly basis or bi-monthly basis, the department would get our views and perceptions on the policies that they were implementing and we would equally raise concerns or questions, so it was meant to be a mutually beneficial process that was happening.

An example where we were consulted in a way was when they wanted to build a new high-security supermax prison at Goulburn. We were asked by the department to comment on that before, supposedly, the plans had been drawn up. So we were offered an opportunity to comment at that stage but with the women's prison it was totally different. There was not that process at all of consultation or information which we could respond to.

CHAIR: The Department of Corrective Services may well argue that the proposal to build a new women's prison is something that has been around for nearly a decade. It was kind of canvassed in a paper that went to Corrective Services Minister John Akister in I think it was 1981. There was the Women's Action Plan more recently, which says that it is consistent with the recommendations of the Women's Action Plan that they should go ahead with that.

Is that not some form of consultation and is that your view, that the construction of a new prison is consistent with the Women's Action Plan?

Ms McFARLANE: Since the 1981 Akister consultation that you indicated there was the 1985 Women in Prison Task Force, which quite strongly advocated for a range of alternatives that should be in place as opposed to a new prison. There was also more recently the Children of Imprisoned Parents Report, which reiterated those concerns and again stressed that there should be other diversionary schemes before a new prison would be the most efficient way to actually deal with offenders.

The Women's Action Plan also stressed that there should be additional transitional centres, and my understanding of that document is that that is over and above the building of a new gaol.

What we have seen is that the Parramatta Transitional Centre is the only one that has been built. That houses 16 to 20-odd women at the end of their sentence, so that they go through the normal routine, and then it encourages work, education, study leave, and things like that.

That centre, not technically counted as a gaol - it is a different form - has got fairly well researched and fairly well evaluated programs that show that recidivism is reduced at that end.

There was a campaign to have another transitional centre at Glebe. The Government recognised that this was something that was working but that never went ahead.

My understanding is that there are at least two more transitional centres that have been reviewed and have been decided as being the way to go before you get anywhere near a new gaol. For some reason, the department can find \$42 million to build a brand new medium-security gaol but cannot find a much smaller amount to build transitional centres, which have proven to be more effective.

In addition, the fact that the department perceives that the women's prison has been on the agenda for a long time does not dispute that times change, that we are in a constantly changing environment and that one has to look at the current context in which we are working to be able to see whether that is the appropriate mechanism or the appropriate position to be taking. It is also no excuse for not consulting with community organisations or withholding information from community organisations that you have a mutually beneficial relationship with or a relationship of trust and respect, so I think that those are not very good arguments.

The Hon. Dr A. CHESTERFIELD-EVANS: I have heard that there are philosophies in prisons and that some years ago in America, and currently in Australia, the dominant philosophy is the individual criminal mentality - is that what it is called - or criminality.

Ms McFARLANE: Addressing criminal behaviour?

The Hon. Dr A. CHESTERFIELD-EVANS: Yes, in the sense that people had some

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sort of criminal mentality, which has to be addressed, rather than a more sociological view - in other words, a very individual view of crime as opposed to a sociological view of crime in which you blame the criminal rather than society. That has apparently been current in America but is now waning at last, based on the fact that it is fairly flimsily based within the literature, and conveniently, one might say, and this has changed in the world but not changed in Australia. Could you make a comment on that literature and what it is? I have heard that it exists. I do not really know more than that.

Ms McFARLANE: To take just a small aspect of your question, I agree with your statement. The position of children in care, for instance, is something on which a lot of research overseas has been done but very little here.

The intergenerational cycles of offending, which we addressed in the previous submission to the Law and Justice inquiry, which I understand you may have with you now, is a good example of showing how, basically, unless you look at the wider social settings in which crime is committed, then you are more or less doomed to repeat the same cycle of offending throughout the generations.

That was certainly my experience going to Mulawa. Women would be in gaol with their children and their grandchildren, who had been through the care system. There is the argument of bad blood. There were all those sort of philosophical arguments.

But if a rehabilitation or prison system is concentrating, in effect, on those types of theories, then it really does not look at the types of crimes that women are committing and the fact that their children and their grandchildren are committing the same sorts of offences.

You find that women are in for fraud, various social security issues and property offences. We know that they are in for drug offences and issues relating to their drug offending. All of those crimes cannot be taken in isolation that women are bad or women just like to commit crime, because of the types of crimes they are committing, if you were going to embark on a criminal career you would not choose those crimes; it just does not work.

Not much is being done to sort of get it out of the theory that an individual has to take full responsibility for their crime and that the social factors, economic, health reasons, domestic violence relationships where a male may have pressured somebody, the need to protect or look after your children, all the things that we all know that women have to take care of, there is no connection between that and the committing of a crime.

Ms ROSA: And we would argue that that should be the case. We are looking at alternatives to imprisonment in this case. The philosophy should be more looking at the socioeconomic circumstances of women in prison and identifying the factors that have caused women to commit crime and in that way being able to address those.

Usually, financial security is a very big problem for women and it also becomes a very big problem when they come out of prison, having to go back into the general population, into the community and having to feed themselves, get a house, feed their kids, get a job, perhaps deal with drug use problems or having a criminal record and not being able to get employment very easily, not having had adequate education, because a lot of women in prison have low education levels as well.

So looking at all of those and within the setting of an alternative to a prison or even trying to address those broader socioeconomic factors that lead women to commit crime, including drug treatment in a voluntary setting, then we strongly believe that recidivism rates will be better addressed, that women will not be coming back to gaol so easily if we take that philosophical road.

Ms LEE RHIANNON: If your organisation had been consulted prior to the budget last year, what would you have said the \$42 million should have been used for?

Ms ROSA: First of all, from the Positive Justice Centre's perspective, some of that money could certainly have been used to perhaps pay for a consultant or for the department itself to do international research on what other options are available in the international sphere. There are many examples. We have been through a lot of literature. We have boxes full of different examples, some evaluated and some unevaluated, to look at those other options of what can be done to house women who have been caught up in the criminal justice system and effectively housing them so that they are more effectively rehabilitated.

Part of that money could go into that so that there is research done before these quick-fix solutions are come up with. Then, some of that money could also go into setting up a transitional centre or whatever alternative is seen to be best and, in that process, consulting with the community and other experts in the area, and then a lot of that money could also go to improved services for women in gaol, improved treatment, improved educational and vocational training. We could go on and on really. Give us \$42 million and we can do lots.

CHAIR: I will just give Mr Primrose the call for a moment because I imagine that the Government has a particular perspective on this. He might have some questions he wishes to put.

The Hon. P. T. PRIMROSE: I am just as interested in the views of the Opposition. But having said that, do you agree with the statement that has been made that Mulawa is the most mosquito-infested toxic waste dump?

Ms McFARLANE: That argument has been put to the Greens, put to Greenpeace and put to corrections generally by women prisoners and staff at Mulawa. There were complaints made when they moved the alleged toxic stuff from the Olympic site, and there were numerous health complaints that were made. So from the prisoners' perspective and the staffs', given that those complaints were made in writing and that the EPA came out and had a look at it, yes, we would have to concur with the experience of the people who live there.

The Hon. P. T. PRIMROSE: So you would acknowledge that. The only other thing is: is Justice Action part of your Coalition?

Ms ROSA: Of the No New Women's Prison?

Ms McFARLANE: Justice Action has lent their support to opposition to the prison. Certainly we cannot speak for their views in terms of what reasons they have, but they have certainly lent their support, as have, as I indicated before, 150 other organisations.

The Hon. P. T. PRIMROSE: So you would support their views?

Ms McFARLANE: We would support their opposition to the prison.

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Ms LEE RHIANNON: Often when we have been talking in this place with government people they say, "We do need another prison because there is an increasing trend with women committing more violent crime and this is a worldwide trend. We are getting women committing more violent crimes of greater seriousness and therefore the prison needs to be built." Could you give us a response to that?

Ms McFARLANE: Firstly, I might argue that that trend is incorrect. Statistics are notoriously problematic; you can twist them any way you like. If you want to look at just statistics, then you can say that women's violence has increased, if you confine what violence is to certain categories, and, again, this was discussed by Tony Vinson and Eileen Baldry as recorded in Wendy Bacon's article in the Herald.

That shows that if you are going to limit the category of what constitutes violence, then women's imprisonment in New South Wales or women's violence has increased moderately but if you look at what the community would commonly perceive to be violence and include things like murder and various other crimes, instead of looking at a small group of offences that have jumped a small percentage which makes it look like women are violent, you actually get a broad base of offences where there is a very small increase, if at all, which shows that women overall are not more violent.

That has certainly been the criticism of a lot of the research that has been done including a lot of that position through research that has been done internationally. What you find is that the most recent study that looks at imprisonment, the audit that the Commonwealth Government did of imprisonment in various States, shows that the increases are in property offences, they are in drug offences, they are in driving offences and various robbery offences without violence. That is where women are committing more crimes or at least are being imprisoned for more crimes.

You have various other layers. One of the big things that the department relies upon is increases in offences called offences against justice. That is another weird statistic. The court definition of that can include something from resist arrest, which, as you know, can be a verbal resist, through to an assault, but it also can mean a breach of a community service order or something like that. That one category has shown a significant jump in women's criminality, but it does not explain what the circumstances were.

For Aboriginal people in particular it is well documented that the trifecta of common police charges — and this is documented over 200 years — show that that is how Aboriginal people become involved in the criminal justice system to a large degree. Those categories are called violent offences, yet they are not violent in the sense of having to protect the community from those women.

You also find that the statistics show that it appears that courts are increasingly taking the view that women should be imprisoned, or at least are more willing to imprison people. What that statistic does not reveal is that there is a massive lack of community resources or options for women that the court system can turn to.

If I can just quote from Deputy Chief Magistrate Gilmore in a paper that he gave in the middle of last year to the New South Wales Law Society, he states:

Before welfare organisations were available to offer assistance the courts had few options to provide any diversion from the criminal justice system. It is clear in many cases that time in a residential environment was necessary so these people could dry out and improve their physical condition.

He makes the comment that only gaols offered such an environment at the time. So he is there quoting the importance of community agencies in terms of reducing the need for judges to send people to gaol.

What is interesting about that paper is that every agency that he cites has limits on taking women from custody. They do not take drug-dependent people; they do not take women with children; they will not take women even on methadone; or they do not have women specific programs.

So you find that where the courts have seen that they have an opportunity to divert people from the gaol system to community options and they have sought to embrace those options, they cannot do it for women because the community options simply are not there. That may explain the apparent statistical evidence that shows that women are more likely to be imprisoned.

Ms ROSA: Also, this point highlights the importance of not only looking at the Department of Corrective Services or corrections in isolation with regard to the issue of women's imprisonment or imprisonment generally. There needs to be a more whole-of-government approach.

The Attorney General's Department, the police and corrections need to look together at ways of addressing the issue of the high rate of imprisonment for women. We have statistics of an increase of 70 per cent of Aboriginal women in prison over the past two years. I think that is something that we are quite ashamed of in many ways. So, therefore, we need various government sectors to be looking at ways to address this.

Ms McFARLANE: If I could just make one final point on that because I know that that is a strong position that the department, the Government and the Minister have been taking, just a question back, is that if women are so violent that a new gaol is to be organised for them, then surely that new gaol would be a maximum-security gaol as opposed to the medium-minimum-security gaol that they are planning on building.

What they are planning on doing is taking women from Mulawa and putting them in another centre. If they are violent women, if the easy view of it is correct, then they are not going to need a minimum-security but a maximum-security gaol, but there is no question, no discussion of that.

You also find that the women's classification system that was recently reviewed again states that women offenders cannot be treated in the same way as male offenders because they are simply not a danger to the community in the way that men may be.

Women are not, generally speaking, rapists or murderers or their crimes do not involve that element of stranger danger that the community is for whatever reason, justifiably or otherwise, afraid of. Women do not commit those offences, so that the arguments for the protection of the community simply do not stand up.

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Ms ROSA: Also, a lot of women are being imprisoned on remand. People are getting granted bail less and less, and this is for various reasons, whether there be recent changes in bail laws that take away and erode the presumption for bail or whether judges and magistrates are being less tolerant of drug use or the perception of the high rate of drug use, violence, crime, and the media's and politicians' ongoing feeding of that fear.

It is for all those reasons that the remand population is really, really high. That is one of the reasons for the high imprisonment population, so we need to look at the reasons why we are imprisoning people who are supposed to be innocent before they are proven guilty.

The Hon. JENNIFER GARDINER: I guess you are following the implementation phase of the Government's response to the Drug Summit in relation to women in prisons. Can you give us any information about how that is progressing in terms of initiatives and, a completely separate subject, you have talked about other jurisdictions where the literature you have read shows successful alternatives to imprisonment, particularly for women. Could you paint a picture for us giving a couple of examples of places that you think we should read about as part of our work?

Ms ROSA: In terms of the Drug Summit, a certain amount of money has been put into increasing drug and alcohol services in prisons, including women's prisons, and obviously we commend that because there is a big need for increased services.

The Drug Courts are also being expanded, except that the problem with the Drug Courts is that very few women are able to access the Drug Courts for a variety of reasons.

The other thing is that a lot of money is actually being put into, according to the Drug Summit recommendations, detection. You are stepping up your analysis and stepping up sniffer dogs. You are putting more money into drug detection in the prisons to stop drugs going in.

I am not necessarily opposed to that, but putting so much money into detection defers money from going into more effective treatment and services and programs that could actually help women who are going to gaol and detoxing and hanging out for the first few days really stressed and maybe then harming themselves or suiciding. Also for those women who are in for a short period of time if you can get them on a stable methadone program or something, then when they go out into the community there can be an easier transition for women to be able to get employment or to be able to get financially secure again.

A lot of the emphasis, unfortunately, from the Drug Summit recommendations particularly relevant to corrections is more money for detection. That is where a lot of the focus is.

There were a lot of good discussions within the workshops - there were Corrective Services workshops. There were a lot of good discussions with people talking about the real issues of women with drug use problems and how they should be addressed, including the community as well, looking to get support from the community for those women so that when they come out it is an easier transition. But, unfortunately, a lot of the money has been allocated to detection.

The Hon. JENNIFER GARDINER: Could you spell out the barriers to access to the Drug Courts?

CHAIR: For women in particular.

Ms ROSA: There are examples that have been reported to me of women going on to the Drug Courts. You know how they work. I presume they get put into specific treatment that is appropriate for them. But it has been said by nurses and so on working in the field that it does not work as well for women because they have got responsibilities for children and also because there are not enough, say, residential rehabilitation places for women, so they do not have that many options for treatment.

Now the department is looking at perhaps bringing in naltrexone. That is a very expensive process, so there are financial implications as well. Women are not necessarily the breadwinners always, they are not having money, so there are quite a few problems associated with that.

That is just a short summary, and it would be best, or I think it would be a very good idea, to actually speak to the nurses and Sue Jeffries and people in charge of the Drug Courts as well.

Ms McFARLANE: In terms of your second question about options that have worked elsewhere, we are going to be submitting another part of the submission that tries to outline as many of the programs that would parallel the situation in New South Wales that could be used here as possible, so that that will address that more fully.

But, just briefly, in 1989 the National Institute of Corrections in the USA got together a symposium of corrections experts, former prisoners, academic-type people to have a look at why programs were failing - that is, programs inside gaols - but also some of the community options that had been trialed in other States, because not all the programs work, obviously, so they wanted to identify why they did not work, although they sounded great, what was happening.

What they found was that there was a definite lack of awareness of women-specific issues, so you found that, as Solange has mentioned, the multilayers of problems that women have that leads to their offending, such as drug issues and children particularly, were not being addressed by the more formal accepted programs, the more conservative programs, I guess, that governments would be more willing to embrace.

What they did was that they trialed innumerable programs since then that have tried to do things that address very small groups but groups with specific needs, say, for instance, healing lodges that try to take indigenous women out of the gaol system and put in a restorative justice sort of way - that is the basic definition - where they have ownership, so employing Koori workers, for instance, and that type of situation.

Aboriginal women or indigenous women have specific needs that are not met by mainstream alternatives that work well for white men, so we need to develop really small programs that focus on the particular needs of those groups. That is one that Hawaii has been advocating for. In Canada they have worked very successfully.

You also find from an entire government point of view that Scotland is one of the most interesting recent examples where they had a review of women in prison and basically decided that 50 per cent of them did not need to be there and should be out. When you look at the

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Scottish make-up of who is in gaol, with the exception of the indigenous population, it parallels the situation here to a very alarming extent.

They found that the same type of offences were being committed, the same reasons why women breached on community options, the same lack of sensitivity to needs and the same lack of understanding that if you have drug-dependent people they are going to relapse; you cannot have a program for someone who is drug dependent and goes into a program, whether it is in a gaol or in a community setting, and have 100 per cent not return to a drug situation. That is not feasible.

So they developed programs as well as recommending that the prison population should basically be halved and setting steps in process to implement that. It was a government response not just a select part of government that did that. They also recommended, again, a lot of small community-based alternatives that addressed specific needs. So they are two examples.

Ms ROSA: From California, the Department of Corrections Family Foundations Program, for example, is a program for women with drug abuse problems. They are able to have their children live with them. This would probably be seen as a very controversial sort of program, but it is a residential facility where women can live with their kids. They have drug problems and they are going through treatment but at the same time they get the treatment and get educational and vocational training as well as parenting education to assist them with their children and coping with their children and then they get a lot of support when they go out, community support, to maintain what they have learnt and what they have done in there.

Another important point for alternatives is because although the women have drug use problems, it has been shown by a lot of research studies that compulsory treatment for drug use does not necessarily work, so it is a much better idea to make sure that the person's motivation is towards changing their patterns of behaviour.

If someone goes into a voluntary treatment, they are much more likely to succeed at the end to maintain their drug-free or drug-stable life. Those sorts of principles or criteria need to be looked at when you are looking at alternatives so that women do have some motivational capacity or are willing to change or go for treatment.

A number of other options are to perhaps increase work release beds and also residential drug treatment spaces for women and look at those kind of front-end programs where women go straight to an alternative as opposed to at the end a works release back-end program.

CHAIR: We, unfortunately, have run out of time. I understand that your organisations are going to put together a more detailed submission to the Committee at a later date. I think you might understand some of the areas in which the Committee is interested and perhaps you could make some more detailed comment. It may well be that our staff might pass on to you some other areas of concern as well that you might address in that.

We look forward to your written submission at a later time. Thank you for the time that you have spent with us this morning. Your efforts are greatly appreciated.

(The witnesses withdrew)

ANNE MARIA WEBB, Social Worker and Co-ordinator of Guthrie House, affirmed and examined:

CHAIR: Guthrie House is run by the Department of Corrective Services. Is that correct?

Ms WEBB: No. Guthrie House is run by a community-based board of directors. It is an independent community organisation.

CHAIR: Could you briefly outline your qualifications and experience which are relevant to this inquiry?

Ms WEBB: I have degrees in psychology and an honours degree in social work and for the last six and a half years I have been the Co-ordinator of Guthrie House.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act?

Ms WEBB: I have.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms WEBB: I am.

CHAIR: If you should consider, Ms Webb, at any stage during your evidence that in the public interest certain evidence or documents you may wish to present to the Committee should be heard or seen by the Committee alone, the Committee will usually agree to your request and resolve into private session. I should warn you, however, that the Parliament has the power to override that decision at any time and make your evidence public.

Ms Webb, could you explain the service provided to women at Guthrie House and explain how many women Guthrie House looks after at any one time and so on?

Ms WEBB: The service provided by Guthrie House is for women embroiled in the criminal justice system. We can accommodate eight women and any of their accompanying dependent children. When I say "embroiled in the criminal justice system", the service began as a post-release service for women who had just been released, but over the years it has gradually evolved into one that works more broadly with women in other categories, such as those facing charges and trying to bypass gaol, pushing for a court to remand them to us for a certain amount of time to show that they are overcoming their drug and alcohol problems.

We accept women on bail. We also have women, as I mentioned, who are just released; we also have women with no conditions on them; and we also accept women who are paroled to reside at our service. We have had a few Drug Court clients this year, but not too many, because we can only cater for eight women and, of course, their children.

The service, just to make sure you understand, is not a Corrective Services facility. They do not own the building. We are funded by Corrective Services, by Central Sydney Area Health Service, and then we get a smaller amount of funding from the Department of Community Services, but that is SAAP money, that is, the supported accommodation assistance program.

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Some of the women who have their own criminal justice issues also have problems with their children, and the Department of Community Services may have removed their children and will return them if they come to Guthrie House to be supervised by us. They will then return them to us. However, the Department of Community Services does not give us any funding to do that work.

When the service first opened in 1979 drug and alcohol was not the issue that it is now. I do understand from watching *Prisoner* that there was very little of the drug problem that we face today. We have not had a request for admission from a non-drug-affected person since 1996.

The primary presenting problem of most of the women coming to us is a drug and alcohol issue. We run a semistructured program. We are called a halfway house. The premise there is that the women are reasonably ready to step back into society. Sometimes halfway house is a misnomer. However, to make it more strict would turn it into a prison if we became a very rigid rehabilitation program.

One thing I find about the clients we have is that they know very well how to live in prison, but I do not find that a very adaptive life skill. Therefore, we are trying to teach them how to live outside prison, to make their own productive choices. So within our program there are certain groups that have to be attended, individual counselling that has to be attended, and clients do have other responsibilities to the household, but each one also has to structure her own program. She has to be able to set some goals for herself. The progress of each person is monitored and evaluated as they go along. Does that answer your question?

CHAIR: Sure. I suppose the only other couple of things I wanted to know just as a basic is that I understand that your facility is at Stanmore.

Ms WEBB: Enmore.

CHAIR: I would be interested to know a quick physical description of the building you have to work with, how many staff you would employ, the sort of hours in which the staff are available in the building and, finally, approximately how long your women clients would stay at Guthrie House before they move on to some other accommodation.

Ms WEBB: When I first went to Guthrie House in 1993 the building was in another location. It was a rundown hovel and it had no facilities at all for children and not terribly many for the women. It was overcrowded and, as I said, very run down, which equals hovel.

We set about and it then took us until 1996 when we moved into new premises. It is now a beautiful building, heritage listed. It has nine bedrooms; it has more spacious grounds; it is very safe for children, whereas the other one was not - it was on a main road.

We have become cramped again. We take eight women. Each has her own room that she shares with her child or children, if she has them, and some rooms are bigger than others. We are, again, short of space because I would like to expand our program a little, maybe not necessarily in terms of the number of clients but because it is very difficult. We become an institution and defeat our purpose if we take too many people living together in one building, so the idea is to mirror real life as far as possible. However, there is a need for more space because we seem to have more and more children.

We have what is called a support worker on duty at any time. They have 24-hour shifts, which include a sleepover so, in theory, they are meant to go to bed and get eight hours' sleep but if the client needs them, they can knock on the door and wake them up. That is necessary because a lot of courts, et cetera, that remand people to us like to know that there is that supervision available.

I did not mention before that we also occasionally have a section 29 resident, which means a sentenced prisoner, who has the care of a dependent child, and for that reason, usually a school-age child but not always.

School-age children, of course, cannot be accommodated within the system at Emu Plains or even at the transitional centre, so those women are occasionally referred to us. However, because they are sentenced prisoners and because we had 90 turnaways in the last financial year we are finding it increasingly difficult to be able to offer a service to those women.

However, for various reasons staff sleep over at night. We have an administrator who works four days a week. I am the co-ordinator and I am available 365 days and nights a year, and I work up to 70 hours a week, but I do not get paid for that. It is very important to have somebody available all the time to the staff, especially at the times - we usually stay on in the evenings - when the administrator is not there because when we have eight women we may have six children as well and the children all have great difficulties as well as the mothers, so that makes 14 clients.

CHAIR: How long are the women you have housed there likely to stay?

Ms WEBB: The women who come to us are otherwise homeless, so we have an on-going problem with getting them housed at the end of their stay with us. We would say that, to make any inroads, we would need somebody to be with us for three months. It is very difficult when somebody has been using drugs and been in and out of prison for 20 years and has perhaps been a ward of the State and has had a rather traumatic life to expect that within three months she is going to be something else.

At the end of three months women can apply to stay for another three months. Sometimes a bail period is longer. Sometimes a parole period is longer. We do not turn out anybody just because her time has run out. However, we do discharge clients for breaking our rules, which includes using drugs and/or alcohol. However, we very much have an open door policy, so we exclude them sometimes for a night, sometimes for a week, sometimes for two weeks.

So they might stay with us for six months, for example, but be discharged on a couple of occasions. But we will keep working with the client until the client and Guthrie House think we have got it right.

CHAIR: Are there similar services to yours? It seems to be somewhat unique. You mentioned there were 90 turnaways. Are there many other services that are able to --

Ms WEBB: There is no service similar to ours. We are the only service in New South Wales that will cater to women embroiled in the Commonwealth justice system. A lot of services will not take somebody having a bail condition. They might take people on bail but not if their bail condition is to reside there.

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There is a place, Phoebe House, that will take women on methadone. Jarrah House will also take women on methadone but their problem is only three weeks. We try to meet the needs of the client. Obviously the service exists for the client, so we will take methadone because women coming out of prison are often on methadone, so we accept methadone or no methadone or whatever they bring to us, children, no children, but there is no other service. We are only partly funded by Corrective Services to the tune of \$117,000 a year, but we are certainly unique.

CHAIR: Did I hear you correctly when you said you had 90 turnaways in a year?

Ms WEBB: You heard me correctly. We had 90 turnaways last year. This year we are probably up to 90 already. I need several hours to go through the statistics. I could not do it in a hurry because there have been so many.

The Hon. P. T. PRIMROSE: One of the things that comes up again and again is the issue of post-release accommodation which I suspect is also pre-incarceration accommodation linked into all of this as well or, more importantly, the lack thereof. I have two questions in relation to general accommodation as opposed to supported accommodation which is obviously critical. But even just general accommodation, we have heard about the role of the Department of Housing and we keep getting mixed messages.

I was wondering whether you had any comment about how effective, how good, the Department of Housing's role is, say, that first three months for people and also following on from Guthrie House, in housing people appropriately? The second thing is, is there anyone that you would suggest that we could talk to rather than us trying to reinvent the wheel about issues to do with post-release accommodation and accommodation issues generally?

Ms WEBB: A couple of years ago there was this issue of post-release accommodation that came up in the inquiry into the children of imprisoned parents, and accommodation, of course, was the issue. The Department of Housing then took the view, and I understand it has not changed although at various times I have read about some policies that I have never seen implemented, that prisoners get no special consideration because they are prisoners but they are most likely to fit into the category of the most disadvantaged, therefore, they could line up for housing with everyone else.

The criteria is: can you afford independent or private sector rental; have you got an illness; are you likely to have prospects of joining the work force in the near future and, therefore, be able to support yourself; are you a sole parent? For example, you are more likely to get priority if you have children.

A few years ago the department did have a policy, as I mentioned, of housing prisoners on release, but I think that is more about if somebody has had housing prior to incarceration, they hand the key back and their sentence - Mrs Symonds might be able to tell me - but if their sentence is something like six months, the department will guarantee to rehouse them.

That is right, if it is over three months they must hand back the key and the department will guarantee to rehouse them. So that takes care of people who have had housing before they go to prison, generally, but it does not take care of those who need housing afterwards.

From my experience, it is becoming increasingly difficult to get any sort of housing from the department, not impossible but very difficult, and also one is most readily housed in areas such as Campbelltown, Blacktown and Mount Druitt. For reasons to do with their former lifestyle, many of my clients do not wish to go back to those areas because they would see themselves as being very much at risk of slipping back into the drug- dependent and concomitant crime.

The Hon. P. T. PRIMROSE: Would you think it would be valuable for us to get someone from the Department of Housing to talk to us?

Ms WEBB: Yes, I do.

CHAIR: With regard to the 90 turnaways, I guess the Committee would also be interested to know where do these people go if you have to turn them away? Have you any idea of what happens to them if you are not able to offer them a service?

Ms WEBB: Unfortunately, I do not. One of the turnaways one of our clients met. Our client had to go somewhere quite early in the morning and she was on her way to the station. She walked through Belmore Park near Central and she found one of our turnaways, a young Aboriginal woman, lying on the grass just waking up from her night's sleep. She had been pretty stoned, drug affected, and my client stopped to talk to her and ask her how she was going. The young woman replied that she was not going very well, she thought she would be dead very soon and she was pretty desperate and did not know what to do. That is one example.

Another client told me about being released on a Friday afternoon unexpectedly from court. She had applied for bail and did not consider that there was any way on earth that she could get it. Maybe she thought it would be a nice outing for the day, I do not know. Nevertheless, she applied for bail. She got it. She was released at 4 o'clock on Friday afternoon.

Having not considered she would get bail she had not tried to make arrangements for accommodation. She then as soon as she got out began feeling pretty desperate. Then she remembered it was her little boy's birthday on the Sunday.

She did not have access to social security and did not know where she was going to live, so she went out and did an armed robbery and was back in gaol by the Sunday, which was her son's birthday. She thinks that she did that because of just not thinking straight in the sheer desperation of getting out and not knowing what she was going to do and where she was going to go.

CHAIR: Would you say that there is a need then for someone to fund similar services to yours around Sydney and in the country?

Ms WEBB: Yes, most certainly, I do. I mean, obviously, in the country a lot of Aboriginal women from around the north coast area have been imprisoned down in the city and they want to return as quickly as possible. Sometimes, not all. Some want to come to us and stay with us for a while before moving back to the country, but it is pretty grim when they do not have their train fares, et cetera, and they are likely to commit some stupid crime, help themselves to it because they do not know where to go.

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It is probably very hard to access any sort of support when you are just released. It also depends - perhaps people coming out on parole may be assisted more easily because they go and report to the parole officer and the parole officer in the gaol usually has spent some time and often those people will have somewhere to go. But it is the people who are released unconditionally and the people released on bail who have great difficulty.

I may be wrong, but my understanding, at least from Mulawa, is that the parole staff there are very good and I should think that they have pretty well spent time with everyone who is going to be released on parole and made sure. There is somebody in gaol waiting now. She has been there for three weeks to be bailed to us and it sometimes happens on parole also that they have to stay in Mulawa until we have a vacancy.

The court has bailed this woman to Guthrie House but we do not have a vacancy and she is not allowed to leave the prison until we can pick her up and bring her to Guthrie. It sometimes happens on parole that the women have to stay in prison because we cannot accommodate them right at that moment.

CHAIR: I also found remarkable that you were able to re-establish your service in a suburban environment like Enmore. One of the problems that Corrective Services have quite legitimately said that they have not been able to expand, for example, a transition centre and they did try to do so in the inner city and wound up with a level of community reaction and had difficulty getting the necessary approvals to go ahead. Do you have any suggestions as to how that process might be better handled? You obviously were successful yourselves. Was it easy to do or --

Ms WEBB: I just did it.

CHAIR: What was the reaction of the local community?

Ms WEBB: Very little. I did not do a letter box drop. I thought about it and decided against it. We are very good citizens and, in fact, the woman who lives opposite told somebody she knows who knows one of my staff that we are much better neighbours than the people who lived in the place before us because, for instance, I will not even let them have radios turned up loud in case it affects the neighbours but that is just a normal every day consideration that I expect to give and get given wherever.

Our clients do not have wild parties because that is not what Guthrie House is about. The neighbours smile and nod. One mother came to visit her daughter but went to the wrong house and was told, "No, you want the criminals over the road", but they have never complained.

Someone complained that we parked in front of his property rather than our own and we got a nasty letter in the letter box, but I do not think that had much to do with the nature of the client group, particularly as that was the staff. The clients do not have cars.

I cannot comment, because I do not know how it was handled at Glebe, but we have certainly encountered no Opposition. In fact, as I have mentioned, our neighbours like us, and we are very careful to be very good neighbours. I know that the transition centre that exists now, not that there are neighbours, is a very quiet place, just like ours. We do not rage. We tend not to rage at all hours of the night.

The Hon. Dr A. CHESTERFIELD-EVANS: How many people did you actually see? In other words, if there are 90 turnaways and you have only got eight beds and they stay for up to three months, then you might only have, what, 30 a year staying in, which would suggest that you are one-quarter of the demand as currently exists. How many people did you have?

Ms WEBB: How many I saw?

The Hon. Dr A. CHESTERFIELD-EVANS: What was the throughput in individuals?

Ms WEBB: Thirty-five in the last financial year. Some people do not need to stay the three months. For example, housing might come through. They might think they are okay. Their mother might change her mind and say, "You can stay for two weeks." Occasionally we have somebody from interstate who has to make arrangements to leave. Occasionally we lose them or their bloke gets out of gaol and that is the end of them.

I do not assess all the people. Only if it looks like we may have a vacancy in the near future do I have a face-to-face interview with those who are referred to us. I could not possibly see them all. But as to the other part of your question, my girls, as we are known in the prison system, tell me that there are many women in gaol who do not know about Guthrie House or where on the earth they can go when they are released.

My eight and the 90 who are referred is a very slap-happy arrangement. I do know that I have an appropriate representation. Women are overrepresented in the prison population, of course, and there are proportionally more Aboriginal women than men in the prison system. I do have good relationships, usually, with Aboriginal legal services and things, so I think it would be most unjust not to make sure that I did not have an appropriate representation of Aboriginal women. Otherwise, it is just we are relying on the workers in the gaol knowing that we exist, and a lot of them do not.

Maybe if there were enough places to cater for most of the people I would make sure that they were more fairly allocated and do a bit more going out there, if there was an eighth day in the week, to make sure that people knew about us, et cetera. Now I have been so busy answering the question that I have lost the question. I am sorry. Have I answered it?

The Hon. Dr A. CHESTERFIELD-EVANS: We were just talking about the demand.

Ms WEBB: That is right. You said you assume that we have met such and such a percentage of the demand. I am saying that we have not tapped into the demand. Those 90 turnaways are people who have actually accessed and managed to make a phone call or got somebody to do so.

An ex-client sometimes rings me up if they have met someone somewhere or other and they need to come to Guthrie House but they have never heard about it. What I am saying is that not everybody who is in prison knows about us.

The Hon. Dr A. CHESTERFIELD-EVANS: But you could immediately do the 90 and then you would see what was happening after that?

Ms WEBB: Yes.

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The Hon. Dr A. CHESTERFIELD-EVANS: Presumably, the fuss associated with opening some other ones would then generate another multiple of the 90.

Ms WEBB: Yes. And, also, as I said, not all of ours are post-release. Some are trying to bypass gaol altogether who are facing charges and appearing before the court.

The Hon. Dr A. CHESTERFIELD-EVANS: If people are staying in gaol because they cannot get to you and you are much cheaper than gaol, it would seem a bad waste of money, would it not?

Ms WEBB: It would to me, yes.

The Hon. Dr A. CHESTERFIELD-EVANS: So what is the cost per year of one of your beds?

Ms WEBB: Well, I will let you work it out. We have \$117,000 from Corrective Services, we have \$101,000 from the Department of Health and we have \$64,000 from the Department of Community Services.

The Hon. Dr A. CHESTERFIELD-EVANS: And you deal with 35?

Ms WEBB: Last year we had 35 clients, but they are the adult clients. I am not counting children. Some of our children are full-time and some are part-time also, but we had over 20 children also during the year.

The Hon. Dr A. CHESTERFIELD-EVANS: So the cost of three people in prison would be --

Ms WEBB: \$120,000, \$180,000 for three people in prison, \$60,000 a year now, they say.

The Hon. Dr A. CHESTERFIELD-EVANS: So you are somewhere around a third of the cost per person if you take the total government expenditure to your organisation.

Ms WEBB: And have you included children? Who is responsible for the children? Somebody surely is.

The Hon. Dr A. CHESTERFIELD-EVANS: That is true. I do not know. I would have to ask DOCS that.

CHAIR: We can do that.

Ms WEBB: I would like to know the answer, actually.

The Hon. Dr A. CHESTERFIELD-EVANS: It is worth thinking about.

Ms WEBB: We are doing that as unpaid labour.

The Hon. Dr A. CHESTERFIELD-EVANS: We are trying to prove that these things are more cost-effective than locking people up, so from our point of view those sorts of hard figures would be helpful, in a sense.

CHAIR: Ms Webb, some of that detail that the members are asking for may well be included in your annual report, if you do one, to your co-ordinating committee. Is it at all possible for you to make a copy of a document available to the Committee for its future reference?

Ms WEBB: I have done such an exercise as was just mentioned. I have an annual report here.

CHAIR: It would be helpful. We can make multiple copies.

Ms WEBB: Of the report?

CHAIR: Yes.

Ms WEBB: I can give you multiple copies.

CHAIR: If you have them to spare.

Ms LEE RHIANNON: Do you know how many - if there are any - women reoffend after they have left Guthrie House?

Ms WEBB: A lot. If you accept the definition - I have already told you that all of our clients have drug and alcohol issues and "a lot" is rather loose; I cannot give you a percentage. A lot also do not offend. If we accept the definition of the Drug Summit of drug and alcohol dependence being a chronic relapsing condition, we are going to have to expect that some people are going to reoffend.

However, I do not think we have as many reoffenders as the recidivists who are in and out and in and out of prison. I think maybe it takes them much longer to commit a crime. I can also tell you of women who are now studying at TAFE, one or two who have started university courses that I know of, and I do not always know, because ex-clients are more likely to contact me when things are going badly for them rather than when things are going well because they remember Guthrie House as a safe place and a place where they were doing okay once, so we do not always hear of the success stories, but I am not pretending that just because somebody comes to Guthrie House she is going to be an angel from here on in.

The Hon. JAN BURNSWOODS: I just wanted to ask if you cater for women with intellectual disabilities and whether you could make any comment on the sort of fate they have faced with you compared with some of the other groups you have mentioned. I do not expect statistical exactness.

Ms WEBB: No, I do not have statistics but I can tell you that the gaol is overflowing with women with intellectual disabilities. I can tell you that I have assessed some women who would be just impossible, because, unfortunately, people have to be able to live within a group.

However, we did have one recidivist who had a liking for fires, and I actually took her and she would run away and end up back in prison and dreadful things happened and she would always tell me to promise the judge - she had an intellectual disability - she would never do it again.

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She told me every day of her good behaviour bond, "I told you to promise the judge, did not I?" Two years later she finished her good behaviour bond; she had started lots of literacy courses but could not last more than, you know, the first day, and she is a very successful person now. She has moved on from us but we did keep her for two years. This was a person that nobody else in New South Wales would take.

The Hon. JAN BURNSWOODS: That is really the sort of thing I am getting at.

Ms WEBB: Because of her past criminal history and her penchant for fires, people were a bit wary of her, so I do not know what would have happened to that woman if we had not taken her, but I know what did happen to her, and that is that she no longer commits offences and for the first time in her life she has a steady job in a sheltered workshop. We have moved her on now to a boarding house with other people with intellectual disabilities.

However, when somebody first comes out of prison it is a bit hard to just slot them into the boarding house, I think, with other more functional people. We say that we do not take people with an intellectual disability and we say that because we cannot be all things to all people and I think it is important to have the drug and alcohol relapse prevention program.

It is important that everybody is able to pull their weight. We are not very well resourced in human terms, so to have eight or even four people with an intellectual disability would be too much of a strain on our service at the moment, but I can certainly see a need for a small place, even maybe six beds, where such women could be accommodated.

The Hon. JAN BURNSWOODS: The demand is such and the need is such.

Ms WEBB: Yes. I think that is so when we look around the prison population. Although we say we do not take people with an intellectual disability, we sort of do. It is our policy that we do not but sometimes it is really hard when you know that nobody else in New South Wales wants this person. That person I mentioned was not the only one we have taken.

The Hon. JAN BURNSWOODS: Do you get enough information from Corrective Services to be able to actually say, "This is a person with intellectual disability. They do not fit within our criteria"?

Ms WEBB: Not always.

The Hon. JAN BURNSWOODS: Or is it a problem for you to actually identify them?

Ms WEBB: I often do not because sometimes the prison staff are desperate to get this person accommodated and sometimes they are just setting people up to fail, because Guthrie House is the wrong place. I very rarely, although it depends on the individual worker. Sometimes I get enough information. However, I do my own assessment. Often I pick things up there.

The Hon. JAN BURNSWOODS: But that would be only in that very limited, small category of the people you are interviewing because you have a vacancy.

Ms WEBB: That is right, yes, but some of the people with an intellectual disability do not like the idea of a contract or the fact that they will be committed to certain things - not all, just some. It depends what their particular disability is. Within intellectual disability we have such

a wide variation anyway. Some with a minor disability would probably fit okay into our program but people with severe disabilities would not necessarily.

The Hon. JAN BURNSWOODS: And just finally on that - I do not know whether you are in a position to comment - in relation to the question that Mr Primrose asked you about the Department of Housing provision and so on, can you comment on whether women with intellectual disability manage to be looked after to the extent that other women are within the arrangements made by the department or do they fall into a hole?

Ms WEBB: To the extent that other women are, most certainly, because other women are not. People with an intellectual disability, generally speaking, need help. There is only one service I know of that is more for people with a mental illness, and that is, say, Bea Miles, but they have just begun taking women on methadone. However, the women have to be reasonably functional, because they only have an outreach worker. There is nobody on site.

CHAIR: Ms Webb, I neglected to offer you the opportunity to speak to the Committee without necessarily responding to questions.

Ms WEBB: Do you have more questions to ask me?

CHAIR: I do not know. We just wanted to offer you this opportunity first.

Ms WEBB: It would depend what you are going to ask me from here on in.

CHAIR: It is normal before we ask questions to give you an opportunity to address the Committee and I forgot to do that. I wanted to give you an opportunity to cover any ground we have not asked you about already that might have been issues you wished to raise.

Ms WEBB: Am I allowed to ask if anyone has any questions of me? I would rather answer a question, give you what you want to know. I would take the opportunity if nobody wanted to ask me something, but I would be happy for anyone to ask me a question.

CHAIR: We are sort of over time.

Ms WEBB: Just in summary I would like to tell you that I am totally opposed to the spending of \$42 million on a woman's prison in the remote and inaccessible Windsor area. That is another concern and that was raised about the inner city. It is not impossible to set services. We did in 1996 in the city. What is proposed at Windsor is a net increase of 150 places in the prison system for women. As I have already heard mentioned this morning, most women's crimes are non-violent crimes, for which one surely does not need to be imprisoned.

We have a 50-bed facility for women being built on the north coast. Just from the figures I saw, the women's proportion of that, I estimate, would cost about \$7 million. I think we could do an awful lot with that \$7 million in the community.

I really cannot understand why there is a proposal for a prison to be built at Windsor or anywhere else in New South Wales when more than one-third of the women who are in prison at the moment are there on remand. They have not been convicted of any offence. So, if we only took away 28 per cent of those women on remand and assumed, which is not true, that the rest

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of them there are such a danger to the community that they cannot be bailed, how could we possibly need the facility at Windsor?

Why are we not putting it into a bail house where women can be with their children and hopefully pick up a few parenting skills so we do not find those children within the prison system within 10 years?

The Hon. Dr A. CHESTERFIELD-EVANS: I notice you have quite a lot of current assets. Is there any plan to do anything with those or to expand your activities?

Ms WEBB: No. Unfortunately, we owe that money for the house. It is a joint venture with the Department of Housing and we have had a few difficulties in negotiation of all the terms and conditions. So in the meantime we are looking after the money.

The Hon. Dr A. CHESTERFIELD-EVANS: It looks great, cash, all that sitting there.

Ms WEBB: We will probably settle that next week, maybe on Friday this week, so we will not have that money any more.

CHAIR: Given that you have raised, quite usefully, your own views on the construction of a new prison, one of the arguments put to the Committee as to why a new prison is needed is that there is a desire on the part of Corrective Services, and the Minister for that matter, to demolish the Ann Conlon wing and relocate that aspect of the prison somewhere else. Do you not think there is some justification for doing that?

Ms WEBB: I think they can abolish the Ann Conlon wing if they wish to. That is all for the better. I do not know why we need to incarcerate New South Wales women at a greater rate than we incarcerate Victorian women or in comparable jurisdictions overseas, such as Sweden and Holland.

Talking about taking down the Ann Conlon wing, they are putting a 50-bed facility on the north coast and, as I just said, when we have more than a third of the women who are in Mulawa and now at Emu Plains as well on remand, why are we talking prison? Why are not we talking bail houses.

Nobody has done any research, to my knowledge, and the proportion of women on remand is higher than the proportion of men on remand. Why? Is it just because women are poor and cannot raise bail or what? There is talk that women are committing more violent crimes. I have not seen the evidence and, as I said, if there are 35 per cent on remand, okay, let us assume that 7 per cent of them are a danger to the community and should be on remand in prison. That leaves an awful lot of women who perhaps should not be there.

I have personally encountered women in prison who are there because of poverty. They would have been granted bail, they were granted bail but they cannot raise the bail money. In my view that is to do with poverty, not to do with criminality. It is to do with criminality, but as a victim rather than a perpetrator in this case.

I also find it very hard to fathom why the Department of Corrective Services is talking about the need to build this new facility because I was at an Institute of Criminology seminar on 4 April, 1996, and Minister Debus was there. He told the assembly that his Government was

committed to ensuring that women had better access to alternatives to full-time imprisonment. Then he told us what can only be achieved at the political level is diversion of greater numbers of women from gaol and he also said on the same day that diversion was his first priority.

The Women's Action Plan, which came out in 1994, proposed three transition centres for women. Now, we have only had one of them. We had the trouble in Glebe and it moved out to Parramatta. There were two more transition centres. That would have accommodated another 50 women, and do not forget we have the 50 up there on the north coast that will be accommodated and we have all those women on remand who should not be in prison because they are not convicted of a crime.

Now, I cannot understand why we hold people in prison unless they are convicted of a crime. This is absolutely outrageous. I thought prison was for someone proved guilty if, indeed, it serves any purpose for most of those women.

So, given what Labor's policy was and given that they have not built the second and third transition centres but that the Department of Health with the drug summit money is going to build a transition centre in the corner of Emu Plains, I just do not understand the argument of the present Government.

The Hon. JAN BURNSWOODS: Just arising out of that, it is true, though, that the Government has introduced diversionary programs and that women proportionately are more involved in diversionary programs than men?

Ms WEBB: An example, sorry?

The Hon. JAN BURNSWOODS: For instance, home detention.

Ms WEBB: I think fewer women are involved in home detention than men and, again, I have an issue with home detention. Not all women have a home. All the women who come to us are otherwise homeless. I have been approached about taking women on home detention into Guthrie House. These are sentenced prisoners. We have eight beds to serve the whole population.

The Hon. JAN BURNSWOODS: Some 150 women have been on home detention programs, for instance, and I accept you are saying it is not enough but it does exist. In terms of the statistics we have been talking about, it is a figure that we would clearly have to examine and see how it is going and so on.

Ms WEBB: Yes, and I have not seen any evaluation of it, so I do not feel I am qualified to comment, but what I can tell you is that I know that a lot of women do not have homes. I have also got - obviously, anyone who knows anything about women and violence would perhaps have concerns about women being confined to home because we know that that is where women are most at risk.

I have not read any evaluation of the home detention program. My concern would be about what women might be subjected to in the home because, as I said, that is where they are at risk and the fact that women often do not have homes to be detained in.

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The Hon. JAN BURNSWOODS: Obviously the Committee needs to go into this in terms of taking evidence, but given the statistics we have talked about in relation to Guthrie House, we must bear in mind that if 150 women have been involved in the home detention program that is 150 women not in prison.

Ms WEBB: In one sense they are not in prison but maybe in another sense they are.

The Hon. JAN BURNSWOODS: We need an evaluation of how those women have gone.

Ms WEBB: And also what sort of support, rehabilitation opportunities, they have within their home.

CHAIR: We are out of time. It is unusual for members of the Committee to do this, but can I say I have been profoundly moved by some of the evidence you have given and, at least on behalf of the Parliament, can I thank you for what you do at Guthrie House because it is obviously a very special job. We are grateful that there are people like you and your staff available to do it.

The Hon. P. T. PRIMROSE: I think it is important to put on the record that all Committee members endorse that.

Motion by the Hon. P. T. Primrose, seconded by the Hon. Dr A. Chesterfield-Evans agreed to:

That the Committee endorse the Chairman's comments.

Ms WEBB: Thank you very much. Can I say this in an informal way, and I feel a bit embarrassed about it. You are asking what we do for clients. They tell you themselves, if would you like to have a look. Thank you.

(The witness withdrew)

KERRIN-GAI HOFSTRAND, Self-employed Cleaner, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee today?

Mrs HOFSTRAND: Independently as a former inmate.

CHAIR: Have you received a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mrs HOFSTRAND: I am sure I have. Yes, I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mrs HOFSTRAND: Somewhat, yes.

CHAIR: Further, if you should consider at any time while you are speaking to the Committee that it is in the public interest that certain evidence or documents you may wish to present to the Committee should be heard or seen only by the Committee, then the Committee will usually agree to your request and resolve into private session.

I should warn you, however, that Parliament has the power to override that decision at any time and make the evidence that you give in that form public. However it is not common for the Parliament to do so. Is there anything you would like to say to the Committee?

Mrs HOFSTRAND: I note somewhere in here that you do not like a word-for-word kind of speech but I am going to give a word-for-word kind of speech.

CHAIR: If you are going to do that could you give us an idea of the length of time?

Mrs HOFSTRAND: Three or four minutes. I am here before you as a former inmate with a passionate need for something to be done in regards to your system.

CHAIR: Did you bring a copy of that statement?

Mrs HOFSTRAND: No, I did not.

CHAIR: It would make life enormously easier if --

Mrs HOFSTRAND: You can have this after I have finished.

CHAIR: Could I ask you just to hold up for a minute while a staff member copies it?

Mrs HOFSTRAND: Okay, not a problem. Do you want to ask me some questions while we wait for that?

CHAIR: I do not know whether you are going to deal with this in your address to the Committee, but one of the things I normally ask witnesses is their range of qualifications and experience relevant to the Committee. For reasons that are obvious, I did not ask you that, but it

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might be helpful to the Committee if you gave us some idea of your background, if you would care to do that.

Mrs HOFSTRAND: I went to gaol in June 1991. I was released through money and a good barrister and a good lawyer and through no other reason in December 1993 on a \$1 million drug charge. Now, I saw women in gaol with a hell of a lot less drugs than me doing 10 years. I saw a woman do 12 years for saying over the telephone "A box of tomatoes" four times in a pile of telephone recordings this high.

The inconsistencies in the gaol system in regard to legal aid available, especially to non-English speaking inmates, is absolutely ludicrous. The fact that Mulawa is run - and this is what I say in that, so maybe I do not even need the speech - by, and excuse me, but other people could see, a lesbian clique of officers who if you do not conform to their way of thinking - I have seen officers straight out of the academy go to Mulawa and either conform, transfer or leave Corrective Services within a six-month period.

The way you treat seriously mentally ill inmates and, as I said, non-English speaking people, is criminal. The officers have absolutely no concern whatsoever for the inmates' needs. They do not give a damn. They stick their finger in your face every day of your life. So you are nothing but a dirty filthy crim, and you came from the gutter and that is where you are going to go back to.

Recidivism is actually the fault of the gaol system. The fact that this old school of officers still exists shows that no matter what you are doing in the academy these days it is not working because I worked in reception and I saw the best and worst of the gaol system. Between Norma Parker and Mulawa I can count on one hand how many officers actually gave a damn about what these women's issues were.

I am a nurse, and at three o'clock in the morning, and this is not once, a friend of mine - at this time I was living in Norma Parker in the works release area, so in homes, in inverted commas - had angina pains. She was 55 years old. She came in with heart problems. She was a diabetic. She had many, many problems. She had a problem getting her pills at any time.

She was told to take a bra off that she had not worn for 20 years for her chest pains. She was told that she should take a Panadol because they did not have any Anginine. At six o'clock in the morning this one particular time a nurse actually turned up. The pain was gone.

After five and a half years this woman got out and due to the medical attention she did not receive in gaol she was taken from gaol and basically a month later was in hospital having quadruple bypass surgery. The woman is now suing the Department of Corrective Services and the medical part of that thing.

I actually worked for the Department of Corrective Services on works release at Corrective Services Industries. Now, the glaring difference, even though I was still within the Department of Corrective Services, between being in gaol and my reference from my boss at CSI are two totally different things.

If you look at my parole reports, the works release and the custodial officers did not want to let me out and said that I would be back, I had no compassion or feeling for my crime, I did not feel like I had committed a crime. Well, actually, I did not feel like I had committed a crime. I

was not standing at a gate with a heroin-filled syringe at a kindergarten; I was selling drugs to adults who knew what they were doing. Some people find this a crime; some people do not.

What I am saying is that the women who go into gaol commit the crimes they commit for whatever reason - poverty, drug related, stupidity, peer pressure, whatever. That does not mean that when we are in gaol we have to be treated like three year olds. When I went to gaol I was 34. I am actually writing a book at the moment and the title of the book is *I am not Three* because nothing we could do would be considered anything more than a three year old could do. You could not walk from point A to point B without an officer. If your telephone call was due at 6.30 and it was 6.25 and nobody was using the phone, no, you cannot do that because the officer is too lazy because she is playing with her Nintendo machine.

You are thinking about building another gaol. You cannot even handle the two gaols you have got. I have seen women officers having sex with inmates and, yes, inmates who come in as de factos, which is written down on their charts as they come in the door, are not allowed to share rooms because they are not allowed to have sex yet it is okay for an inmate and an officer to have sex in the medical room at Norma Parker. I have a problem with this.

I also have a problem with the fact that after I got out after two and a half years, and I was in for doing ecstasy, one of those officers came up to me at a dance party and I was totally straight because I had had agoraphobia for six months and I was totally straight at this dance party, and she came up to me and asked me if I knew where she could get an ecstasy from. I said, "I will get back to you on that." Well, I got back to her on that by the next article that was written about me I told the world.

These people that you have taking care of these women do not give a damn about these women. They have serious egomaniacal problems. I would hate to be a male officer working under these women, and it is even worse being a prisoner.

CHAIR: Would you inform the Committee how long you spent in Mulawa and when you left?

Mrs HOFSTRAND: From June 1991. This is another thing about being on bail versus being put in Conlon, the lovely wing, which is your first experience when you get to Mulawa, which is the most horrendous place I have ever been to in my life and I honestly do not know how I got through it, and I am a very strong person. I spent from June 1991 until May 1992 at Mulawa, from May 1992 to December 1993 at Norma Parker.

Now, another issue, as with many things that happen in this system, starting with the courts, is I pleaded guilty at committal in October. This was my first offence. I should have been at that time within, to me, an appropriate six-week period given a sentence. It took them actually till April to get me on the court list to give me a sentence to recommend that I be in minimum security because it was my first offence, and it took another six weeks for me to even get to Norma Parker.

The only reason I got to Norma Parker at that time was because one of the officers that I worked with in reception set up myself and the other girl who worked in reception for stealing cigarettes. Why were we stealing cigarettes? We worked in reception and we had access to everybody's bag who is doing 10 years for importing from Colombia. We did not need to steal cigarettes from the drawers.

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These women are nasty human beings who, through lack of education, through wanting to transfer their rank from the military, through ego, whatever, run these women into the ground. You go in like a boulder. They break you down into little pebbles, but they forget to build you up to a rock so that you can walk back out.

It was an horrendous experience. You cannot speak to a Governor, you cannot speak to the inmates who are in there because the inmates who are in there are too scared to say anything that really they want to say, and definitely do not talk to the officers because the officers do not care, never have, never will.

As I said, on one hand I can count the officers that care. The rest of them, I can tell you right now, there are a couple of them who, if I saw them on the street, I would run the car up on to the sidewalk and kill them. That is how much of an effect they had on my life.

CHAIR: You referred earlier to an officer approaching you for the purposes of obtaining drugs.

Mrs HOFSTRAND: Yes.

CHAIR: How long ago did that happen?

Mrs HOFSTRAND: In June 1994. She still works within the system. She still has sex with the inmates. She is actually living with one of the inmates who has now been released. And this is not a one-off occurrence, the occurrence of them coming back after weekends, their days off, and telling the inmates, especially at Norma Parker, not so much at Mulawa, but at Norma Parker.

Then you had the extremely intelligent idea of moving that to Emu Plains, which only brings the chance of children visiting their parents even further out of reach, but it happens more at Norma Parker, because they seem to think that we are on a more one-on-one basis with them. It is so far from the truth it is not even funny because you are still treated like a three year old.

But they would come back and they would tell us what drugs they have done, what parties they have been to, because, being lesbians, you know, they had always been to a dance party or something, and women who are on works release have to have urines. Why are not the officers who are taking care of these women having urines after their days off? I mean, do police not have random urines? I have never heard of officers having random urines and these are the people who are taking care of the women in gaol.

CHAIR: We interrupted you reading a statement. Did you want to resume that? I think some of what you have covered in your first two paragraphs certainly you have covered.

Mrs HOFSTRAND: It is just what I have said. But so far as the non-English speaking inmates are concerned, there are no translators at Mulawa. The translators and all resources are given to men's prisons. None are given to Mulawa.

When we had a non-English speaking new inmate come in - as I said, working in reception I saw this first hand - usually, as you know now, with the South American connection, usually from Colombia, we would take one of the inmates from the wings up to reception to translate.

Now, I do not know how much translators make an hour for coming out to Mulawa, but these women made nothing, not one penny, to be got out of bed at 10 o'clock at night to come and translate for an officer so that the new inmate could be received into the gaol system. That, to me, is ludicrous. At least give them a packet of cigarettes.

There is a separation of inmates that are non-English speaking, so when you first arrive - I do not know the set-up now - I have not, thank God, been back to Mulawa since 1992 - but at the time I was there everybody, first crime, last crime, recidivist 20 times over, went to Conlon.

Everything that you had in Conlon was stolen because nobody cared. The remand prisoners did not have a job because there were not enough jobs to go around, so they sat in that yard, if you have ever seen it, in Conlon, day in, day out, with nothing to do, could not go back into the wings and had absolutely nothing to do but sit and bitch if they were on methadone, which at the time I was in Mulawa, 182 out of 290 people were on methadone.

Now, you can go into the gaol system as it is today and say you are a heroin addict and if you are a good enough rorter you can get methadone. I have seen a girl who was in gaol for eight years who never had a heroin problem get methadone because she was having a hard time dealing with the system.

Now, I went in with what I thought was an alcohol problem. I did not have a drug problem. I was drinking two bottles of Stollies a day through the stress of having \$1 million worth of drugs, I am sure, but I went in thinking, "Oh, my God, I am going to go through massive alcoholic withdrawal." Luckily, I did not, but I got no help.

There was nothing for alcoholics, for pill poppers, for anybody with any other problem, but if you are a heroin addict, hey, we are here for you; we will give you your methadone just so you can keep quiet and just so you can sit and bitch and it is okay because everything will be calm. Three hundred women on PMS is not a happy thing. So when you have 182 of them on methadone keeping quiet it is a little bit better.

CHAIR: I guess I need to ask you a couple of questions that might be in the realm of things hard, but it seems to me that you are able to handle that.

Mrs HOFSTRAND: After two and a half years in Mulawa and Norma Parker, sir, nothing is hard.

CHAIR: The question, I guess, we have to ask you is that it has been a while since you have actually been in prison. To what extent could you say that your description of prison in 1994 is still relevant in the year 2000?

Mrs HOFSTRAND: Well, due to the fact that I still am in contact with some of the inmates and due to the fact that all I have to do is look at what is going on here. You know, I see a submission in December for this Committee and in 1993 women and girls in custody addressed this issue with exactly the same points that you are addressing.

Now that is seven years ago. You are addressing them still and wondering why there is an increase in prisoner population. So, you know, I do not have to go very far, only to the *Sydney Morning Herald*, to figure out that there is something wrong here. Nothing is being done. All you

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have to do is listen to the woman before me and realise nothing is being done. I do not know what to tell you.

I can suggest to you that maybe repeat drug offenders should not be put in gaol. They should actually be put on a farm somewhere with disciplinarians who have empathy, something that is totally lacking in the officers in Mulawa and Norma Parker. Get them up at 4.30 in the morning, have them pull vegetables, milk cows or whatever, but take them away from the Sunday vomit day.

My father was an actor in *A Country Practice*, so it was like accidentally I was a decoy on Sunday visits because the officers were more excited about getting my father's autograph than they were worried about the fact that everyone down this end of the table was kissing very passionately and five minutes later all those girls were running back to the wing.

Then all of a sudden all the toilets are going because you can hear the vomit going and what is the vomit bringing up but the heroin, the Rohypnol or the Serepax. I was, like, accidentally a decoy because they do not give a damn. They allow one syringe and they know a syringe is within the prison system. They allow that in the prison system.

They turn in their own little way a blind eye to the fact that 20 women are using one syringe for drugs that you know are getting into the gaol, but you do not allow them to have bleach and you wonder why HIV and hep C are rampant in the gaol system. Until some other screw - excuse my language - brings another syringe in, that syringe will keep on being used, and you do not address this problem.

CHAIR: The other question I guess I need to ask you for the record, and I apologise, is very direct but I suspect we nevertheless need to deal with this. As a person who has been dealing in ecstasy, what credibility have you in your ability to make submissions to the Committee?

Mrs HOFSTRAND: I have absolutely no credibility. I mean, if you want to take a person who has committed a crime, and I am wondering if you have ever driven through a red stop light or being pulled over for drunk driving or at least a breathalyser, if you have any credibility in telling me how to drive. I mean, I made a mistake. People make mistakes in life.

I have a husband who is HIV-positive and I wanted a better life for the both of us before he died. Thank God he is still alive. Thank God for a good judge who only gave me two and a half years, but it cost me \$20,000 in legal fees to do that and 90 per cent of the people in gaol do not have access to that kind of money. So they are getting 10 years for a crime half my size.

I do not care if you want to think about my credibility because I committed a crime. I did it; it is done; it is over. You know, I have done my time. So now I believe I have a right to say what I want about these people because these people treat the women in gaol as dogs. They do not treat them as human beings.

There is no gym at Mulawa. When I was there, there was one aerobics class if there was an officer available. The lockdowns were not the result of any inmate problem. The lockdowns were the result of people trying to bring in area management. If you look back into that fiasco, Mulawa was only one of three gaols that actually did not want it because that would mean that the officers actually had to get close to the women and actually had, like, two or three women

that they had to find out something about other than the fact that they were a dirty filthy crim who came from the gutter and will go back there. That is all they care about.

So you want to open another prison out at Windsor, further away. You have not addressed the remand problem, which I thought was what Silverwater gaol was supposed to be about, and you are wondering whether to spend more money on a gaol. It is called spend more money on educating your officers or get rid of the officers you have and get more people in who have some empathy. Do checks on these people. These people are horrendous. I mean, Hitler would have loved them in the SS, and I am not exaggerating.

CHAIR: In your submission you make some remarks about recidivism and you say, "recidivism is your fault", and that is quoting you. Would you care to elaborate?

Mrs HOFSTRAND: Because you have no rehabilitation for the women. There is no welfare officer on call 24-hours a day. There are no doctors or nurses, especially doctors - sometimes there are nurses - there 24-hours a day. It took me six months to see a dentist, and I had a tooth that was falling out.

The only reason I got to see a psychiatrist was because of one of the senior superintendents who saw that after - I had probably been in about eight months at that time - actually got me an appointment with a psychiatrist to get me on tryptanol, which put me into a space far, far away, but at least it calmed me down some because I could not stand to see what was going on around me.

It was only because of that one officer that I actually got to see the psychiatrist. So, it took me six months to see a dentist, seven months to see a psychiatrist, and I just happened to be bloody lucky because I worked in reception. Then in my parole reports they told me or they told the Parole Board that I was going to re-offend, et cetera, but there is absolutely no back up of these facts. Because I would help people who were illiterate, because I would, in their words, take up their cause, there was something wrong with me. Well, it is called, I can write, they could not. They could not see their children because they could not write out a blue form. It is ludicrous. It is ridiculous.

CHAIR: Are there further questions from other members of the Committee?

Ms LEE RHIANNON: You spoke about drugs going into the prison and you mentioned about the officers and the syringe. Have you any comments about drugs coming through via the officers and if you can make a guess as to the percentage that there might be between drugs coming through visitors and drugs coming via officers?

Mrs HOFSTRAND: There are definitely more coming through visitors because you have to be on a very personal level with the officers before they will bring in drugs for you. Of course, they are not going to risk their neck or their very cushy little jobs to bring in something for somebody that they are not close to. So I would say probably 15 per cent come in through the officers, 85 per cent come in through visits.

This is another thing that is so stupid. Somebody gets a drop on a Sunday - right, they are caught over visits and so they are put in isolation visits, so they are on one side of the glass. Well, guess what? In gaol, a lot of the girls know each other. So that guy or that girl comes to visit the friend. So those isolation visits are really helpful. They do absolutely nothing.

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I saw more drugs in gaol than I did as a drug dealer, and I had a million dollars worth of drugs. So, you know, does this not say something about - like, I read a report in the paper a couple of weeks ago that someone had come out with the extremely intelligent statement that pot was the drug of choice in gaol. Hello. Marijuana has a smell that is very, very prevalent.

If you want to do heroin, Serepax or Rohypnol, then you have a drug. Pot is like a Christmas-time event. You know, when the officers are off having their little Christmas party, yes, we can have a smoke, but it is not the drug of choice. I do not understand where you are getting your facts from or whoever did that survey got their facts from.

CHAIR: Hansard does not pick up irony very well and with reference to isolation visits, you said they were very effective. What you meant, of course, was that they were not very effective?

Mrs HOFSTRAND: That is right.

CHAIR: Are there further questions? Is there anything that we have not covered that you wanted to say to the Committee?

Mrs HOFSTRAND: No, I think I have said enough. I mean, I e-mailed you in the first place, thinking that this would be another report that would sit on the reports desk or the reports shelf as the last one did for seven years and I am just hoping that maybe this time something will be done. Whether or not it is is totally up to you people but, you know, I have seen 500-page reports sit there for a long time.

CHAIR: Just as a matter of clarification, the material we have circulated, are you prepared to make that a written submission to the Committee and accept that as part of your evidence?

Mrs HOFSTRAND: Yes.

CHAIR: In your last paragraph you refer to a report in February 1993 of women and girls in custody. Do you mean the inquiry into children of women prisoners that was chaired by Mrs Symonds?

Mrs HOFSTRAND: No. It is called "Women in prison; an update: Women and girls in custody group", February 1993, Subcommittee of New South Wales Coalition.

CHAIR: Would you make that available to the staff to copy? If there is anything further that after you leave us you want to make further submissions to the Committee, we would appreciate further written advice from you. I thank you for attending today. I think it takes a level of courage to come and make the submission that you have made and I and Committee members appreciate you taking that step and for the information you have given us.

(The witness withdrew)

MICHAEL JAMES STRUTT, Contract Computer Analyst Programmer, Justice Action Spokesperson,

KILTY O'GORMAN, Justice Action Co-ordinator, and

BRETT ANTHONY COLLINS, Justice Action and Prisoners Action Group Spokesperson, affirmed and examined:

CHAIR: Mr Strutt, can you briefly outline your qualifications and experience as they are relevant to the inquiry?

Mr STRUTT: My direct experience with regard to prison and imprisoned people goes back to the 1980s and includes visiting prisons in Australia, Sri Lanka and Malaysia and various advocacy positions for imprisoned people.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act?

Mr STRUTT: I have.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr STRUTT: I am.

CHAIR: Ms O'Gorman, could you briefly outline your qualifications and experience as they are relevant to this Committee's inquiry?

Ms O'GORMAN: I have worked with Justice Action full-time for three years and have at different times been the co-ordinator, which has enabled contact with prisons, prison visits, issues around police and sentencing.

CHAIR: Have you received a Parliamentary Evidence Act summons?

Ms O'GORMAN: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms O'GORMAN: Yes.

CHAIR: Mr Collins, could you briefly outline your qualifications and experience which are relevant to the inquiry?

Mr COLLINS: Ten years in prisons, 30 years involved in the prison movement and a criminologist. I have a diploma of criminology from the University of Sydney. I am the National Co-ordinator for International Prison Watch and a long-term activist in the area.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act?

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Mr COLLINS: Yes, I have.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr COLLINS: Yes, I am.

CHAIR: I need to inform each of the three of you that if you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will usually agree to your request and resolve into private session. I should warn you, however, that the Parliament has the power to override that decision at any time and make your evidence public.

Each of you should feel free to respond to the questions as they are asked by anyone. The only thing I would say is that time is of the essence. We only have until 1.15 or so, and if something has been said by somebody else it is not usually worth repeating it. Is there any submission you want to make to the Committee before you are asked questions?

Mr COLLINS: Yes, please. What we would prefer to do is, first of all, just ensure that our submission is before you at the moment. It is quite a substantial submission.

CHAIR: That is probably a fair question to ask, Mr Collins. As I understand it, the staff inform me that there might be up to three submissions from your organisation.

Ms O'GORMAN: No, there is one submission.

CHAIR: The confusion may also result with similar submissions perhaps being made to the Standing Committee on Law and Justice.

Ms O'GORMAN: There has been one submission, which is this one, which we sent in from Justice Action. There may also be some confusion with submissions from prisoners that have been sent to us and we have forwarded on, normally with a covering note just saying that they have been forwarded on.

CHAIR: For the sake of clarity, it might be useful for you to identify and indicate the date of your submission and the author of it so we know we are talking about the same document.

Ms O'GORMAN: 14 February, Michael Strutt, author.

CHAIR: Would you like your submission to be treated as part of your evidence today?

Mr COLLINS: Yes, we do. What we would like to do is also talk to the material so it is quite essential that that is before you. We would like to use this as the background to what we are saying. We would also like you particularly to look at this as an opportunity to say how we can best use the information we have presented in our submission and how best we can be of advantage to this Committee because we want some things from the Committee that we think are of benefit to the general community.

In directing ourselves to those points we think we can be most valuable to you, and at the same time to be responsive to the questions that you people have prepared for us, we would just,

first of all, like to make a few points about Justice Action itself and the Prisoners Action Group so there is no misunderstanding about where we are coming from and who we are.

There is a statement here which has been around and I think presented before. I am quite happy to leave this with the Committee. It outlines some of Justice Action's achievements.

Over 30 years we have been representing, probably most importantly in the voting matter last year before the Senate we presented, as the Justice Action and Prisoners Action Group and represented prisoners nationally on that occasion, and the Senate inquiry [into prisoners' voting] accepted us as the people to talk on behalf of prisoners nationally.

We were the co-ordinator of the Criminal Justice Coalition, which is the umbrella organisation of the other groups in the area for two and a half years and negotiated with government departments, particularly Corrective Services, both at a ministerial level and at a departmental level.

During the Drug Summit last year we consulted with prisoners in both the MRRC and at Mulawa, with the inmate development committees with the support of the Minister, and then distributed the only questionnaire to prisoners at that stage.

We also hold the position of National Co-ordinator of International Prison Watch, which reports to the United Nations. We were in consultation with the ACT commission last year and the year before regarding the prison system that they had foreshadowed down there. We also, of course, publish *Framed*, which we have here, and we have enough copies for the Committee. Is it possible for me to distribute some material?

CHAIR: Yes, the staff will come over and take material from you. It would be fair to say that most members of the Committee are familiar with the activities and achievements of Justice Action, if it helps to speed things up.

Mr COLLINS: I think Mr Primrose has not been here before.

The Hon. P. T. PRIMROSE: I have been here before.

Mr COLLINS: Sorry, but you have not been aware of some of the things that we presented to the Law and Justice Committee.

The Hon. P. T. PRIMROSE: Why would you assume that?

Mr COLLINS: Sorry, I may be wrong. I had not seen you.

CHAIR: We can really catch up on that. I do not mean to be difficult but, given the small amount of time we have got, we would rather get to what Justice Action wants to say in response to our terms of reference.

Mr COLLINS: Our concern is that we believe that it is inevitable that we as a community have to oppose the Corrective Services attitudes, that we have a defensive department and a direction that is antagonistic to the interests of the community and, most of all, to the interests of this particular Committee if it is looking at ensuring that the level of imprisonment is reduced.

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We say this carefully and advisedly because unless there is a preparedness to recognise that the direction of the department is wrong, then there is unlikely to be any improvement in the future.

We would like to point out several things. Most of all, we would like to say that after a long period of consultation and discussions with the department, after the considerable efforts that we have made, which have been very carefully documented through the Criminal Justice Coalition and through Justice Action subsequently, we have found that the department has in fact put its hand on our chest as in fact the organisation that has been most prepared to talk with them and has been unprepared to negotiate with us or talk with us, and we find that an extremely damaging and deleterious position, and we would like to present some documents to you which are some communications between ourselves and the Department of Corrective Services.

There are five or six sheets there which relate - the top one was 25 June last year, which is a response by our co-ordinator to a statement by the commissioner, Mr Keliher, where he says:

I prefer to devote departmental resources to assisting the community and prison reform organisations which offer genuine services to inmates, are publicly accountable and do not waste the time of the department making undertakings they have no intention of keeping.

And:

I am surprised that your organisation on the one hand is seeking to establish productive and co-operative relations with the department, whilst on the other hand it is seeking to destabilise and destroy the reputations of some of its staff members. The matters to which your letters . . .

And it carries on. Before that we have a letter addressed from the Assistant Commissioner, Operations dated 17 October 1997 and then a page underneath that which is dated 21 October 1997, where the department refused to communicate through formal meetings over a period of quite some months because they resented what they had seen, as stated on this page, as being attempts to embarrass the department on several occasions.

We would say to this Committee that it is a matter of extreme concern when a department of this Government is unprepared to talk to the representative groups because they feel that they have been embarrassed or there has been an attempt to embarrass them. That is what we were left with.

We find that there has been pressure applied to community groups to not represent the interests of the prisoners in the way they should. So we would say that it is essential that there should be a new direction in the department and the department should be told that it must be listening to prisoners and to representative groups and that the department should be accountable.

We feel also there is a lack of preparedness by the department to look at its reasons for existence, to do proper cost-benefit analysis, to at the end of it say whether it is in fact preparing prisoners not to reoffend after the period of their sentence, and there should be a proper cost-benefit analysis which should be a test of the department's effectiveness and to look at things like mentoring and administering justice in carefully monitored ways in such a way that they should be seen as proper alternatives to imprisonment.

Ms O'GORMAN: What we have also coming out of this issue of lack of accountability of the department is a department that is willing to put its hand up to, I suppose, say no to issues that Justice Action is raising and even before that responding to us appropriately.

It is an issue that the Committee does need to look at, the accountability of the department and the access that community groups have to the department.

Since the stuff that Brett has been talking about has been raised we have not had meetings with the commissioner or the Minister, and some projects which have been raised which have had a great deal of community support, such as computers in gaols.

We have had hundreds of computers donated to us to be put into the gaols, into maximum security gaols, especially for prisoners on remand. We have not been able to even reach a level of satisfactory discussion with the department on this or the issue of food in prisons, cooking for yourself. There has been a move to cook chill meals, where alternatively people could be cooking for themselves, learning life skills and a great deal of similar stuff with the computers.

So all of that feeds into the accountability issues with the department. I see we are about half way through, so maybe we should move on to some of the other issues that are going to be raised today. Are you going to fire questions at us?

CHAIR: Sure, there are a couple that I need to fire at you. They may appear to be taking the devil's advocate point of view, if you understand what I mean. They are not going to be comfortable questions, but I believe a couple of them need to be asked to start with to establish the basis on which we will go forward.

First of all, Mr Collins, I have had contact in the last week or so in which a person made a private submission to me in which they suggested to me that I should not take notice of your submission or that of your organisation because either you or the companies which you run are still involved in criminal activity. I guess I have to say, is this true and, if that is the case, why should I take notice of you?

Mr COLLINS: Let me say this. First of all, it is totally untrue and the Minister's attack, and it is a shame it is a private submission and not one that is public and it talks about illegalities. We have over the years been quite open about our operation. On many occasions people have been looking at our operations and we are pleased to have it looked at at any level. We have suffered that already and every time we have come up cleanly.

It would be inconceivable that we would be running a design and printing company for the community groups with whom we are currently dealing, including people like the firemen, at times the nurses, the Teachers Federation, the Department of Juvenile Justice, a whole range of community groups, unions and government departments and at the same time be involved in criminal activities. It is outrageous and an attempt to undermine us and it certainly would not be said openly.

CHAIR: You do print material for government departments?

Mr COLLINS: We certainly do. At the moment we are involved in doing some work for Juvenile Justice, and Corrective Services at different times, too.

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CHAIR: One of the particular matters raised with me referred to a poster which appeared in the city some years ago which featured a picture of the former police Minister, the Hon. Ted Pickering, with a target placed on his face. Was your printing company responsible for that?

Mr COLLINS: I am sure we were not.

CHAIR: It is fairly obvious you have given submissions to the Committee that the relationship between Justice Action and the Department of Corrective Services, to say the least, is not a happy one. I refer to the correspondence you have given to us that was addressed to Mrs O'Gorman which makes reference to activities or things that occurred during the Drug Summit.

I have to say that these matters have in fact been brought to the attention of the Committee since then and I refer to the paragraph which says, "I shall not traverse the subject of Justice Action representatives at the Drug Summit itself other than to say that I was personally affronted by your behaviour". This is a letter from Dr Leo Keliher, the commissioner.

Complaints have been received from representatives of other community groups who felt intimidated by the manner in which Justice Action representatives behaved before and during the summit. Have you any idea what Dr Keliher is referring to in that letter and could you give some explanation as to why or why not your behaviour may have been affronting?

Mr COLLINS: Absolutely. During the Drug Summit we were extremely concerned at the fact that prisoners, somewhere between 60 per cent and 80 per cent, are in prison for some drug-related offence and were not being represented personally at the drug summit. So we spent quite considerable effort in ensuring that prisoners had some measure of consultation, finally getting support from the Minister to enter the MRRC, and Mulawa and distribute the only questionnaire that had gone right through the whole gaol with the support of the prisoners and we then had ready to be returned to the drug summit.

We then found, despite the fact we had the support of the crossbenches to be there who said that "our presence at the Drug Summit was absolutely crucial to the deliberations of the summit", we were still excluded.

So we feel and felt then that it was the efforts of the Government to prevent prisoners' voices being stated in the way they should be, a measure of acknowledgment to prisoners directly that was intended and in fact had been accepted by the Government as a channel for such a statement.

So far as people feeling they had been threatened, that was actually stated inside the meeting itself. We actually went into the working group from which we were excluded. We sat down. There were chairs available and people who had not been part of the working group were there in consultation. We sat down quietly in the corner and with no interruption to the meeting at all. However, the prison officers representative, Mr O'Horgan I think it was, said he found our presence offensive.

To say that a prison officers' representative should be offended by our presence shows their attitude. That is the sort of attitude we have had to confront. We do not feel any misgivings about disturbing people because we are now talking about a major department which is out of kilter with the needs of the community. We do not have any misgivings about disturbing a

Minister or a commissioner if they are not doing their job properly, and that is what we are saying consistently.

CHAIR: The person you referred to a moment ago, that was the person at the Drug Summit who was representing prison officers; is that right?

Mr COLLINS: Yes, that right.

Ms O'GORMAN: The Prison Officers Union. It is important to note that there were a number of members in that working group, notably Brad Hazzard, the Shadow Minister for Corrective Services, and Peter Breen from Reform the Legal System who both agreed that our presence was necessary in there. We were up the back. We did not make a disturbance. We were there for one day and one day only.

It is important to note that correspondence returned to the commissioner, to this letter we are speaking about, that we sent to him dated 25 June has still not received a response.

So it is okay for the department to accuse us of things, affronted, not wanting to work with us, but then when we put our case back to them they do not feel in a sufficient position to answer us appropriately.

Mr STRUTT: We are in fairly close contact with most of the community organisations in Sydney in this field. We have received no direct complaints from any of them about our behaviour at the drug summit and attempts to even get an idea of what the nature of those complaints, much less who from the department, have been unsuccessful.

CHAIR: I am sorry to spend so much time in dealing with those matters, but it would be fair to say that your submissions have been treated with that level of controversy and I felt it was useful to give you an opportunity to respond to anything and everything that I could think of that has been said about Justice Action.

Mr COLLINS: It should also be stated that our style is direct. We feel there is too much urgency to spend too much time talking about things and not saying things we intend to. We do not tell lies. We have been around too long and we feel our credibility has been hard earned, so we are happy to say something and be held to be accountable for it.

We also expect when a government department says something to be prepared to justify what it says. We find that Corrective Services has not been doing that. We are always prepared to negotiate and talk to people. The Department of Corrective Services has not. On all those points we would say we are have a high moral ground and anything that had been said should certainly been seen in those terms.

CHAIR: There were some remarks made by another prisoners group representing services to prisoners about your organisation in the hearings of the Law and Justice Committee, and I will refer that to you later for a response. If I may ask you, does Justice Action have any comment as to why of the prisoner population of New South Wales has been increasing in recent years and any comments to make as to how the Government should be responding to that?

Mr STRUTT: Yes, I think, as I outlined in the submission, the increase in prisoner population is pretty much a function of prison systems themselves. If you look back to when

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they first started to be expanded, they always had a problem with numbers that that is how Sydney came to be colonised.

It seems to me that the reason the numbers have been going up so steeply since the 1980s is because since then there has been no commitment or preparedness to adopt any measures which traditionally have been taken to reducing those numbers. Like, maybe we cannot shift them off to some Terra Nullius any more, but there have certainly been other measures that have been used over the centuries, such as remissions, greater use of parole, greater use of amnesties and pardons. They are the most direct ones, quite apart from other diversionary and alternatives to custodial sentences.

We feel that since the 1980s in this State at least a lot of that stuff has been off the agenda and the organic nature of prisons whereby prisons tend to create customers for prisons naturally means it will grow unless direct action is taken to try to stop it. By building more prisons you are just pandering to its growth, just expanding the size of the garden, basically.

CHAIR: Are there questions from other members of the Committee?

The Hon. JENNIFER GARDINER: One of the focuses of this inquiry is the building of a new women's prison. Can you give us a feel for any consultation that took place with groups similar to yours about that planned project?

Ms O'GORMAN: Consultation with the department? None with us so far as I am aware, and I suppose that also feeds back into what we were talking about before about the lack of accountability and discussion over the past couple of years with the department and Justice Action.

The Hon. JENNIFER GARDINER: So it came out of the blue, basically?

Mr STRUTT: Yes, basically through our normal monitoring of published departmental stuff.

Ms O'GORMAN: But there were no consultations as such.

The Hon. JENNIFER GARDINER: What do you think about the proposal now that you know about it?

Mr STRUTT: I think we make it reasonably clear in the submission that the best it could hope to do is be a stop gap, but also there is some severe concerns. For instance, the Australian Institute of Criminology published a study last year that showed that new prisons actually have a higher deaths in custody rate than old prisons and the fact that this new prison is being justified to reduce the alleged suicide risk of women in prisons seems to me to be extremely questionable. Also the fact that both in the MRRC in Mulawa but the MRRC in particular, which is an example of an unmodern prison post royal commission into deaths in custody prison, as well as a steady increase in the suicide rate over the period there has been a large increase particularly in those institutions of self-harm and self-mutilation.

I do not think there is evidence to suggest that a new prison will result in a reduction in these sorts of things. It may be temporary relief to overcrowding but the experience of the MRRC was that it was for a short time only and it soon proved necessary to re-open Parramatta

Gaol. The most we could hope for is a small short-term relief at the cost of possibly a much worse medium to long-term situation.

Ms LEE RHIANNON: If you had been consulted, because that has come up quite a bit in the discussion about the lack of consultation, what would you have said to the Government about what is needed? Just taking this one prison costing \$42 million, what would have been said?

Mr STRUTT: If presumably the department had consulted us, I would have directed the department to the findings that have been produced by this Government in regard to - for instance, the committee on crime prevention through social report, an inquiry that was done into the children of imprisoned parents, and quite a few other committees that have actually not only raised a lot of these issues and the problems of imprisonment before and their likely effect but it seems to me they have also suggested very constructive alternatives to deal with the problem of crime in society which prisons allegedly address, but I think the facts over the century show they do not.

That is basically what I would have been doing and I would have been trying to encourage, if you like, to use an a bit of a buzz phrase, a whole-of-government approach. I think it is a bit much to expect Corrective Services to take action that will reduce the funding, power and size of Corrective Services. It has to be seen as a holistic thing, not just they are sending us more prisoners so we will have to build more boxes.

Mr COLLINS: We have been involved in consultation and prior to 1997 which that letter raises, the issue about breaking off communications between Corrective Services and Justice Action, prior to that we were involved in long-term consultation with them on a six-week basis as part of a series of meetings running over a period of probably two years. In that time we were talking in terms of the new gaols, the new Goulburn security unit, a whole range of different plans that they had and were quite open about them.

They did talk about the Goulburn high security unit, at that time a maximum of 30 prisoners who would be inside that unit, so a much smaller creation than what they finally have on the plan. We said to them continuously that it could only be a failure in the same way as imprisonment as a whole is a failure. It can never succeed in doing something where it is antagonistic to the final result. We said to them that these things can only be dealt in social ways.

So, in some ways Justice Action and the Prisoners Action Group have a radical approach to the use of imprisonment. We want and expect the people inside gaols to be treated as human beings. As such, we are the conduit between the outside and the inside community. We want to make sure that bridges are created instead of being broken down. We think it is essential that the goodwill of community as represented by community groups and the families themselves should be made full use of and in fact the opposite occurs. There is very little community access. Things that used to happen in the old times, for example, debates like sports days, like --

The Hon. JENNIFER GARDINER: When you say old days --

Mr COLLINS: I am talking in terms of 15 years ago, two or three decades ago. There used to be community interaction within gaols like, for example, Maitland, Cessnock and even places like Grafton and certainly in the camps there was constant interaction between the community and the gaol. That has now ended. The number of open days are minimal. They are

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not community open days. They are not days in which people can wander in and out and let the prisoners know they are part of their community and will be going back there shortly.

The opposite approach has been taken. It has been taken problem since the time of Rex Jackson onwards where there has been an increasing effort to exclude the community because it felt safer and it felt that the media would not be watching it as closely.

Our basic tenet and one we have been pushing continuously in our interaction with government is that crime is a social matter. It has to be dealt with in the community. It should be dealt with in ways such as, for example, mentoring which is where you have somebody who is a friend or somebody who the community trusts to be beside the person.

The more serious the offence then the more intensive the mentoring can be. It means there can be support and a lot more cost effective and less money spent to do that. The other thing is that restorative justice does not have the hallmarks of trying to blame and shame someone, but in fact it is support for both the victim and the offender.

There needs to be continual community interaction for that to happen and, most importantly, you have to talk to prisoners. All these things involve talking to the prisoners. At the moment we cannot get in.

If you do not allow the support groups who have the most credibility and legitimacy in the eyes of the prisoners, and we are constantly pumping things into the gaols and talking with them all the time, giving good sensible advice to prisoners, if they are excluded from the prisons what sort of community that we have got? What sort of government department is it that does not allow the community to go in?

That is the issue, and that is why we are so dangerous. That is why we have such a defensive department against Justice Action because we are saying that the we want the prisoners to be listened to and we want to be in there.

The other thing I should say without going on too long is that for quite a substantial period we had a measure of community visits that have been alluded to in this letter from the department where he talks in terms of the visits in his penultimate paragraph:

I am advised that the primary reason for the cessation of prison visits was the dissolution of the Criminal Justice Coalition, which would undertake the lead role in their organisation.

We were the Co-ordinator for the Criminal Justice Coalition:

No similar co-ordinating body has since replaced that organisation, nor has another body sought to undertake such arrangements.

That is not true. We have always tried to go in.

Ms O'GORMAN: There is letter after letter that again has not been answered by the Minister or the department.

Mr COLLINS: The letter continues:

Given the apparent conflict over what kind of a relationship with the department you wish to achieve, I do not think it appropriate to grant approval to recommence prison visits at this stage.

That is a circular argument which just says, "We do not want you to go in." In fact, never at any time has there been a suggestion that we represent a prison security problem. We are an outside community. We are the prisoners' own family. We were able to walk through and talk to prisoners.

We had less tension in the place for people to release because we were a monitoring voice for what was going on; we were one of the bridges going across to the community. That is an issue that must be taken up by this Committee because it means that effectively people can be talking to each other, and how can it do that?

Mr STRUTT: My experience is that we get a little bit more support from people working in the institutions for Corrective Services, like the education officers and people running the other programs, than we do from at the level of the department itself. That is where we usually strike problems.

Mr COLLINS: And the same issue arises when you look at the Goulburn security unit. There, effectively, you have a prison within a prison where you say that these people cannot be trusted to be with other prisoners but you have an easy solution again socially without trying to build buildings and exclude people with concrete and bars, and that is that people can decide with whom they are living, the simple situation that exists in the outside area, where you have freedom of association.

People can negotiate and talk with each other, and Corrective Services actually has to listen to prisoners, which is not that different from outside except the department is not ready for that sort of revolutionary idea but in lesser security areas it can be accepted as policy and should be done. There are already attempts to do it through inmate development committees. On the ground they are wiped out. Whenever there is an active committee that is representing prisoners they are always shanghaied, moved away from their families.

People are victimised in ways that are just unacceptable, and that is the sort of ill will that the department presents continuously and that is why this Committee should have a continuing role to monitor the behaviour of the department in some sort of way. Can we put that to you?

Ms LEE RHIANNON: As an organisation that works closely with prisoners and I understand has members who were ex-prisoners, can you comment on why so many prisoners reoffend, because that is something that has been commented on many times about the recidivism rate?

Mr COLLINS: The recidivism rate is not surprising. When you realise what actually prison represents, it represents taking somebody who is already fragile from their living situation and then removing their existing accommodation arrangements, taking them out of their support areas and destructing their total life instead of ensuring that there is a better form, so it is not surprising that when they get out they are less likely to exist in the community.

But, aside from that, the time they spend inside gaol is a destructive time. Instead of being what the public would expect, which would be a reforming time, a chance to reorganise

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their life and gain new skills, the opposite is true.

We all know about the drug problems inside gaol. We all know how boring it is and how little interest there is to prepare people for their outside release. We were appalled the other day when somebody came out after nine years, a very close friend of ours, and did not know how to use a computer, a highly intelligent woman, who came out with all the medical problems in the world and did not know how to use a computer.

We asked, "Surely you can do something." She had no skills. She had to end up doing some physical work, demeaning work, because she had no other skills after nine years inside gaol. Now, that is a waste of government money.

Ms O'GORMAN: Further to what Brett said, inside gaols we have the issue of computers in gaols. We have probably now over 180 computers donated to us to go into maximum-security gaols for prisoners to use. Current policy states that if you are in a minimum-security gaol you can have a computer if you are doing an educational course, a laptop, and you can afford one.

We have had these computers donated from an organisation whose patron is the Governor of New South Wales. It is a very respected organisation. They were implemented into Mulawa and into Long Bay. The education officers thought they were great. The prisoners started to use them.

When the senior assistant commissioner found out about it he ordered that they be taken out straight away. So, there again, you have a demonstration of community goodwill, computers waiting to go in for prisoners to use them, for prisoners to be able to increase their skills and the department not allowing it.

It is similar again with the food in gaol project, where a lot of prisoners would like to cook for themselves. It would increase their skills, whether it be on a personal basis, whether it be going on to some kind of chef job when you go, out and it is not given the light of day by the department.

And also the post-release services. We have had not only the woman here. We have another man who is quite close to us at Justice Action come out after 10 years with no accommodation assistance, no assistance if you need health care, clothing, bank account, money, nothing.

Now, those things after a 10-year three-month sentence inside a gaol could easily be looked at. He could have been given appropriate means to have a bank account, appropriate accommodation, et cetera, et cetera, and all of those things have to be seen as a reason also for recidivism rates.

Ms LEE RHIANNON: What you were just talking about with computers and food, is that similar around Australia? Have you any experience of what the attitude of corrective services is in other States?

Ms O'GORMAN: We have had Queensland, for instance. You would not expect it to be ahead of New South Wales. We have two gaols, both maximum-security gaols up in Queensland accept the computers and install them for inmate editor positions, for inmate development

committee use and for prisoners generally. They have had not a problem in taking them in. Security checks have been done on them and they have been passed.

Also, Northern Territory prisoners were the first to be put up on the web and have some kind of contact with the outside world through their art, through Aboriginal prisoners trying to educate younger prisoners about alcohol and drug use and issues involved in offending, so there have been trends around Australia towards computer usage, taking these computers through the source that we have had them come through.

They want them in New South Wales. The education officers want them, the prisoners want them. There is no reason why the Minister and the commissioner cannot join that and let them go in instead of the computers sitting in storage.

The Hon. JENNIFER GARDINER: What do they say is the reason why they have sent them out?

Mr STRUTT: Actually, I believe they could have been given some bad advice with regard to computer technology, although I am told that they have a very highly qualified computer person advising them. That is certainly an area of my expertise. One of the reasons they have been refused is, allegedly, that prisoners could use them to access Internet porn sites and send threatening e-mails to potential witnesses, but as those computers have no modem and the prisoners have no access to a phone line and an Internet service provider, my understanding from many years of computer experience is that it is a technical impossibility.

Mr COLLINS: At the moment a television set is available in every prison cell. A television set and a computer are the same sort of instrument and it does not make sense except if you look at it from the mind set of Corrective Services, where if a prisoner is happy in a cell and so zonked out or watching a television set then they are not a management issue at all. Their concern is not whether they get out with more skills but whether they just have an easy management arrangement, and the more prisoners, the more power, the more people, and the bigger gaols they can build, so that recidivism works to the benefit of Corrective Services.

Nobody has ever suggested that Corrective Services will not get paid more money because it has more prisoners. In fact it goes the other way and you cannot think of any situation like that which is in the human area.

Another issue which has not been raised which we should certainly raise is that continuously we have got from prisoners in answer to surveys their intention to make their time work for them and to try to have some purpose to their life inside gaol. They wanted to have an opportunity to gain remission and through their own ability, their own efforts and whatever. They just found it totally hopeless to sit in a cell and no matter what they did to not make a difference.

It is inhumane to leave people so that no matter what effort they make they are going to sit and rot in their cell until the day they get out. Remission was one issue that was pushed continuously with a heartfelt need. We want some chance to improve ourselves. How can the Department of Corrective Services prevent people from improving themselves, which is most important to them to get out? And surely what an easy solution it is to lessen the prison population to give them a chance to earn their release. How fair and what an easy solution.

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The Hon. P. T. PRIMROSE: I have just got two brief questions given the time. One is that, like other members, I receive *Framed* when it is out, and I find it a useful source of alternative information. I note on the back that you state:

Justice Action acknowledges the NSW Department of Correctional Services for enabling publication and distribution of *Framed* to prisons without censure, in the best tradition of freedom of expression.

Can I ask you how many copies are actually made available to prisoners in New South Wales?

Ms O'GORMAN: It is one in 12. We have a ratio. They get sent into the gaol one in 12 and broken up. Half of them get sent to the Governor for distribution to inmate development committees and just generally amongst prisoners and the other half go to the library or education where they are kept for resources or education. It is two different sections, but it is one to 12.

How it goes now is we send a copy to the department before going to print and so then there should be no problem with it being distributed, as there may have been in the past. Then the department, the commissioner or the assistant commissioner, sends a memo to all the gaols saying, "It has been approved. Please distribute it as it comes in." And then we package it up and send it through internal mail.

Mr COLLINS: Unfortunately it does not carry itself so far as cost is concerned. The advertising at one time did carry itself, but that is a hard one.

The Hon. P. T. PRIMROSE: Are you familiar with a group called FIRM and if so, can you tell us a bit about FIRM and is it associated with your organisation?

Mr COLLINS: Our relationship with a whole range of different campaigns is one where we give support to the issues and not necessarily to the case. So we have a carefully defined way of examining cases and deciding whether we describe them as a miscarriage of justice and that is well documented and that is the basis for picking up the cases.

In a case such as the Ivan Milat case we have continuously supported him against the treatment that he has received at different times. For example, access to legal documentation has been an issue that we have raised even as recently as a few months ago. Our position with FIRM is one with support of the issues and not necessarily of the case because it has not come to that examination.

The Hon. P. T. PRIMROSE: So you would not necessarily support suggestions by FIRM that because the Belanglo Forest was in John Fahey's electorate, Ivan Milat was found guilty as part of Sydney's attempt to get the Olympics?

Ms O'GORMAN: They are statements that have at no time been made by Justice Action. As Brett said, the FIRM is an organisation that stands independently. At times when issues have been raised regarding Mr Milat's imprisonment we have taken them up as we would for any other prisoner regarding law libraries, regarding whatever else as a prisoner.

The Hon. P. T. PRIMROSE: Okay, that is fair enough. Thank you.

CHAIR: I do recall the matter I wanted to raise with you related to this other prisoners action group. I think they are called CRC. They have apparently reacted to one of the remarks by one of you at another hearing where you said that they do not employ ex-prisoners. In response they actually brought an ex-prisoner with them who gave evidence that they do employ ex-prisoners and he in fact was an ex-prisoner who had been employed with them.

Mr COLLINS: Sure. We know Kel and we are pleased in fact if we can have an ex-prisoner involved. After we gave evidence we sent part of the material to them and asked them for a response. We are quite open about what we say. We were looking to see what they said in response also. We are not being destructive. We are trying to encourage people to recognise that as a service provider they must be responsible to consumers.

Over a long period we have been negotiating with CRC to employ ex-prisoners as a matter of course. They should have ex-prisoners as an important part of their base and deal with prisoners themselves directly so that they recognise that CRC is their post-release support system. At the moment, that does not happen. In fact, Kel was only employed part time to fill a gap in their accommodation area and was only there for a matter of a few weeks. He certainly is not a long-term employee.

Mr STRUTT: I think perhaps the reference to not employing ex-prisoners was more to do with the system and structure of the organisation rather than individual cases where an ex-prisoner might find himself in an organisation.

Mr COLLINS: We should not withdraw from the fact that over a period we have had a number of our friends who are actually ex-prisoners who could have a real contribution to make in giving direction to the CRC but were in fact refused positions in CRC. Certainly a position was put aside for an ex-prisoner was taken by somebody who had never been to gaol.

CHAIR: You might recall that I asked you a couple of questions about some posters that were published featuring the face of the former Minister for Police. As I recall, and it might have been a media report, some of these posters that were not erected were found in your possession. Is that true?

Mr COLLINS: No, that is not true. I do not know where that came from.

CHAIR: So you have never had them in your possession, you have never been responsible for distributing them and you have never had to answer questions in relation to them?

Mr COLLINS: I have never had to answer questions about them. I think as a tactic, anything violent is quite regressive and we have consistently been in the gaols telling people - in fact during the period of the visits we have said to people who have been in quite severe conditions, "Now, wait, allow us to negotiate with the superintendent. We will ensure your voice will be heard. You are not being neglected".

We have said to people that we do not think violence is the most effective response for you people in this way. You are much better off to force a dialogue and not allow a provoked violence to end dialogue and to allow you to be locked in the cell and for that to end any disagreement about the way you have been treated.

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CHAIR: With reference to the poster itself, you know nothing to explain in regard to that other than you do not know anything more about it?

Mr COLLINS: I have never at any time been asked questions about the posters.

CHAIR: Thank you for that. We are really out of time. If there are further submissions you would like to make to the Committee in written form I would appreciate you for doing that and thank you for taking the time and trouble --

Ms O'GORMAN: Can I make one small point. I know you are concentrating mainly on adult imprisonment, but I am aware that an invitation has been made to maybe Alex to extend to the Committee to go to Yasmar Juvenile Detention Centre. I think it is valuable that you look at women, girls under 18 and those imprisonment issues because you will see that most young girls will end up in an adult gaol at some time in their life and you also have the issue of last year when a 16-year-old with the mental capacity of a nine-year-old or 10-year-old stabbed an education officer and was then moved to Mulawa, adult gaol. If there is opportunity for you guys to take up the juvenile gaols, it is included in your focus.

Mr COLLINS: What we think is essential in the gathering of material in order to prepare your report is that once again consult directly with prisoners about the issues before this Committee. We are most concerned that the prisoners as a representative group are not being given the acknowledgment that they should be given. They are crucial to the questions before the Committee. It is only by changing the way they are seen by the public and also their behaviour and their relationship to the public that we can bring about a substantial change in the use of imprisonment.

We believe we can provide an opportunity for the Committee to bridge the gap between prisoners and the public. We would certainly like a resumption at least of a limited number of visits to the prisons in order to gain material to present before this Committee, so we would certainly give any undertaking along the lines of the protocol that has been prepared by the senior assistant commissioner which has been signed by both parties and we would like for this Committee to give support for that to go ahead in order that we can prepare material for the Committee.

CHAIR: I appreciate that. Thank you.

(The witnesses withdrew)

(Luncheon adjournment)

SARAH CONANT HOPKINS, Deputy Principal Solicitor, Sydney Regional Aboriginal Corporation Legal Service, affirmed and examined:

TREVOR CHARLES CHRISTIAN, Manager, Sydney Regional Aboriginal Corporation Legal Service, sworn and examined:

CHAIR: Ms Hopkins, could you briefly outline your qualifications and experience relevant to this inquiry?

Ms HOPKINS: I have been at the Sydney Regional Aboriginal Legal Service for over two and a half years and been working as a solicitor for approximately six and a half years. I am also with the Council for Civil Liberties.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms HOPKINS: I have.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms HOPKINS: I am.

CHAIR: Mr Christian, could you briefly outline your qualifications and experience that are relevant to the inquiry?

Mr CHRISTIAN: I worked in the prisons for some 30 years and I have been with the legal service for the past 12 years.

CHAIR: Have you received a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr CHRISTIAN: Yes, I have.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr CHRISTIAN: Yes, I am.

CHAIR: If either of you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will usually agree to your request and resolve into private session. I should warn you, however, that Parliament has the power to override that decision at any time and may make your evidence public. Do either of you wish to make an oral submission to the Committee before you are asked to respond to questions?

Ms HOPKINS: No.

Mr CHRISTIAN: No.

CHAIR: Did we receive a written submission from you?

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Ms HOPKINS: Yes.

CHAIR: Would you like your submission to be taken as part of your evidence today?

Ms HOPKINS: Yes.

CHAIR: Have either of you observed an increase in the number of Aboriginal clients being imprisoned since 1995 and, if so, what factors do you believe contributed to that?

Ms HOPKINS: Yes, there has definitely been an increase in the number of Aboriginal clients being imprisoned since 1995. There is a variety of reasons for this. Firstly, the issue of bail and the increase in the remand population, and the issue here is both bail refusals and the failure to meet bail conditions set by the courts.

Increasingly, with Aboriginal clients financial conditions cannot be met and it is the view of the service that if bail is to be granted by a court and they have made that decision, there should not be a financial bar to entering the bail. It is an issue of poverty.

The increasing problem with heroin in the Aboriginal community and the lack of rehabilitation services and bail accommodation also results in bail being refused or conditions not being met.

The increasing heroin problem also results in numerous minor drug-related property offences being committed sometimes whilst on bail. Once someone has breached their bail, they are unlikely to get that bail again. Generally, the facts sheets advise the magistrate that there is a longstanding drug addiction and the magistrate will refuse bail as a consequence of that.

In general, the service has seen an erosion of the presumption in favour of bail, particularly by Local Court magistrates in the custody courts. A further increase in the population is caused by the suitability, or the lack of suitability, for non-custodial options. There have been recent changes in the regulations for the Periodic Detention Act and the Community Services Act that exclude people who have got serious drug addictions, and the vast majority of our clients do have serious drug addictions, so the pre-sentence report says "not suitable" for both non-custodial options and often imprisonment results.

The heroin problem in the Aboriginal community that I have just touched on is at this stage at an endemic proportion. We estimate that at least 90 per cent of our clients have a heroin addiction, and this results in repeat property offences. It also is a big factor in failing to appear at court and then being refused bail and, as I said, there is a lack of rehabilitation facilities.

The service has also noticed that there has been increasing breach action of community-based and periodic detention orders. There seems to be a decrease in flexibility in people's complying with the conditions of those orders and, again, that is resulting in imprisonment. In particular, that relates to periodic detention orders.

It seems to the service that there is a real lack of any real cultural sensitivity in dealing with the operation of periodic detention orders. Of particular concern to the service at this stage is the lack of power of the Parole Board to rescind cancellation of periodic detention orders.

The Parole Board has recently obtained advice that once somebody has skipped three of

their periodic detention terms it must rescind the order. The Parole Board has no power to do anything about that. That can be even though somebody may well have had a mental health issue that meant that they could not attend that periodic detention term. They can often have very good reasons why they did not attend the periodic detention but the Parole Board is stating that it lacks any power to do anything about that, and it has no power to grant bail pending a valid explanation being given in the first place.

The service, as I said, is noticing that Local Court magistrates in custody courts are increasingly punitive and pandering to the law and order lobby. The final point on the increase in the prison population is the lack of earned remissions.

CHAIR: Mr Christian did you want to respond to that as well?

Mr CHRISTIAN: We are talking about an increase in the population since 1995. In the last 10 years the prisoners have doubled. Since 1989 it has doubled and is now 7,300 and 7,200.

Now, amongst the Aboriginal people we have a lot of mental problems, or there are a lot of mental people that we deal with in the Aboriginal legal services, and they are not being catered for - well, they are being catered for in the prison system as offenders in the prison but not as mental patients. They should be going to psychiatric centres and mental institutions and they are going to gaol for it.

This all reverts back to something that I have been saying for some 25 years in the prison system but it does not happen. It is a compulsory medical check when somebody goes into prison. If there was a compulsory medical check by a doctor when people go into prison, then probably we would not have the amount of people in the prisons that we have got. That is a big, big problem in the prison system.

I do not have to tell you people that \$45 million was spent on the inquiry into people dying in the prison system, and people are still dying in the system because there is not proper medical attention given to these people who have been put in the prisons and it is not compulsory for somebody to have a medical when they go into the prison. It is done through questionnaire: have you got this wrong with you or have you got that wrong with you? I believe it should be compulsory for everybody who goes into prison that they have a medical done. I do not believe we would have the problem we would have today if that were so.

CHAIR: Ms Hopkins, you have raised the issue of poverty being a problem for people granted bail who are not actually able to make bail. Could you perhaps illustrate that with a couple of examples so that the Committee has a better idea what you mean by that?

Ms HOPKINS: Well, if submissions are made on behalf of a client at a Local Court or District Court or the Supreme Court, the solicitor will say, "There is no money available. The family is here in court," or, "I have spoken to the mother." They can sign this person out but they are not able to deposit any money or agree to forfeit any money because they cannot prove to a court registry that they have got \$500.

Even though the Local Court magistrate has been advised of that and even though they are prepared to grant bail, they will impose a financial condition, which means that there are a number of indigenous people in the prison population who have been granted bail but they cannot meet their bail. They cannot get their mother to find \$500 or \$100, or sometimes \$50.

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Any money to an Aboriginal person, our client base, can be a great deal of money and can be impossible to meet.

CHAIR: I was interested in the amounts of money. So it can be a smaller amount than \$50?

Ms HOPKINS: It is usually not. In the Sydney region area it is usually \$500. Sometimes a magistrate will impose an amount of \$2,000 or \$5,000 when it has clearly been indicated that there is no way that those sorts of finances can be made available. So you might find that a magistrate will put them on a lower amount than \$500. But it is usually \$500.

CHAIR: Is there some relationship between the amount of money required for bail and the seriousness of the offence?

Ms HOPKINS: There can be, and that would be a way that the judiciary would justify imposing that sort of condition, but the seriousness of the offence can be dealt with by magistrates in different ways, for instance, reporting conditions to the police, or curfew conditions and those sorts of things.

So, really, it has to be tailored to the individuals and not to the offence, and it may well be a mistake that has been made by the judiciary that they are tailoring financial conditions to the nature of the offence rather than the individual that has come forward.

CHAIR: Are you familiar with whether the Judicial Commission keeps statistics and data in relation to bail refusals and the amounts of money set for bail?

Ms HOPKINS: I am not sure whether they keep the conditions. Actually, I had a meeting yesterday with the Juvenile Justice Advisory Council in relation to bail issues and, as I understand it, for juveniles, the conditions for bail are not kept, so there is no database where you can find out what conditions juveniles have been placed on.

I imagine that would be the same for the adult prison population also, or the adult population coming before the courts, which is a real concern, because for both juveniles and adults it would be a good way of targeting the rising prison population by seeing what sort of conditions they were not able to meet.

CHAIR: The Judicial Commission said that it makes its database that the judges use for the purposes of sentencing available to community groups and commercial organisations for a fee and I think to a couple of community groups. I think they might have specifically mentioned the Law Society but I was not sure for a group like that being able to use it. Does the Aboriginal Legal Service have access to that database?

Ms HOPKINS: Yes. It is not the bail, though; it is in relation to sentencing statistics, which are helpful.

CHAIR: What sort of breaches are occurring where cultural sensitivity is an issue?

Ms HOPKINS: Well, in relation to, say, family responsibilities, attending funerals, attending things like Aboriginal knock-out. There are certain things in the Aboriginal community which are prioritised perhaps more so than in the non-Aboriginal community. If the Probation

and Parole Service cannot operate within that sort of priority, Aboriginal people will continue to be breach at the high rate that they are now.

I do not know whether the Committee has been made aware of it, but there is a document that has been prepared by the Probation and Parole Service called the "Aboriginal Offender Management Strategies" document - it is called an information package - and it contains excellent recommendations in relation to the operation of the Probation and Parole Service in all areas, whether it be parole, supervision of community service orders, or supervised recognisances and such like. I am happy to table that.

CHAIR: That would be helpful.

Ms HOPKINS: It is certainly a recommendation of the service that that proposal be implemented immediately and that it be monitored for compliance with the conditions laid out in that proposal because it is certainly something that can be done. It is one of those concrete things that can be done to assist in reducing the Aboriginal prison population.

CHAIR: You referred to the lack of flexibility available to the Parole Board. Are you aware in terms of being able to allow for the greater than three breaches of parole whether the Parole Board would be interested in that level of flexibility? Has it expressed that as a view, that it would otherwise have allowed parole to continue except for that?

Ms HOPKINS: It is my view that if the Parole Board were given a discretion to rescind a cancellation order under certain circumstances, they would do it and would appreciate the power to do it. I have appeared before the Parole Board for the Aboriginal Legal Service on numerous occasions where the Parole Board as indicated the frustration that they are unable to act and there has been a procedural nightmare occurring where they have been adjourning matters for a couple of months to make a retrospective application for leave of absence and then Corrective Services has come back and said, "We do not have the power to do that," and the Parole Board has said, "Well, we do not have the power to do anything."

So there has been a two-month adjournment and then everybody puts their hand up and says, "None of us can do anything in the first place." So this person has to spend the rest of his time in custody.

CHAIR: It might be said that breaching your parole on three occasions is sufficiently serious that there is not the need to give the Parole Board that flexibility.

Ms HOPKINS: I had a good example for this one. The last date I had before the Parole Board was a man who had a mental illness. He had a serious psychosis and he absconded from the periodic detention centre on the Saturday night because he was of the view that there were people on the roof who were trying to get him and kill him.

He absconded to get away from these people, and he was put into a mental facility on the Monday, and he was there for the next seven days, so he missed the next one also. So that put him over the three, and the Parole Board said that it was powerless to give that man back his periodic detention.

He is now on medication. He was not on medication at the time - his schizophrenia was just diagnosed. Now that he is on medication, he would be quite able to do his periodic

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detention.

CHAIR: It has been suggested that one of the main reasons why Aboriginal people are more likely to be imprisoned than non-Aboriginal people is that Aboriginal people have numerous convictions relating to summary and good order offences. Are you able to make any comment?

Ms HOPKINS: Yes, the number of offensive language and offensive conduct charges that continue to be laid amaze the service, despite, it would appear, some public sentiment in favour of them not dealing with them in the courts. The problem with these sorts of offences is that they bring our client base into that negative contact with the police, and the relations are traditionally very bad with the police. It may result in a verbal altercation and then an escalation in offences, such as resist arrest or assault police.

This is increasingly so since they have brought in these move-on powers in the Summary Offences Act. Our clients are increasingly being charged for failure to move on and that is, again, bringing them into this negative contact with the police. They end up before the courts. What started as a minor incident ends up in a situation where they can be gaoled, and they are being gaoled.

A number of these offences stay on their record so they are refused bail for something in the future because they have such a lengthy record for these relatively minor offences.

CHAIR: Is it possible for you to give that information to the Committee in a more objective way? I think those comments have been made to the Committee on numerous occasions but nobody has been able to offer us extended information or a number of blinded cases in which the names are deleted and in which there is sufficient information given that clearly refers to someone. For example, someone may have been for failing to move on, and this is increasingly the case. It would be supremely helpful to us.

Ms HOPKINS: I am sure I would be able to prepare something and forward it to the Committee. It is not so much that someone gets gaoled for failure to move on. I do not believe you can be. I believe that the two penalty unit is the maximum. The issue is that it brings them into contact with the police where they may commit gaolable offences because of their traditional bad relations with the police, so it is these offensive language, failure to move on offences that actually escalate into more serious offences.

CHAIR: Such as assault police?

Ms HOPKINS: Yes.

CHAIR: It is something that is said frequently but we have not been able to produce it in some sort of objective fashion.

Ms HOPKINS: The other issue there is also that arrest is meant to be used only as a last resort by the Police Service but we definitely see that police are arresting people for these minor offences rather than a summons.

CHAIR: That sort of thing had been observed in a couple of studies by Chris Cuneen but it is reasonably old research and it is necessary for us to update it. Are Aboriginal people

being offered community-based sentencing options at the same rate as non-Aboriginal people. If not, why not? Are the currently available community options appropriate alternatives for Aboriginal people?

Ms HOPKINS: Attached to our submission is the Australian Institute of Criminology statistics on this which indicate that Aboriginal people are not being offered these options on the same basis as non-indigenous people. I think the statistics show that less than 10 per cent of those given community-based options are Aboriginal.

I think for the reparation or community service-type penalty it is 406 out of 5,432; for the Griffith remand or home detention it is 39 out of 449; for supervision it is 970 out of 10,609, which is well below the percentage of the prisoner population.

So it indicates there is a serious problem there. The reasons why - again it appears to be a lack of culturally appropriate options and again there is a need for implementation of that Aboriginal management strategy that I referred to and also flexibility in assessment of Aboriginal people for those options.

For instance, a client of ours may have been assessed as unsuitable for a community service order a couple of years ago because of some particular problem with a community service organisation or something like that and then it means that he is unsuitable now for a community service order, which may not be the case.

The real problem at the moment for our clients is that if they are considered to have a serious drug addiction, those options are not available to them. It is now in the regulations. So we have this huge proportion of our client base that are being assessed as not suitable for periodic detention or community service and, at this stage, there is no alternative available for them but gaol, and that is where they are going.

With the community service orders, a good way to deal with the problem would be, if the culturally appropriate work options are not available, and clearly they are not available, to have vocational training options as part of the community service strategy. It could be attending Tranby College to do the Aboriginal studies program. I am not saying that one in particular is available, but something could be made available like that so these people were not being rejected from the program.

The Aboriginal Legal Service in this regard has been working with South Sydney Youth Services on an indigenous young offenders program called at this stage the Koori Justice Project. I have something also to table there. It is a draft proposal which might be of interest to the Committee. That is to target 12- to 25-year-olds in the inner city area, so when they are assessed as not suitable for community service or periodic detention, the court has an option.

It is quite a rigorous program where the program would look at education, employment, and focus on drug and alcohol, because generally that is going to be an issue, recreation, all sorts of aspects of their life, plus court support services, and that would be to work with South Sydney Youth Services and the Aboriginal Legal Service on a co-operative basis, but, again, funding has to be made available for those sorts of programs.

The other thing about community-based options is the availability of Griffith remand type orders which means an adjournment for a long period of time to see how the offender goes

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or a supervised bond. The availability of that is somewhat limited at the moment because often magistrates want to do that by sending somebody to a residential rehabilitation program and there is a lack of residential programs for aboriginal people, but particularly Aboriginal women. There is no culturally specific program available for aboriginal women that looks at the myriad needs they have.

I attend Mulawa Correctional Centre once every fortnight. The reality is it is not sufficient to send an indigenous woman to a non-indigenous rehabilitation program that is only a rehabilitation program focusing on drug and alcohol issues because the vast majority of our clients at Mulawa have mental health issues, have been victims of domestic or sexual violence and have a number of grief issues. They need to be resolved also and housing problems and a number of other problems.

What is urgently needed is residential facilities strategically placed that deal with the holistic problem, that look at all these issues. If these sorts of options are made available, you would see an immediate reduction in the indigenous female population because they are just not there at all at the moment.

CHAIR: Just speaking of community options, two things that are not exactly community options but are related in some respects are applications under section 29 for women not to be imprisoned because they have care and custody of a child and applications by Aboriginal women to keep children in gaol with them in the way you can do in the Emu Plains centre. Are you aware of how successful Aborigines have been in accessing those two options and as to whether there has been any difficulty in them obtaining approval for those options?

Ms HOPKINS: So far as I am aware they have been traditionally unsuccessful with those options and that is really all I can say about that because so far as I am aware those options have not been made available to them. It is interesting because it may be that they are not aware of their rights in that regard. It may be that Corrective Services could provide resource material to make them aware of their rights to apply for those sorts of programs. As I said, if they are available to them I do not think they are accessing them adequately.

CHAIR: Would the Legal Service have that information within its database to indicate whether they had assisted indigenous women in making applications at all?

Ms HOPKINS: I think I would probably know about it, so I do not think we have been assisting women in doing it. It is difficult for the Aboriginal Legal Service because it is so underresourced and there are other organisations such as a very newly developed psycho Aboriginal watch committee called the Indigenous Prison Support Service which may have some knowledge of that, although it is so new it may not also. That is an important issue.

CHAIR: Do members of the Committee have other questions?

Mr CHRISTIAN: Can I carry on? Some of the options the gaol system is dealing with, and we are dealing with a floating population of Aboriginal people that are coming from country centres to the city and back, and sometimes I pity people in Probation and Parole on background reports and that that they have to obtain to get to the court because some of these people come from the outback of New South Wales and they are down here, they have been in prison before and they are trying to swap notes or get verbals from them or whatever which does not always assist in getting the right sentencing options for Aboriginal people.

When they are down here for sports functions or family things or other things, they get picked up while they are down here, they face court and there have been background reports done on them before, what Sarah was saying earlier about where they were eligible for community service orders three years ago, suddenly they are not this time or they were not before and they are able to be eligible for them this time. We are dealing between a 4,000 and 5,000 floating Aboriginal population coming into the city each year.

Ms LEE RHIANNON: As you know, we are looking at this possibility of building new prisons and often justification for building the one at Kempsey is that it would allow Aborigines who ended up in gaol to be closer to their families. I would like to seek your opinion on building a new gaol at Kempsey and any comments you have on that attempted justification.

Mr CHRISTIAN: I disagree with building a new gaol. Recommendation 168 of the royal commission addresses the placement of prisoners close to their families. Now it does not matter if you build another three gaols, it will not fix the problem because of the classification system that they have in the prison system of A, E, B, C1, C2, and C3.

If somebody lives at Grafton and he is an E1 prisoner, he is never going to get away from Lithgow or Goulburn because they are the gaols for those maximum security prisoners, or if you have a C1, a C2 or a minimum security gaol up there, the only time they can come down off classification is if they are a minimum security prison. It is all to do with the classification within Corrective Services.

Ms LEE RHIANNON: So in terms of Aborigines being closer to their families, you do not see that as an excuse in any way?

Mr CHRISTIAN: No, I do not.

Ms HOPKINS: What is needed is proper diversionary programs in the Kempsey area rather than a new gaol in Kempsey.

CHAIR: Perhaps we should ask a more general question for your response. Some of this you have already dealt with, but I will ask you generally in case there is something we have missed. What are some of the other major issues faced by Aboriginal people and Aboriginal women in particular when they are in prison?

Mr CHRISTIAN: Rehabilitation is a big factor in the prisons. There is no actual rehabilitation in the prison and when they get out of prison there is no follow-up rehabilitation to help them through that cycle of whatever they have been through before, so they are faced with it again.

Somebody who goes into prison who has been a drug addict outside who was an heroin is automatically put on methadone, and when he comes out he either goes back on to methadone or on to heroin again, so he is on the same cycle that he was before he went in. So there is no after care when they go in, or there is no rehabilitation in the prison to assist them or no after rehabilitation when they come out.

CHAIR: We received some evidence the other day from a prisoner, I think at Mulawa, who said that she had not participated in a drug and alcohol program because there was no indigenous drug and alcohol worker at that prison.

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Ms HOPKINS: That is correct.

CHAIR: She did not offer an explanation for it, but why is it important to have an indigenous-specific drug and alcohol worker?

Ms HOPKINS: At Mulawa last year they had an indigenous drug and alcohol worker who was making some real progress with a lot of our clients. They were seeing her on a regular basis. They were receiving counselling from her, but, more importantly, she was also allowing them access to residential rehabilitation programs so that they were obtaining bail and they were obtaining sentencing options in the community linked up with these residential rehabilitation programs.

I am not sure of the circumstances but she left that job and, since then, and I would say in the early part or the middle of last year, for eight months there has not been an Aboriginal drug and alcohol worker, and the majority of those clients stopped seeing any worker.

I get nothing but complaints about the drug and alcohol workers that are there. It may be that they are very good with the non-Aboriginal population, but by and large cultural issues will come up when people are talking about their drug and alcohol issues, often with a tragic history of drug abuse and other abuse and grief and all those sorts of things, so it was so critical to these women to have an indigenous drug and alcohol worker. I was not aware of that but it is certainly the case that if they have indigenous workers within the system they will be better accessed and they will be more effective.

CHAIR: The Committee has heard that there is a high rate of recidivism among Aboriginal prisoners. Is that your observation and, if so, would you comment on the factors that might impact on recidivism and, I suppose closely related to that, would you like to comment on the effectiveness or otherwise of post-release services available to Aboriginal people?

Ms HOPKINS: It is a pretty fundamental question, the issue of recidivism, but it is in part due to the fact that most of our clients have spent periods in prison. I think that the first thing we want to do is stop pretending that prison can provide rehabilitation.

The very nature of imprisonment for the indigenous community negates the possibility of rehabilitative impact. It really has only a detrimental impact. There are a variety of reasons for this, but, clearly, the obvious one is that the person in custody ceases to have any responsibility over their day-to-day existence and those everyday decisions. They commune only with other, often more serious, offenders, and they are separated from their family and from their community.

The fact that our client base does go back to gaol for six months, or two years, or whatever it is, in itself is a cause for recidivism. Being in prison itself is a reason why people get out and commit crime, because they are released from gaol and they have an inability to adapt back into the community.

With our client base, it is increasingly evident that the issue of institutionalisation is a significant one because that is what they know, that is the life they know. A large proportion of our client base has spent a large proportion of their juvenile and adult lives in one institution or another, and the reality is that they are able to cope in the community for only a very short period of time on their release before they revert back to drug use and offending behaviour.

Now, that points to the underlying failure of the whole system, but the lack of pre-release programs is a key factor because the studies show and anecdotally that the Aboriginal prison population is not making it through the prison classification system; they are not making it to work-release programs.

I think last year something like 2.5 per cent of the male prison population at one point had got to a C3, which enabled them to do works release, the indigenous population, and there was at one stage one Aboriginal woman throughout the entire Aboriginal prison population on a works-release-type program, although they were not actually able to find work for her. Then, when they are released, they are released without any access to employment, and there are no real post-release services available for Aboriginal people.

I know you have heard from CRC Justice Support. In my dealings with them, as I understand it, the proportion of Aboriginal people they deal with is very low. That really highlights the need for culturally sensitive programs. There is a service there and Aboriginal people simply are not accessing it, and you can only ask why.

The issue of recidivism is that they are set up to fail. They go through a prison sentence. They do not go through a classification system. The programs are not really offered to them in gaol. They do not do works release, and when they get out, all they have to do is report to Probation and Parole once a week.

CHAIR: Did you want to comment on that, Mr Christian?

Mr CHRISTIAN: Most of the Aboriginal people who are in gaol come from country centres. They have left school at the age of 12 or 10 and have not had secondary education, so they leave school at that age and when they are trying to get employment they cannot get employment. Crime is the next thing around the corner, and the next thing they are in gaol, which makes things very, very hard for them and it all reverts back to this education thing I talk about. The majority of Aboriginal people in gaol have no education, and it is a big, big factor amongst Aboriginal prisoners.

Ms LEE RHIANNON: Do you have any figures of the proportion that have got the school certificate or higher school certificate?

Mr CHRISTIAN: I have not got a figure, but I would say no more than 15 per cent of those people would have school certificate education.

Ms LEE RHIANNON: I was just wondering do you have what proportion of the female prison population is Aboriginal?

Ms HOPKINS: I think it is about 25 per cent and 40 per cent of the remand population.

Ms LEE RHIANNON: How overrepresentative is the Aboriginal community overall? In the figures for females have you got it for overall?

Ms HOPKINS: I think for males it is lower than women. I think it is about 18 to 20 per cent.

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Ms LEE RHIANNON: And what about for remand there?

Ms HOPKINS: I do not have that figure. I understand it is higher.

Mr CHRISTIAN: It is much higher.

Ms LEE RHIANNON: Higher than women?

Ms HOPKINS: No, higher than the male percentage. I know it is higher, but I am just not sure what it is at the moment. The statistics fluctuate a fair bit. I did hear towards the end of last year that the indigenous male percentage was 23 per cent, but I understand that this has dropped for some reason. It just seems to go up and down.

CHAIR: What are the blockages to Aboriginal women, or Aboriginal men, for that matter, having difficulty getting through the classification system? You made the point earlier, Ms Hopkins, that Aboriginal women are not getting through the classification system. I am wondering, if that is the case, why it is.

Ms HOPKINS: If I could just deal with men and women together firstly, one of the big problems with the classification system is this E classification. If you have ever escaped, you cannot then ever get through the classification system. It is like a mark tattooed on your forehead. It just seems to be an outdated, outmoded system that has to go.

So many of our clients because of their relationship with the police also have got an escape somewhere on their record, which means that they are not going to be able to get to works release 10 years later. I do a lot of sentencing in the District Court for serious armed robbery offences and things like that and clients have spent years and years in gaol. I ask them this question often about why it is that they have not done works release and their answer is, "I did not know you could do it. I do not know what you have to do to get it. I heard Jack Smith got that a couple of years back."

Their knowledge of the system is so inadequate and their knowledge of their rights within that system is appalling. I think that there are not appropriate programs available for them. So, if the work is not there, then perhaps they just do not make an effort to find an alternative.

An alternative should be that you could be released prior to the end of your term to do vocational training in the community. If the job is not there, you could go out to do something else, attend meetings or something. But they have to be released before they get out, otherwise they will have no chance of being integrated back into the community.

I understand that there is a report being prepared by Corrective Services on this issue of Aboriginal people progressing through the classification system. It is not published yet but, hopefully, it will be available shortly, because it is an issue on sentencing.

Judges should know about this, because it means that Aboriginal people are not getting the same deal in the system as non-Aboriginal people, so they should, in theory, receive shorter sentences.

The Hon. Dr A. CHESTERFIELD-EVANS: If you had the resources of a bail house or something similar to Guthrie House in which you could offer to keep people under some sort of scrutiny to turn up to court on the day that they were remanded to, would you be willing to do

that? Could you guarantee reasonable reliability of their turning up to court, because I gather that is one of the reasons why they do not grant bail? What would that cost compared to the cost of keeping people in prison?

To find alternatives to prison we need to show that they are both effective and cost less - in other words, if we can save the Government money, because that seems a powerful concern. If this Committee could come up with solutions we are obviously going to cut more ice than if we come up with a litany of complaints.

If that were offered by Corrective Services, which seems to want to offer rehab as long as it is within the fence rather than rehab outside the fence, they may have some influence but not the absolute influence that they would have inside the fence, which is what I can glean from talking to them.

To what extent could you co-operate in some sort of halfway house in which you could exercise, obviously, limited supervision with a guarantee that they turn up and at what cost to prisoners?

Ms HOPKINS: The first issue is that maybe the money should not go to Corrective Services at all. With these sort of bail houses and administering the community grants program maybe Corrective Services is not the answer. Maybe it should go to Community Services and maybe we should call this community corrections. We want to get away from the idea that this is part of the gaol system.

The Hon. Dr A. CHESTERFIELD-EVANS: The problem with that is that it is more politically difficult.

Ms HOPKINS: Is it?

The Hon. Dr A. CHESTERFIELD-EVANS: It would seem so. If they currently have the steamroller to build a \$40 million dollar prison for women alone without batting an eye, yes, they have the political power to do that.

Mr CHRISTIAN: If it is costing Corrective Services some \$55,000 per year to keep one prisoner in prison, I think it would be a lot cheaper to put in a halfway house.

The Hon. Dr A. CHESTERFIELD-EVANS: Can you put a figure on it?

Mr CHRISTIAN: On the halfway house?

The Hon. Dr A. CHESTERFIELD-EVANS: Per year per person?

Mr CHRISTIAN: I think it would be a lot cheaper than the \$55,000 a head which Corrective Services quotes to keep one person in prison.

Ms HOPKINS: It is not something we have looked into to be run through the Aboriginal Legal Service. Other indigenous legal services would be more appropriate to run that sort of program. There is no doubt that it would be far more cost effective than putting someone in gaol.

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I understand that it is politically palatable and the idea of a bail house rather than rehabilitation is important in a number of ways. If there is accommodation, you will get a lot of people out of the prison system and into bail accommodation.

One of the questions you asked us was about home detention and why Aboriginal people do not access that. The percentage of Aboriginal people participating in the home detention scheme is minimal, and the reason is that Aboriginal people do not have homes and the facilities they have are never assessed as suitable for the home detention program. Obviously it is more suitable to middle-class people coming before the courts.

If you had a bail house, there should be flexibility introduced to allow that sort of accommodation to be suitable for home detention. If there was an employee who had to be there 24-hours-a-day and there was the phone put into that house, there is no reason that that sort of accommodation could not also be suitable for home detention along with bail.

If there was accommodation for Aboriginal people, it would certainly assist them in attending court because we would know where they were. Often we do not know where or how to contact them, but if they have somewhere to stay that is appropriate, we would be able to contact them and remind them about their court dates. It would assist in a number of ways.

CHAIR: Thank you for your attendance today. We really appreciate it. It is a pity we do not have all of the time that we need to devote to this, but we thank you for at least opening up the issues for us and giving us that valuable information. If anything else you wanted to say occurs to you later, we would appreciate you making contact with the Committee in writing to further elaborate on that or something else that occurs to you later. Thank you for your time and for the service you provide to the community.

(The witnesses withdrew)

RACHAEL ANNE MARTIN, Principal Solicitor, Wirringa Baiya Aboriginal Women's Legal Centre, affirmed and examined:

CHAIR: Can you briefly outline your qualifications and experience which are relevant to this inquiry?

Ms MARTIN: I am a solicitor. I have a Bachelor of Laws degree. I have been practising for about four and a half to five years and I have been working at this present organisation for about two and a half years, or maybe a little longer.

CHAIR: Have you received a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms MARTIN: I have indeed.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Ms MARTIN: I am.

CHAIR: If you should consider at any stage while giving your evidence that it is in the public interest that certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will usually agree to your request and resolve into private session. I should warn you, however, that the Parliament has the power to override that decision at any time and may make your evidence public.

We would like you to provide some background to the Committee as to a description of your service and your role in it, but is there anything you wish to say to the Committee beforehand in response to our terms of reference before you are asked questions?

Ms MARTIN: No, not at this stage.

CHAIR: Could you outline something of what the services are that are provided by Wirringa Baiya?

Ms MARTIN: Wirringa Baiya Aboriginal Women's Legal Centre is a community legal centre for Aboriginal women and children. We actually get our funding from the New South Wales Attorney General's Department. I suppose we are like most other community legal centres. We have three main roles: to give free legal advice and information; to do case work when resources allow; to do community legal education, which is basically going out into the community and running workshops about various areas of law; and also to participate in law reform issues as they affect Aboriginal women and children.

The organisation has been around since 1994 but it has only been since 1997 that it has been offering its legal service. Basically it was founded in response to the denial of Aboriginal women's and children's access to the legal system. That is largely because, traditionally, and, I suppose, presently, Aboriginal legal services have been primarily focused on criminal law. Hence, they are mostly there to defend those accused of committing certain crimes.

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This basically meant that Aboriginal women and children who are victims of crimes or had other non-criminal legal matters were not able to access any type of legal service or justice. So, basically, that is why the centre was set up. I suppose I need to add that we are not a criminal law service. We do not profess to be experts on the criminal justice system. We do not profess to be an expert on the prison system. The main focus of our service is assisting Aboriginal women and children who have been victims of violence.

So, consequently, the types of things that we would focus upon are things like family violence, giving advice to women in relation to apprehended violence orders, victims compensation, the process if they want to become a witness in a sexual assault matter, care proceedings, family law matters where there are allegations of violence, and debt matters, I suppose.

CHAIR: So those questions we have been discussing with other witnesses from the Aboriginal Legal Service relating to bail and applications by women to keep their children in gaol with them and so on and for access to works release programs are not the sorts of issues that your service deals with?

Ms MARTIN: That is right.

CHAIR: The Committee understands that many women in the criminal justice and penal system are often the victims of child abuse and/or domestic violence. Based on your experience to what extent is this the case for Aboriginal women?

Ms MARTIN: That is absolutely the case. We have had a number of different clients who are either in prison or in a juvenile detention centre or have been and, without a doubt, I would say close to 98 per cent of those particular clients have been victims of violence, whether it be child sexual assault, sexual assault as an adult or family violence.

CHAIR: Evidence presented to the Committee by representatives of the Aboriginal Justice Advisory Council indicated that Aboriginal women who reported incidents of domestic violence are often arrested and detained themselves on an unrelated matter of either outstanding warrants or so on. Often these women can be arrested as a secondary offender in a domestic violence matter. Does your centre have any experience of this occurring?

Ms MARTIN: Certainly I have had clients where there has been a domestic violence incident, they have called the police, the police have attended the home or the incident, they have got her name, she is either known to the police or they have called her name in the station and she has become known because of a number of outstanding warrants and rather than dealing with the domestic violence incident in terms of dealing with him or the children, she has been taken down to the police station and has been arrested. That is quite a common thing.

CHAIR: What about the person who is the perpetrator of the domestic violence? Is it often that they are actually not apprehended themselves?

Ms MARTIN: That varies. That can be the case. Sometimes he is apprehended as well or arrested for whatever, but there are cases where in fact nothing is done about him. He is told to go away, calm down and think about it, perhaps removed from the premises or the situation when there are children of the relationship and so they have taken her away so the perpetrator is left there looking after the children because there is no one else to look after them.

CHAIR: Can you see any solution to that, given that, I guess, when police become aware of the fact that there are warrants outstanding, they are obliged to do something about them? Can you see any way in which it might be possible to discriminate a report for domestic violence from the need to perhaps take action about those other matters?

Ms MARTIN: I think some type of sensitivity from the police basically in terms of how you deal with these matters. Granted, if there are a number of outstanding warrants that has to be dealt with but it depends why the warrants are there. Largely they are often for quite, so far as I am concerned, insignificant matters. The police need to put the victim on notice that they know there are warrants there. For God's sake, she has alerted them to where she is. Undoubtedly she will need an apprehended violence order to protect her. They can easily find her again if need be and arrange for an appropriate time for her to come down and to discuss these matters.

CHAIR: Has your service ever represented women who have been arrested as secondary offenders in domestic violence incidents?

Ms MARTIN: No.

CHAIR: Is that common for that to occur?

Ms MARTIN: I am curious as to what exactly you mean. Can you give an example?

CHAIR: I guess what it means is the police are called to a domestic violence incident and during the occurrence the woman gets accused of hitting someone as well, so what happens is instead of the initial perpetrator, the male, being removed, I guess the police haul both in.

Ms MARTIN: Okay. Certainly I have had contact with clients who have been in that situation as you describe basically. I suppose my attitude is that it is an attitude adopted by the police because they cannot be bothered sorting out what exactly happened and it is often easier to arrest both and let the magistrate or the court decide as to what exactly happened.

Certainly I have had clients where that has been the case. You have to remember in terms of our service, because our service is so small, often what we do is we provide advice. When it comes to court work, we are normally assisting the woman to get an apprehended violence order which is a different process to being charged.

CHAIR: Do you believe Aboriginal women are particularly vulnerable to entry into the criminal justice system?

Ms MARTIN: I do.

CHAIR: Would you care to elaborate?

Ms MARTIN: There is a multitude of reasons and I suppose there has been plenty written about this. From my work experience at the legal centre, basically first and foremost there has historically and presently there continues to be gross discrimination against Aboriginal people by the Police Service.

I think we need to look at the reason why people offend, particularly members of the Aboriginal community. We need to look at the fundamental causes, things like incredible poverty.

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We are talking about violence and self-abuse, both with drugs and with alcohol. Both these issues are critical in the Aboriginal community and nothing has been done about it.

We are talking about communities that in many ways are in crisis, which basically causes people to offend, which goes back to what I was saying before about Aboriginal women being victims of violence. A lot of these women are charged with drug offences, or drug-related offences obviously to supplement their drug habit, and undoubtedly the main reason why these women have drug habits and are inclined to self-abuse is because of the profound trauma that has happened in their lives.

I think when you are talking about a community which has incredibly low self-esteem, which has poverty, which has a high incidence of violence, and research shows us that Aboriginal women are overrepresented as victims of homicide in the country, then you have a community that is incredibly vulnerable to offending and a community that I suppose is incredibly overrepresented in the criminal justice system.

CHAIR: It was your observation a moment ago that the New South Wales police were grossly discriminatory to Aboriginal people.

Ms MARTIN: Yes.

CHAIR: Is that a historical comment or something that you would regard as current now? I am sure that if I asked the Police Service to respond to that, it would, quite rightly, say that there have been dramatic improvements in police education with regard to Aboriginal sensitivity, the appointment of a large number of Aboriginal liaison officers and so on and it would say that it has made a great deal of progress recently. Do you think that is the case, or do you think that they still have a long way to go, or could their actions still be described as grossly discriminatory?

Ms MARTIN: I think there has been an improvement, but you have to bear in mind that I have not practised for very many years so I suppose that does not enable me to make a proper comparison, but certainly my clients continue to inform me about harassment and mistreatment by the police when making complaints about domestic violence.

Aboriginal women continue to be treated appallingly. There are racist stereotypes, "You are just drunk. You will go back to him anyway. You know he loves you and you know that you will get back together with him." All these types of stereotypes are constantly thrown back in their faces.

So in terms of my perspective in terms of discrimination I am looking at how they treat Aboriginal women and children in relation to domestic violence, and the problem absolutely does exist.

CHAIR: So that would be experience you have had in the last 12 months in the city of Sydney with clients?

Ms MARTIN: I receive calls from women all across the State, so it is a problem both in regional areas as well as in the city.

CHAIR: And still, and you would have recent instances?

Ms MARTIN: How recent do you want?

CHAIR: The last 12 months.

Ms MARTIN: The last 12 months, absolutely. I am sure you are aware that there was a recent - when I say recent, a couple of years ago there was an inquiry into the policing of domestic violence within New South Wales. It was a report requested by the Ombudsman. I made a submission in relation to that. I have yet to see the results of that particular inquiry. Yes, I can cite many instances of police in dealing with domestic violence matters treating Aboriginal women with indifference, I suppose at best or incredibly racist at worst. That is not to say that all police officers are like that.

CHAIR: I was not thinking that, either. This has been with us for so long that it is important for us to be accurate about the timing of it.

The Hon. JAN BURNSWOODS: I guess the feeling I get, and do not misunderstand me, is that prison is almost irrelevant to the sort of cycle of poverty and deprivation and abuse that you are talking about. The incidence of prison is really just part of a whole sort of pattern, which I guess says to me that we should be looking at other things such as fines and things other than prison. It is almost as if we are looking through the wrong end of the telescope.

Ms MARTIN: Yes, in many ways, it is a completely futile exercise. Prison is basically about punishing. In many respects, the women that I speak to do not need punishment; they need rehabilitation; they need support. I certainly take on board what the previous two speakers were talking about from their perspective.

Heroin is a huge problem in the Aboriginal community. A number of my clients have been heroin addicts or are heroin addicts. They are incredibly sort of traumatised people who are carrying a lot of emotional baggage and the issues around previous abuse and incredible low self-esteem and depression and those sorts of issues are not being addressed. They are the core issues that I would feel that our government should be looking at.

The Hon. JAN BURNSWOODS: Do you have any suggestions on, I guess, a point at which the circle could be broken into? Sometimes there is a sense of great frustration that we are dealing with such a circular sort of process. It seems that the prison and crime and punishment point is not necessarily the right point.

Ms MARTIN: I think you can identify - I am not quite sure what you are saying, but I think you can identify some of this sort of stuff in the childhood of these people. I have clients in juvenile detention centres, and these are girls who are as young as 14 who have been grossly sexually abused. The only contact that they ever have with the system is basically the criminal justice system. They are not getting any types of support. The issues of abuse have not been identified. Often women in prison, or in juvenile detention centres - obviously as juveniles, were sexually abused when they were young. In terms of stopping this abuse and violence, we have to start from a very, very young age in dealing with the community in addressing these issues.

The Hon. JAN BURNSWOODS: So it would be true to say, for instance, that there would be very few Aboriginal women sent to gaol who did not have a history stemming right back to their childhood, which could not almost be seen as a predictor that they would end up in gaol.

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Ms MARTIN: Obviously not all Aboriginal women, or not all women, per se, who have been victims of violence become offenders, but certainly if you look at the women who are inside, the overwhelming majority of them have been victims of violence.

The Hon. JAN BURNSWOODS: And they are victims before they are offenders.

Ms MARTIN: Yes, and they are not being treated as victims. They never have been treated as victims; they have always been treated as offenders.

The Hon. Dr A. CHESTERFIELD-EVANS: Can I ask this contextual question, and I do not know how to ask it politically very correctly? The Aboriginal legal services generically deal with, as I understand it, the Aboriginal problems such as drugs and violence in collision with the system, whereas your system deals with Aboriginals in collision with other Aboriginals, more or less by definition. Is that a fair summary why there are two different services?

Ms MARTIN: Yes, I suppose so. I suppose, essentially, yes. The types of disputes, the types of legal matters that our clients have are basically that they are victims or they might be in dispute in a family law matter so they are not in collision necessarily with the State.

The Hon. Dr A. CHESTERFIELD-EVANS: They are in collision with others.

Ms MARTIN: Yes.

The Hon. Dr A. CHESTERFIELD-EVANS: Which is why your legal service is different from the one we have just heard from or ones like that.

Ms MARTIN: Yes. But so many of our clients need to access the State to get justice. For example, if they are a victim of violence, they need assistance from the police maybe to get an apprehended violence order. If they are a victim of sexual assault, they need to go to the police to see that something is done about that particular act of violence. So, yes, they are not in direct collision with the State but certainly they need to access the State to get justice.

The Hon. Dr A. CHESTERFIELD-EVANS: If we look at prevention, I suppose we could talk in terms of rehabilitation or we could talk in terms of bail houses and stop people getting in there and rehabilitate them before they go in or we could go back and look at social indicators, education or whatever and tailor education for certain populations. If we could get a more and more sophisticated preventive thing, you could go further and further back.

Ms MARTIN: Absolutely.

The Hon. Dr A. CHESTERFIELD-EVANS: Now, coming further back to discuss that area, I gather that people have talked about strengthening the Aboriginal community as a whole.

Ms MARTIN: Yes.

The Hon. Dr A. CHESTERFIELD-EVANS: To what extent, and perhaps it is not fair to ask you, are young Aboriginals detribalising in the sense that they now see things? Youth in general, I would say, is getting more alienated from their parents in white or general society. I understand that is happening in Aboriginal society in the sense that the elders, if Aboriginal

society is breaking down, do not have the answers for their tribal groups either, or the ones that are detribalised.

To the extent that you are dealing with problems in the Aboriginal community, can you give the Committee insights into what programs could be developed that would be important to the Aboriginal community in a tribal or a new tribal approach for the situation from which it has evolved now or the situation that has been reached now?

Ms MARTIN: Sure.

The Hon. Dr A. CHESTERFIELD-EVANS: That would allow some preventive social action to lessen Aboriginal problems and crime. Is that too big a question?

Ms MARTIN: I am not the right person to answer this. For a start, I am not Aboriginal, and I do not profess to be an expert on how an Aboriginal community should deal with something like this. But certainly from my observations I can say this: there certainly have been differences in generations and how generations may want to deal with and approach a certain issue, but it is absolutely critical that the Aboriginal community be part and parcel of that solution.

From my observation, an Aboriginal young person may be quite different, say, from a generation above that person, but they still very much identify with that Aboriginal community; they still very much identify with being an Aboriginal person. So in terms of finding any types of solutions, you have to work with the Aboriginal community. I do not know if that is an answer to what you put to me.

The Hon. Dr A. CHESTERFIELD-EVANS: I am saying that the Aboriginal community is not homogenous in that sense. In other words, it would require considerable knowledge of the Aboriginal community to target age groups within that and problems within that.

Ms MARTIN: Sure. The Aboriginal communities are not homogenous anyhow. Show me what community is. Communities would vary, from my experience running community legal workshops in various parts of the State. The issues in one Aboriginal community may be completely different from the issues in another Aboriginal community, and how that community handles it would be completely different.

The Hon. Dr A. CHESTERFIELD-EVANS: It is looking very difficult for us to make recommendations as to what might done.

CHAIR: We will have to try very hard.

The Hon. Dr A. CHESTERFIELD-EVANS: That is what I am fishing for, I guess.

CHAIR: I am fishing for the end of time. We have to close this up. We thank you, Ms Martin, for attending. We have no doubt that your legal service must have an enormously busy workload and we appreciate you spending time with the Committee.

(The witness withdrew)

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ABRAHAM NAJARIN, Pensioner,

WAYNE LINDSAY EMONSON, Unemployed, and

DOUGLAS ANDREW WALSH, sworn and examined:

IAN ROBERT MacDOUGALL, Tradesman Painter and Decorator,

BRIAN HENRY RAVEN, Pensioner,

TANYA JANE BEEBY, Unemployed, and

PHILIP GEORGE AMBLER, Interlocutor, affirmed and examined:

CHAIR: Mr Najarin, are you appearing today before the Committee as one of the members of the Australian Prisoners Alliance?

Mr NAJARIN: Yes.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr NAJARIN: Yes.

CHAIR: Do you know what this inquiry is about?

Mr NAJARIN: Yes.

CHAIR: Mr Emonson, are you appearing before the Committee because you are a representative of the Australian Prisoners Alliance?

Mr EMONSON: Yes.

CHAIR: Have you received a summons in accordance with the provisions of the Parliamentary Evidence Act?

Mr EMONSON: Yes.

CHAIR: Do you know what this inquiry is about?

Mr EMONSON: Yes, I do.

CHAIR: Mr MacDougall, are you appearing before the Committee because you are a member of the Australian Prisoners Alliance?

Mr MacDOUGALL: Yes.

CHAIR: Have you received a parliamentary summons?

Mr MacDOUGALL: Yes.

CHAIR: Do you know what this inquiry is about?

Mr MacDOUGALL: Yes.

CHAIR: Mr Raven, are you appearing before the Committee today because you are a member or a representative of the Australian Prisoners Alliance?

Mr RAVEN: Yes.

CHAIR: Have you received a Parliamentary summons from me and do you know what this inquiry is about?

Mr RAVEN: Yes.

CHAIR: Mr Walsh, are you appearing before the Committee today because you are a member or a representative of the Australian Prisoners Alliance?

Mr WALSH: That is correct. My Hebrew name is David Ben Moshe Ben Eleazar.

CHAIR: Have you received a parliamentary summons from me?

Mr WALSH: I have.

CHAIR: Do you know what this inquiry is about?

Mr WALSH: Most certainly.

CHAIR: Ms Beeby, are you appearing today before the Committee because you are a member or representative of the Australian Prisoner Alliance?

Ms BEEBY: Yes.

CHAIR: Have you received a Parliamentary summons from me and do you know what this inquiry is about?

Ms BEEBY: Yes.

CHAIR: Mr Ambler, are you appearing before the Committee today because you are either a member or representative of the Australian Prisoners Alliance?

Mr AMBLER: I am a member of the Australian Prisoners Alliance.

CHAIR: Have you received a Parliamentary summons from me?

Mr AMBLER: Yes, I have.

CHAIR: Do you know what this inquiry is about?

Mr AMBLER: Yes.

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CHAIR: I need to inform you that if you should consider at any stage during your evidence that it is in the public interest that certain evidence or documents you may wish to give us should be seen only by the Committee, the Committee will resolve into private session. We will agree with your request and we will resolve to go into private session. I should warn you, however, that the Parliament has the power to override that decision at any time and make evidence given in private public.

I am not exactly sure how we are going to cope with such a large number of people today. I imagine one of you have been appointed as spokesman and may indicate to others that they give additional information as they see fit.

Mr MacDOUGALL: Would you appreciate an outline?

CHAIR: Yes. Would you like to make an opening statement and explain what the Australian Prisoners Alliance is all about?

Mr MacDOUGALL: The Australian Prisoners Alliance comprises members of a broad cross-section of prisoners. We see that community organisations, whether or not they are funded, do not necessarily represent the broad cross-section of prisoners inside. At present over representation, for example, of Aboriginal prisoners, Vietnamese prisoners or Arabic people inside prisons predominates and contributes towards the increase in prisoner population.

We thought it was necessary to model the APA on a similar model known as the UK Ex-offenders Association. We have recently aligned ourselves with other community organisations and brought this together. Hopefully we can cater for the need for non-English speaking persons to be members of this alliance and to be more representative of those needs.

We feel a particular concern about the direction in which this Government is heading due to the increase in prisoner population but also our own concern about persons inside prisons who have died from suicides, murder, violence in prisons, and we are alarmed and affronted to think that the Australian public has been denied a debate about where we are heading with prisons in society.

We are all working-class type people. We have all been inside a prison. Amongst us there is not one prison that we could not give an account of. Today everybody have brought forward their own submissions and material and we hope this Parliamentary inquiry will delve a little more deeper and reflect on how it is that the increase in prisoner population is affecting, for example, disadvantaged communities like the Bankstown, Campsie, and Punchbowl areas, and, like, out west areas, et cetera.

CHAIR: I am reminded that your organisation made a written submission to the Committee prior to coming today. Are you prepared to have that submission made part of your evidence today?

Mr MacDOUGALL: I certainly would. The original submission was done without any funding from any other organisation and was done voluntarily by members and is a collection of letters from prison inmates across the State but also interstate. We believe that it is significant that the prison population in Australia is being dealt with on a state-by-state basis. We see State

boundaries as preventing human rights and we believe in a national penal code within all prisons in Australia. We believe it is a much bigger problem in New South Wales.

CHAIR: I recognise there might be some members of your group who do not wish to answer this question, and we will not have the time to do it in any event, but it will be useful to the Committee if members who are present today could describe to some extent their experiences in prison in terms of how long they were there, how they were treated, what programs they accessed while they were there and how did they feel they were assisted when they were ultimately released.

Mr MacDOUGALL: With respect, I would like to give that first to Abraham.

CHAIR: I understand that Abraham will be speaking or assisted by an interpreter so we may need to be patient.

CHAIR: I was interested in Abraham's experiences in prison, how well he was treated and whether he felt that prison helped him improve his life while he was there.

Mr NAJARIN (Through Interpreter): I went in gaol on 17 August 1993 and I was released in August 1999. When I first went to gaol I was sick. I had some sickness, and in gaol the sickness got worse and no-one attended to my sickness. I made a lot of demands. They neglected my request and they did not do anything about it.

I have documents here to prove that I had appointments to see doctors and those appointments were neglected by the gaol administrators. They took me to hospital to do the hernia operation on me. They never did. They sent me back to gaol with the hernia still inside me.

I wrote to Mr Obeid, a member of the Legislative Council, and he was handling this matter on my behalf, and they did nothing about it. They ignored everything he was saying to them and he gave them 21 days to finish some medical treatment and they never did.

CHAIR: Do you want to make that correspondence available to the Committee.

Mr NAJARIN (Through Interpreter): Yes, please.

CHAIR: I would be particularly interested in hearing from Abraham what sort of services were provided to him that were suitable to someone for whom English was a second language while he was in prison.

Mr NAJARIN (Through Interpreter): For myself, I can understand a bit of English. There was no problem for me but for some other people I can say for a lot of people who were admitted to gaol that they cannot speak English. There is no legal assistance for them in gaol. If they are lucky and they meet someone who speaks the language, they will use them as an interpreter.

CHAIR: Were there many officers who had an Arabic background that you could speak to?

Mr NAJARIN (Through Interpreter): They will pretend that they do not know the language. They do not try to communicate in Arabic.

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Ms LEE RHIANNON: Were there any classes provided in English as a second language?

Mr NAJARIN (Through Interpreter): No.

CHAIR: Did you know about them, was it that there were none provided, or was it that Mr Najarin did not know about them or was it just that there was no class?

Mr NAJARIN (Through Interpreter): No, I know for a fact that no services were available in the prison, because I was in Lithgow gaol with another inmate and the sister from the church used to teach a bit of English voluntarily.

CHAIR: When Abraham left prison what help was he given in leaving prison to help re-establish himself in society?

Mr NAJARIN (Through Interpreter): Nothing at all.

CHAIR: Does he have family who were able to help?

Mr NAJARIN (Through Interpreter): No.

CHAIR: Could you describe what happened when you left prison?

Mr NAJARIN (Through Interpreter): It is a long story. If I am going to tell my whole story in prison, it is a long story in prison and what happened after it. It is a very long story. But, in short, I was paid in prison \$10 a week, and I was working seven days, and some days I was very sick and I could not stand on my feet and I had to go to work, and when they released me they deducted \$40 from my money and I hardly got my money. That is what I got when I got out of gaol.

CHAIR: And where did you live when you left?

Mr NAJARIN (Through Interpreter): I lived with my brother for one month and then I applied for the pension and when I was granted a pension I rented my own flat where I am living now at this address.

CHAIR: Thank you. If I may pass on to some of the others.

Mr NAJARIN (Through Interpreter): No, I am not finished yet.

CHAIR: All right.

Mr NAJARIN (Through Interpreter): When I was convicted I was sentenced to nine and a half years in gaol. I went to gaol and I tried to appeal the sentence and I wrote to legal advisers, and the legal personal developer at the gaol and I met and they told me that I had no grounds for appeal. Then Mr MacDougall, he wrote to the Supreme Court judges and explained the circumstances. They grant me a ground for appeal and my appeal was heard in the Supreme Court and my sentence was reduced to two and a half years. Thank you.

CHAIR: Thank you, I appreciate that.

Mr MacDOUGALL: This was not an unusual incident. We had a Turkish man called Khalil Yavuz. He was of non-English speaking background, a Turkish man with very few English skills, denied legal aid. A number of letters were written to the Supreme Court. We actually did a sentence appeal without any legal representation. The Supreme Court provided him with an interpreter on the day of his hearing. We did the written submissions and we reduced his sentence by two and a half years.

CHAIR: I imagine the point you are making is that that would not have occurred if they had not been able to access you in some way.

Mr MacDOUGALL: What I would put it down to is that there are very poor multicultural programs available inside Corrective Services and a failure to provide these people from non-English speaking backgrounds with proper facilities to ensure that they have equal access to law. That is not happening in New South Wales.

CHAIR: I suppose it would be fair to say, though, that Corrective Services might say it is not really their job to assist prisoners with their appeals.

Mr WALSH: Why not? They are officers of the court.

Mr MacDOUGALL: Time and time again we see people given a sentence. In our system of justice we have one of the most exemplary appellate avenues and everyone is entitled to appeal a decision, whether it is administrative, a criminal appeal or a review, for example.

When we deny people that opportunity by not providing them with access to justice, we actually create injustice and we engender, particularly in ethnic communities, an injustice that constantly goes unchecked and causes a great deal of angst within a community.

Mr NAJARIN: It happened with me a couple of times in the prison, in the gaol. I asked to see the legal aid and all the time the legal aid told me he is not allowed to assist or he does not help me to fill out a form that the Legal Aid Commission send from outside to me by mail. When I went to the legal aid in the gaol to fill it out for me he said, "No, I do not want to fill it out for you." I do not know how much you can believe this, but that is how they were.

CHAIR: I understand. So the people in Corrective Services said they could not help you fill out the form. I appreciate that, and it is worthwhile us finding that out, but I have so many people to get through, am I able perhaps to move on to some of the others?

I would particularly like to hear from Ms Beeby because the initial part of our inquiry does in fact relate to women in prison first and then we are going to have a later report. We will deal with the experiences of men. But since Ms Beeby is the only female today from your organisation I would particularly like to hear from her about her experiences, particularly what happened when you left gaol - that is of real importance to us - but also what programs you were able to access while you were in gaol to help you with rehabilitation.

Ms BEEBY: I went to gaol in 1991. I was released in 1997. At the beginning of 1996 I began a TAFE course, which was community welfare and also another one, youth welfare. I completed those courses. Each took two years. I completed them when I was released from gaol.

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I began them in gaol and completed them when I was released from gaol. Something like only about 250 prisoners in this State, if I remember my statistics correctly, get to do education, so it is a one-off and it is quite rare. It is not a privilege and it is not taken for granted. It was quite unusual that I got the opportunity. I took it.

When I was released from custody, because I was studying I was only entitled to Austudy, hence, I was unable to access unemployment benefits. I was given \$93 gate money, which was 30 cents for every week that I had been in prison. With my \$93 that I was released with about four days after being in custody I was given my first Austudy cheque of \$18, and that was to last me for the next three weeks and, basically, I had to sort of make do with it.

CHAIR: So how did you?

Ms BEEBY: It was \$111 for three weeks all up.

CHAIR: What date was that? 1996, was it?

Ms BEEBY: 1997, when I was released.

CHAIR: So how did you survive?

Ms BEEBY: I borrowed money off other people and I still have debts from then.

CHAIR: They were friends and family?

Ms BEEBY: Friends and family. A lot of people had to come to my rescue.

The Hon. JAN BURNSWOODS: Were you not paid for studying? It is a lesser rate, but you still got paid.

Ms BEEBY: I got paid eventually. Like, after three weeks I got my first cheque of \$260 to last me the next two weeks, but for the first three weeks I had something like \$111 to live on.

The Hon. JAN BURNSWOODS: I really meant when you were in gaol. Is it not the system that if you are on education you get paid a lesser amount?

Ms BEEBY: When I was in gaol originally when I was doing education it was \$13. There have been a number of people who have tried to increase the wages and they do go up. I believe if you are in minimum security they go up to \$24 or something like that and in other systems up to \$30, but let us say an average of \$18. It was \$13 when I was doing it.

CHAIR: Why did you not have that money as well?

Ms BEEBY: Repeat the question, sorry?

CHAIR: If you were paid a wage while you were in gaol, why did you not have that money in addition to your gate money?

Ms BEEBY: Toiletries, toothpaste, soap, basic things. That is what the \$13 was for.

The Hon. JAN BURNSWOODS: When you were doing your TAFE course in gaol, was it totally external? Did you ever have a period where you were on release at all to study?

Ms BEEBY: I studied TAFE externally, but prior to 1996 I had done TAFE courses internally. The problem with doing TAFE courses internally is that there are always going to be prerequisites that you cannot complete that require community participation, so a lot of such courses do not get completed unless they are basic literacy or something like that.

CHAIR: Where did live when you got out of prison?

Ms BEEBY: I moved in with my parents and at the time it was not the Ideal situation because I had various issues with my parents that had not been dealt with from childhood. With case management it was, like, you have got parents, you are okay. In actual fact it was putting me in a rather vulnerable situation.

CHAIR: Would others like to share their experiences of how long they were in gaol, what programs they had?

Mr RAVEN: I was sentenced to 15 years. Altogether I did seven and a half years. I did the Cooks tour of the system in New South Wales. I would particularly like to read from this screed that I will be passing on to you before we leave. No politico has yet come up with the bleeding obvious. Why not make the existing penal institutions places of learning?

A quarter of a century ago I had the honour of being elected to the presidency of the Parramatta gaol resurgence group. The only requirement for membership of this group was to a willingness to be active in group enterprises, debating public speaking, writing, producing plays on social issues.

The group was well-respected and we were able to have visitors and sponsors from many highly regarded members of the community. These people were our role models and, with modesty, I know the majority of the group were role models to many prisoners in that institution. Screws, do-nothing welfare officers, ex-missionary program officers were held in no regard at all until they were needed to be manipulated. Parole officers were also held in low esteem.

"Ex-prisoners as Counsellors" I have as a subheading. As a member of Justice Action and the Australian Prisoners Alliance, I recognise there is a wealth of talent among ex-prisoners who have rungs on the board. Their expertise covers drugs, compulsive gambling, alcoholism, along with most of the behavioural patterns which bring people undone and into gaol.

Clean out the dead wood at Corrective Services from the Minister, Bob Debus, down to most of the knuckle-dragging screws. Replace a lot of them with socially conscious teachers. Allow the prisoners to form a resurgent-type group in every institution.

No prisoner should leave an institution without the means to sustain himself in a manner that will give him or her any reason to re-offend. I sincerely believe our penal institutions can be transformed into community integrated places of learning.

CHAIR: How long ago were you released from prison?

Mr RAVEN: Twenty years ago.

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CHAIR: I guess things might have changed a lot since then.

Mr RAVEN: No doubt they have, but being a member of Justice Action and the alliance, I am well aware of what is occurring within the system politically without and politically within.

CHAIR: Douglas, I interrupted you earlier. Did you want to tell us about your circumstances?

Mr WALSH: I will tell you a little bit about it. In 1987 I survived what is known as a really bad head-on. In 1990 I survived going over a cliff in a vehicle driven by somebody else. I was smashed to pieces and burnt, et cetera. Ultimately I ended up being sentenced to almost five years in gaol for a small drug offence, supplying less than two grams of a prohibited drug.

Whilst in prison I did a fair amount of writing. I have been back in since then, of course, for drug offences needless to say. I am like Mr Najarin, in that I am also a diabetic. The last time around when I first got admitted I was ordered a diabetic diet. I have been out for six months and I am still waiting.

CHAIR: How recently have you left prison?

Mr WALSH: Six months ago. I am also Jewish. I asked for a special diet. I am still waiting.

CHAIR: Have you since been examined to see whether your condition deteriorated as a result of what you were given to eat in prison so far as your diabetic condition was concerned?

Mr WALSH: That is an interesting question. I had periods in prison of resigning myself to eating the swill de jour and suffering thereafter. I ate one sausage roll one day and four hours later I still had a blood sugar level of about 12. This is how much the Department of Corrective Services really cares about your welfare. They just do not give a damn. As long as you are not dead they do not care.

CHAIR: What did you do to follow up on your need for a diabetic diet other than ask initially?

Mr WALSH: I ended up living on Sustagen and Milo.

CHAIR: Did you ask somebody in Corrective Services to deal with it on a regular basis?

Mr WALSH: Yes, a doctor.

CHAIR: Are you familiar with the term "case management"?

Mr WALSH: Yes.

CHAIR: Did you have a case manager?

Mr WALSH: Yes.

CHAIR: Did you raise that with them?

Mr WALSH: I did not see the point because case management means nothing to me. It is window dressing.

CHAIR: What happened when you left prison? Were you part of any pre-release program?

Mr WALSH: No. I was released from court because they found out it was a set up.

CHAIR: I suppose it would be fair to say they may not have anticipated that you were going to be released.

Mr MacDOUGALL: Just on that point, I was released from a maximum security segregated part of the prison in August 1995. The night prior I had destroyed my cell and I was charged \$25 for destruction of property. That was after approximately three years inside. I had spent the last 3 and a half months of my sentence in segregation. That was in an isolated area of the prison and I was kicked out the front of Long Bay with a cardboard box, clothes that did not fit me and approximately \$11. The first thing I did was ring up an old comrade that I had crossed paths with and put it on him for a loan. That was the only way I was able to get back on my feet. So that was the pre-release.

CHAIR: What were the circumstances of your release? Was it known that you were going to be released?

Mr MacDOUGALL: A parole officer came into Long Bay and said, "Your sentence has expired". I had been to the Court of Criminal Appeal. I am still fighting the conviction today. It is currently under review and is part of an inquiry. I was released from Long Bay in August 1995. I was totally traumatised from the period.

I had been in the Goulburn high security area and I was absolutely traumatised from the experience. The first night I spent outside of gaol I was kicked out of a pub for jumping up on tables and kicking over people's drinks, absolutely off my head from it.

CHAIR: Did you access any programs while you were in prison that would have helped you?

Mr MacDOUGALL: During the term I was on remand - I have spent approximately 12 years behind bars all up from when I was a young fellow and I have done two levels of journalism, I have done computer courses, higher education access and equity whilst in Queensland prisons. I managed to actually start studying law autonomously without any assistance other than from law students and other prisoners and managed to successfully assist other inmates during the period. So I actually got quite a good recommendation.

There is some good programs that Corrective Services runs or facilitates. Their multicultural and family days are few and far between and there are education programs that they would like to implement but are absolutely run into a brick wall every time. Less than 3 per cent of prisoners actually get a higher education inside.

Mr WALSH: Most of us have accessed Windows.

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CHAIR: Meaning the computer program?

Mr WALSH: Yes.

Mr MacDOUGALL: It is quite surprising that prisoners, just like anybody else out there in the community, given access to education, there are studies in the United States that actually support that the recidivism rates will reduce from 85 per cent in the first three months right down to a low 10 per cent, 15 per cent, and that was from prisoners who had undertaken higher education in maximum security prisons.

CHAIR: We hear a lot about how drugs are a feature of prison life and particularly how inmates might in fact have drug habits themselves. Would any of you like to comment on how helpful people were in prison in helping you to deal with drug problems or how unhelpful they might have been, I would not want to lead you.

Mr WALSH: If you had them give them over or we will stab you.

CHAIR: That might need a little explanation, Douglas.

Mr WALSH: That is about the honest truth. If anybody had them somebody would demand them from that person. If they did not hand them over they would stab them.

CHAIR: Meaning another inmate?

Mr WALSH: Yes.

CHAIR: Did any of you have a drug habit that you tried to seek help for while you were in prison?

Mr MacDOUGALL: Yes, I had an experience with drugs but in the prison environment people deal with it differently. I found because there is no support in there for it, it is preferable - a lot of people switch off and say, right, repress that need to indulge, but when they get outside, of course, it is the same old problem. I think, if anything, they should implement programs like Naltrexone programs in prison. You have such a controlled environment, I do not know why they do not regulate heroin inside of prisons to see whether or not it has a better way of addressing this constant problem with drugs.

Drug addicted persons are drug addicted persons who require treatment, not imprisonment. I remember writing a submission to Justice Kirby about that and he agrees with the treatment program in preference to imprisonment.

CHAIR: Mr Ambler, you seem to be seeking my attention. Is there something you want to say?

Mr AMBLER: I do not want to cut anyone off. Just simply Channel 9 did a program on Mulawa, and I am here specifically to address the Committee regarding women's issues in prison, and that is why I brought this lot with me. I might remind the Committee that the person chosen as the main subject of that television series, there was very little research done prior to that program being done and it has in fact been quite a damaging, in my view, use by the media of people in gaol.

I do not put that Channel 9 series forward as a particularly good representation of the issues concerned at Mulawa. I have here something to distribute. May I just distribute it to you?.

CHAIR: Just hand it to the staff because we would like you to speak rather than spend time running around the room.

CHAIR: Mr Ambler, could you explain to us why it is that you have such a special interest in women's prison issues?

Mr WALSH: Because they are better looking.

Mr AMBLER: I have been a member, and still am a member, of Justice Action and because of certain disagreement with maintaining the rage policy at Justice Action I am still a member of Justice Action and I still love a lot of the things they do but I have chosen at this stage to be part of Australian Prisoners Alliance.

My interest in Mulawa has been longstanding and was further increased by the ICAC phoning me at Justice Action wanting information regarding corruption at Mulawa. I refused to give the ICAC any information that I might have on the basis that they were not to be trusted, and I since find that ICAC have been to Mulawa conducting an investigation, which I would put to the Committee has again been counter-productive.

Now, I, as an interlocutor, use a professional approach to obtaining information and, in this instance, I used a third party, not particularly by agreement; it just happened to be by accident that a personal friend of mine, Terry Bourke, who does the scriptwriting course for the Australian School of Journalism has a student, Kylie Sherwood, who is at Mulawa. She is one of his best students, as it happens, in scriptwriting.

Through conversation, and perhaps suggestion, Terry Bourke went and visited Kylie Sherwood at Mulawa on a number of occasions. For a distinguished Australian film director to be able to visit Kylie at Mulawa, my sincere applause goes to the education officer, Ray Moose, at Mulawa. He did a superlative job.

The feeling that was created by Terry's visit is, in my view, something worth the Committee noting and certainly would be worth the Committee having a little chat with Ray Moose regarding that.

As a result of that visit, Kylie was able to have some access visits with her kids again. In other words, someone who was not a professional, someone who was not in the system, visited an inmate and made some human sense in a human way so that this young woman had the courage to go and initiate contact with her kids again.

What I am putting to the Committee is a book by Michel Foucault, called *Foucault and his Interlocutors*. I recommend that the Committee get a copy of that book. It is most excellent. It refers to the nature of madness, what creates madness, and I would put to the Committee that there are certain elements of denial of education and denial of self-expression in the complex at Mulawa particularly, but also in other gaols, of course, that promote aggression and frustration.

I would recommend to the Committee a very strong approach to education for inmates, especially women inmates, because I think that is one of the ways to go.

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Mr MacDOUGALL: Can I interrupt there?

Mr AMBLER: Yes, away you go.

Mr MacDOUGALL: One of the most beneficial programs ever adopted in Long Bay was a volunteer student law program. They came in and visited prisoners and assisted them but generally took all the agro out of the entire place. This was a prison that had unsolved murders, had a high rate of suicide, had a high rate of drug overdose.

These young law students came in during a period when run by a reasonably adept governor who permitted this program in conjunction with education to take place and at a later stage the Long Bay volunteer students program was attended by the then State Attorney General - what is his name, again, that Liberal chap with the grey hair - John Hannaford.

What they had in that prison law library was a computer, and these guys used to come in regularly. The whole area was run autonomously, and it was successful. And once anything becomes successful in the prison environment there is always an undermining of those sorts of projects.

This then went from Long Bay law library out to Lithgow and we found ourselves hostiled for implementing the same sorts of facilities or improvising or helping or assisting prisoners. The prison at the time was visited by Mr Bob Debus. At that time a number of inmates had been denied proper legal information - just access to *New South Wales Law Reports*, for example, or even computer facilities in the education areas - and the place was set to go off like a bomb.

Eight of us were shanghaied from Lithgow and we were all put into the high security area at Goulburn. During the process, this person - Abraham Najarin today was one of the persons who was assisted by other inmates. If it had not been for those other inmates, his case would have been neglected. I think it is pretty condemning of the state of prisons in this State when we have elderly people inside of gaol who cannot speak proper English who are walking around in a fluster because their legal needs are not being answered and we have Corrective Services failing to provide proper legal or law library facilities inside of prisons.

CHAIR: Mr MacDougall, you spent time recently in Goulburn prison?

Mr MacDOUGALL: Certainly.

CHAIR: Goulburn prison is reputed to have a fairly high rate of murder and serious assault.

Mr MacDOUGALL: Certainly.

CHAIR: Can you suggest any reason why that would be?

Mr MacDOUGALL: The reason why Goulburn prison has such a high rate of violence, and that includes death by suicide, is that from the late 80s I spent time in Goulburn prison, and I spent time in Goulburn prison as early as 1995. The layout and the actual construction of the prison are antiquated. Any prison that is built prior to the 1900s should be closed in this State. In

this day and age let us be realistic about it. It is heading that way in other States.

I think it is about time New South Wales closed Goulburn prison, Maitland prison and Parramatta prison. The conditions there are repressive. For example, at Goulburn prison they put your cereal in a garbage bin and as many as 100 men coming down off three landings will have to put their bowl into a garbage bin to take their cereal out for their breakfast in their locked cells. This is just one of the conditions in Goulburn prison.

In Goulburn prison very rarely do you get the opportunity to wash your clothes, for example. In Goulburn prison very rarely do you get the opportunity to visit a law library or education facilities. They have an industrial complex at Goulburn prison, and Corrective Services proudly boasts about the many millions it makes out of prison slave labour wages, but they have put nothing back into the entire prison system that benefits or assists prisoners.

They fill Goulburn prison with some of the most notorious or infamous prisoners. It is a very brutalising experience. It is a very highly regulated prison environment. Goulburn prison also houses the notorious high security unit, and, although we sit here today not wishing to touch on the subject, we all know there is an infamous prisoner in that area who to this day has never had due process or rule of law concerning allegations that were made against him of an alleged escape bid from Maitland prison.

CHAIR: You are referring to Ivan Milat?

Mr MacDOUGALL: I am referring to that person. And that is not just one instance. That is a sensational case. Ivan Milat's case only attracts sensation because he is Ivan Milat, but for the average break and enter or property offender who ends up in Goulburn prison, the average kid in that prison system, there are many instances of them not having had a fair hearing, having not even had proper charges laid against them internally but being put into segregated areas of those prisons.

I was in a yard where some of the most notorious stabbers in the entire New South Wales prison system were housed. It was a bloodbath at times. It was a cesspit and nothing was done to alleviate those problems.

CHAIR: What do you mean nothing was done?

Mr MacDOUGALL: Nothing was done to alleviate racism inside of prison.

CHAIR: What could have been done?

Mr MacDOUGALL: Okay, I will give you an example of the Barling project in Scotland, where they treated men with dignity in high security areas of prisons. They afforded them proper treatment and they treated them humanely. That was a successful project that prevented these high rates of violence and these heavy levels of violence.

Goulburn prison, particularly so for Asian persons, being thrown into a yard, is a very territorial prison. The entire layout of Goulburn prison is diabolical. It encourages violence.

CHAIR: I got the impression from media reports, which I suspect might have come from you, that you particularly wanted to address issues relating to prison officers in your

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evidence. Is that the case?

Mr MacDOUGALL: I believe that there is a culture in Goulburn prison and also in all the antiquated prisons that you cannot destroy unless you destroy the prison, and I am talking about inherently in those places we have a prison officer that in comparison to a more reformist type prison environment or a new prison environment will not change his ways in which he has been practising corrections for so many years.

I can also say that those prisoners who toe the line and buckle down and do not have any problems with particular prison officers will get a reasonable run. If you step outside or you step across the line, you can expect anything from savage assaults, and there is a history of assaults in Goulburn prison, usually conducted by what is known as the Malabar emergency unit. It has probably been renamed.

The Malabar emergency unit works like this. Late at night they come with a truck into the circle. They come to your cell. They take the lock off very quietly. Two men will hold your legs. One man will pin you down by the shoulders and another will thump you in the face, even if you are asleep. You will be taken from the bed, stood up and you will be punched in the kidneys and groin area until you fall from the blows.

All prison officers there are not even concerned about who sees it. They do not care what any other person sees. The level of violence in those sorts of situations is on the increase. We have had incidents time and time again of people reporting back to us about those sorts of things happening.

You are training paramilitary-type prison officers out there. You have armed them with Glocks. You have given them this sense of bravado and machoness, but you are dealing with drug-dependent persons and poor broken down bits of kids and you sic these blokes on to them and you want to see the traumas they are causing as a result.

If you do not believe that sort of thing is going on in this day and age, maybe we need some sort of inquiry. You parade all the prisoners out here before you who have done more than three years and they will tell you about the level of violence inside prisons. The shit happens.

CHAIR: The Malabar emergency unit I think you referred to. Of whom is that composed? Is that other prisoners or prison officers?

Mr MacDOUGALL: Prison officers who are trained at Malabar and they are like a tactical response squad for riot situations, ex-cell extractions they call it, and those types of affairs.

CHAIR: Are you suggesting this still exists or is this an historic event that happened years ago?

Mr MacDOUGALL: I am saying the average prisoner who gets assaulted whilst in custody has little or no opportunity of ever addressing those things and no one will be able to get to the bottom of it as long as you continue to train prison officers in a paramilitary-type fashion.

CHAIR: Have you obtained information of incidents like that? I note there is an incident like that described in your written submission.

Mr MacDOUGALL: I have had that type of assault carried out on me.

CHAIR: How recently?

Mr MacDOUGALL: That assault occurred after we caused a strike in the Goulburn maximum security prison. I was put in the front yards. I was taken from Goulburn. It would have been 1990. It would be round about January. I was taken to Long Bay. I was then taken from Long Bay to Parklea prison prior to the riots. I was then extradited to Boggo Road.

CHAIR: So that is 10 years ago or almost. Have you any recent evidence that that is still the sort of situation that would still occur today?

Mr MacDOUGALL: There are recent incidents. As late as 1995 when I was in the segregation area at the old MRC there was a prisoner two doors up from me who was assaulted by four prison officers. He had been assaulted on a number of occasions.

CHAIR: One imagines that somebody who had been subject to an assault of that nature would have been injured in some way and would require possibly some medical attention. What would happen?

Mr MacDOUGALL: I have spent periods in prison cells without any - I have had my food brought to me for seven days straight without being let out of the cell. If they want to deny you medical attention they deny you medical attention. A recent case at Silverwater MRRC, a mother contacted me, a matter that was taken up by Ann Symonds. It is presently under inquiry. A mother went to visit her son and the son had a busted arm and had no medical attention. That case is documented and forms part of a complaint to the Minister. I faxed those details to the Minister concerning that matter.

CHAIR: If I recall rightly, that incident is documented in your submission to the Committee, is it not?

Mr MacDOUGALL: Yes. Lithgow prison had refused the man to be transferred to their prison because they thought he had obvious signs of assault and the man was taken back to the MRRC and fortunately we were able to get to him in time.

CHAIR: Does your organisation provide social welfare services to former inmates of any kind and if so what are there?

Mr MacDOUGALL: Yes, certainly. I recently got Dougie a second hand fridge and I got Brian a second hand computer. Sometimes we get a phone call off a bloke and he might be in a bit of a crisis. Some of these blokes who are getting out of maximum security prisons suffer a hell of a trauma and sometimes it could just be a phone call out of the blue. We jump in the car and go over and we try to help each other. That is the best we can do. We have not got any resources and it does not really matter whether we have or we have not, we will always be the same.

CHAIR: Could I ask Tanya about female inmates. Does this organisation provide assistance to female inmates?

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Ms BEEBY: Yes, it does. Again, it comes down to resources. I know that you are still on this subject, but because of specifically what the inquiry is about, I would like to switch a bit and come down to what it is like for women when they are released from prison, using my own example.

I have been out of prison for two and a half years. I am well qualified in welfare work. I consider myself as having a superior ability to be able to identify acts of systems abuse or different ways that an individual's civil rights might be violated, simply because I have had the experience of being incarcerated in a New South Wales prison.

But because I seem to have these incredible abilities to be able to identify systems abuse, I cannot get work in the welfare industry because I am actually envisioned as being a threat because I can identify how young people's rights are being violated or I can identify how someone who has been released from gaol was systematically abused through the institution. One of the advantages of having been incarcerated is that, again, I am well qualified in identifying systems abuse and addressing issues of systems abuse.

Another thing I would like to mention, when you were discussing with "Makkah" about, if someone is bashed how do you know and is it disclosed, it is very rarely disclosed. It is easily hidden because the prisoner has no rights. The prisoner is locked up and contained.

With Philip Zimbardo, I do not know if anybody on the Committee has heard of him, he was an American. In 1971 he ran a study involving 12 university students all well adjusted healthy students. Six were given roles as prisoners and six were given roles as prison officers.

The experiment was to proceed for approximately two to three weeks. After six days the experiment had to be stopped because the people actually started taking on the roles of persecutor and persecuted. The well-adjusted students who had been given the role play of being prisoners for their \$15 a week within five days had lost their ability to realise that they were students who could resign any time.

The person actually running the experiment had to stop it. The six well-adjusted students who were prison officers were actually assaulting the other students who were prisoners. So it has been well-documented that if you put people in a situation where there is an unequal power play and lack of accountability for anyone, there will be acts of abuse perpetrated against the powerless groups.

CHAIR: I am familiar with the experiment. I was not familiar with the name of the scientist who did the experiment. It is a well-documented experiment although a very controversial one.

Ms BEEBY: Also another one with women in prison, one of the main things about recidivism is a person's inability to break back into the community as in the discrimination and the stigma of having a criminal record or having served time in an Australian prison. Many employees have a stereotype of what a prisoner is, so just the fact that one has a criminal record clearly means, although I am qualified as a welfare worker I cannot work with people because my having a criminal record is somehow viewed as being viewed as a flaw in my character. I see myself of having a criminal record as having a flaw in the laws. I live in a community that constructs crime by criminalising certain drugs that it is well known will be taken whether they are criminalised or not.

CHAIR: Wayne, you have not had an opportunity to speak. Was there something you wanted to say?

Mr EMONSON: I was going to speak about the \$55,000 laid out to house a prisoner. I think Dr Chesterfield-Evans asked with these half-way houses, can you give us a price, can you show us something that says we can do it a little bit cheaper. I have some documents in my folder here from the taxation department where I have been on the dole for 12 months and I made \$8,000 for one year. I mean, give me \$55,000 and you will never see me back in gaol but do not kick me out in the street with nothing.

Mr MacDOUGALL: We do not see \$55,000 spent when we are behind bars.

CHAIR: I do not think anybody is suggesting you would.

Mr WALSH: It sure as hell does not go on food.

CHAIR: We are out of time. Is there anything quickly that anyone wants to say or any questions from the Committee?

Mr AMBLER: The reason I gave you those brochures from the Australian College of Journalism regarding correspondence courses was the women at Mulawa right now, if they choose to do a course cannot do it because there are not enough computers. Why are not there enough computers? Because Corrective Services have put too big a price ticket on it. I have a computer at home that cost me \$400 all up and I am on the web and that is with my account on the web. Are you telling me that Corrective Services cannot do the same deal considering that they would be buying hundreds of them?

I was just buying one second hand computer. There are firms out there - I have a mate who works at IBM. We can get you any number of second hand computers. In fact we could probably get you new computers given to Corrective Services and I know someone else who can do a smart track situation so you can know every bit of traffic that the inmate does on the computer. It is easy. So what I am saying is, why are those women being denied correspondence courses because there are not the computers?

Mr MacDOUGALL: Just on an end note, this is something that really incenses me. A 22 year old pregnant woman in gaol not only lost her baby but every shred of her dignity. It is a Queensland case and sometimes we think this is a New South Wales situation. In this day and age what the hell are we doing locking up people, kids, a 22-year-old pregnant woman for breaching a community service order.

Maybe New South Wales will take the lead and say we will not lock up a pregnant woman after having heard the evidence or having had this inquiry. Maybe it is about time we took the lead in the human rights area and respected the dignity of a woman about to have a baby. Anybody who locks up a pregnant woman is far worse than any criminal I have ever come across. Thank you very much for your time.

CHAIR: That you very much. We appreciate you coming today.

(The witnesses withdrew)

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(The Committee adjourned at 5.15 p.m.)