

*Standing Committee on Public Administration — Twelfth Report —
“Report on a Proposed Inquiry into Regional Prisons”*

Resumed from 26 May.

Motion

Hon KEN BASTON: I move —

That the report be noted.

We started this inquiry in November 2009. The Standing Committee on Public Administration decided to visit the prisons at Broome and Roebourne as part of its scrutiny of the Inspector of Custodial Services reports. The committee’s draft terms of reference stated —

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

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

There were also another two terms of reference.

We started our inquiry in November 2009 with those draft guidelines; however, on 3 March 2010 the Legislative Assembly’s Community Development and Justice Standing Committee also decided to have an inquiry into prisons. Its terms of reference were similar to our guidelines. The Community Development and Justice Standing Committee split its report into two—namely, the interim report tabled on 24 June 2010 and the final report tabled on 25 November 2010. The first report focused on prison employment and industries and the second report considered vocational education, post-release support and innovative strategies. We did not press ahead with our inquiry because the community development committee came out with those reports.

The community development committee’s reports identified obstacles with drivers’ licences. It was interesting when we visited those two prisons. We visited Broome Regional Prison first where 98 per cent of the prisoners were of Indigenous origin and 50 per cent of those were in prison for driver’s licence offences. It could be that they never had a licence, were pulled over because they did not have a licence, would have been fined or given a community order, did not attend the community order or pay the fine and, of course, there is no other option but for the magistrates to end up ruling that they go to prison. We were at the Broome prison for about four and a half hours. It was not exactly the nicest of places to be. We then visited Roebourne Regional Prison, which to my surprise similarly had 98 per cent Indigenous inmates; however, some 75 per cent were in there because of driver’s licence offences, such as not having a driver’s licence, being picked up for not having a licence or not really going to a community order—the same as the prisoners at Broome. In looking at many of these young people in there, I thought it was a waste of resources, bearing in mind that it costs somewhere in the order of \$150 000 a year to keep a prisoner in jail, and that we need to do something so these people have drivers’ licences in the first instance.

A couple of years ago I met with a magistrate from the east Kimberley and one of the first things that she brought up was how she had to send so many people to prison because they did not have a driver’s licence. She wanted a measure whereby people who went to jail would complete a driver training course so that they would come out with their driver’s licence. I think that is very important. I think that we are getting there and I was very pleased to see in the budget for 2011–12 that the Liberal–National government put some \$8.5 million aside to service victims of crime and enhance driver training in regional Aboriginal communities. I believe that the Department of Transport does not have any concrete plans in place yet but I really believe this proposal is of utmost importance. It was certainly the recommendation of our committee. I will read it out before I go on. It states —

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

There is a lot of land around Roebourne Regional Prison. The supervisor of that prison said that they would be happy to put in some roads and stop signs and recreate a road atmosphere on the prison grounds. The Broome

Regional Prison does not have that opportunity because it does not have the grounds. We would hope that these facilities could be developed in the new prison that is being built in Derby.

It is pleasing to see that other opportunities are available and projects involving companies such as Woodside are going ahead. A couple of weeks ago I was privileged to visit the Kimberley Land Council with the Premier. Seven or eight young men came in after just finishing their 12-hour shift. I had a chance to chat with these young Aboriginal fellows. They were very pleased to have a job. For three of those young men, it was their first job. They were saying how proud they were to get up in the morning with a purpose. That is an example of how some of the problems are being solved. We are getting to these people who go to prison without getting their driver's licence at a younger age. It was quite interesting to meet these workers. One of these young fellows said to me that he preferred the night shift. I asked him why because I believe that the night shift is quite horrific. Working on the night shift meant that he could work without having to deal with any protesters on his way out to James Price Point.

I was very pleased to see from Woodside's media release that it put out on 4 October 2011 that it injected more than \$20 million into the Broome economy last year and it is predicting that it will do the same this year. Twenty-two people are employed full time in the Broome office and 50 Indigenous people from the Kimberley are already engaged in full-time employment and ongoing traineeships. It was very pleasing to hear the Minister for Training and Workforce Development, Hon Peter Collier, announce yesterday that the government will help Aboriginal people engage and connect with employees and service providers and take up opportunities in the workforce. Aboriginal workforce development centres have been opened in Broome, Bunbury, Geraldton and Kalgoorlie-Boulder. Other centres have these problems. It is good news that we are starting to concentrate on training these people and giving them opportunities and giving those who end up in prison the chance to get a driver's licence. I think that we need to concentrate more on giving them something to come out with when they finish their time in prison. If they have gone to prison for an offence relating to driving, the least we can do is put them through this training. I am sure all members have a relative or a sibling who has had to get their driver's licence lately. They have to log 25 hours of supervised driving, they need a car to drive and they need an adult with a driver's licence to go with them. That is not easy in many of those communities. The issues in the east and west Kimberley, the Pilbara and Gascoyne are real. I believe that we need to make sure that we do something about it. I believe that this report was well worth the time we spent up there.

Hon ED DERMER: I am very pleased to join my colleague on the Standing Committee on Public Administration Hon Ken Baston in commenting on this report. As Hon Ken Baston explained, the single recommendation of this report is very worthy. Hon Ken Baston did an excellent job explaining the importance of the report. Sadly, too often in public debate about matters of law and order or crime and punishment more heat and steam is involved in the debate rather than practical commonsense. For a moment I would like to consider the purpose of incarceration and the purpose of punishment, how that relates to the good of our community and come back to why I think the recommendation in this report is so sensible.

If we get down to fundamentals and consider what is the purpose of a punishment that a person may be given for committing a crime in our society, a number of aspects come to mind. One aspect that I think is perhaps natural and easy to understand but I think ultimately negative is the aspect of revenge. A far more positive way of looking at the purpose of incarceration and punishment is to consider the possibility of incarceration as a deterrent for people committing crimes. The other important part of incarceration is to separate the offenders from the community to stop them offending further during the period they are in jail. I do not think there is any validity to the types of arguments that we hear in policy discussions on crime and punishment and law and order when the argument suggests that there has to be a choice between taking action to reform a person's way of life and to lead a person who may have committed crimes in the past to become a law-abiding citizen and providing a substantial punishment. I do not think it is an either/or argument between providing substantial punishment and taking steps to reform that person's life and making it less probable that that person will commit a crime again in the future. Taking active steps to change a person's life when that person has a criminal history is obviously not only good for the person themselves but it is also good for the rest of the community because if one person is less likely to offend in the future, we are all safer to that degree.

I think it is very important that when the state imprisons a person who is found guilty of committing a crime, it takes full advantage of the time in which that person is in prison to teach them how to live in a non-criminal fashion into the future. An important part of that is doing the best we can to give the people in prison a skill that they can use to hopefully be honestly and gainfully employed once their term of imprisonment expires. It will not work for everybody in prison but the state should try to work with everybody in prison to enhance their skills and to socialise them to make them more law-abiding members of the community after their release, which is very important. I become very concerned when I read suggestions that prisons may be overcrowded. I think having overcrowded conditions in prisons will not increase the probability of the time in prison being used

constructively to give the person in prison a skill base and to make it less likely that they will offend into the future.

If I try to think of a really strong practical example where we could find a person who has been in prison because they have committed some offence and give them a skill that will be good not only for their future employment prospects but also for their entire life, the idea of training them to get a legitimate driver's licence is an excellent example. I am very pleased that the committee has put forward this recommendation, and I was also very pleased to hear Hon Ken Baston's comments about some funding being provided towards that. I encourage every minister involved. The recommendation refers to both the Department of Corrective Services and the Department of Transport needing to support the implementation of such a recommendation. I very strongly recommend that everybody involved fully support the recommendation.

Before concluding, I want to say that I very much appreciate the work of all my colleagues on the committee. I have mentioned Hon Ken Baston. I also mention our chairman, Hon Max Trenorden; Hon Jon Ford; and Hon Jim Chown. Of course, the committee was very well served in the preparation of this report by our advisory officer at the time, Michael Baker, and the committee clerk, Rachel Wells.

Again, it is refreshing to see a practical proposal that will have a very positive effect on the lives of those concerned. It will enhance their future and the future safety of all Western Australians. It is a terrific opportunity to encourage people who have been incarcerated to take up a positive future for themselves and to acquire a skill that will help them in general life, as well as in employment. I am very pleased to recommend the report to everybody's attention and the single recommendation of the report for implementation.

Hon GIZ WATSON: I will make a few comments on this report as it is an area in which I have taken some considerable interest. I note that the committee has recommended that, as a matter of urgency, the government investigate and implement procedures whereby prisoners in regional prisons who otherwise have limited access to driver training and licence testing receive such training prior to release, and that the Department of Corrective Services work with the Department of Transport to develop a program of driver testing within regional prisons. I absolutely support the recommendation. It seems a very practical and sensible response to the situation, particularly in regional prisons.

However, I want to talk a little more about this topic, because I argue that, as much as it is a good idea to take this action when people are incarcerated, there is a lot more that we can do before they actually get to prison.

Hon Ed Dermer: There's no argument with that, either.

Hon GIZ WATSON: No, but I thought it might be useful to look at what has been said about that in the context of this report. In the context of this report, the Standing Committee on Public Administration was considering the prison context only. The committee had visited two regional prisons as part of its scrutiny of the Inspector of Custodial Services' report, and was considering adopting terms of reference that aimed to inquire into and report on programs for, and the management of, prisoners in regional prisons provided by the Department of Corrective Services.

Paragraph 4.4 of the report discusses the report of the Community Development and Justice Standing Committee and states —

Of the 58 adult aboriginal prisoners held for driver's licensing offences as of 30 June 2010, the CDJSC reported that 28, or nearly half, had never held a driver's licence. This lack of a driver's licence has implications beyond the immediate incarceration. It affects the rates of recidivism in that, for example, the lack of driver's licence affects the prisoner's employability and therefore is a contributing factor in offending behaviour.

As I am sure members of the committee are well aware, as others probably are, the inability to have access to and drive a vehicle in remote and regional Western Australia is hugely more significant than it is in metropolitan or regional centres of WA.

In answer to some questions that I asked on 17 May 2011, the Minister for Corrective Services stated that as at 30 April 2011, there were 109 adults in prison for whom their most serious offence was driving without a licence, and their median time in prison for this was 245 days. At a cost of \$291.51 a day, it amounts to \$71 419.95 a prisoner.

In September 2007 the Committee to Explore the Effect of Motor Driver's Licence and Driving Laws on Remote Communities—so this is a topic that has been looked at before—released its report titled “Indigenous Licensing and Fine Default: A Clean Slate”. This committee was chaired by the member for Victoria Park, Ben Wyatt. On page 2, the executive summary states —

For driving and vehicle offences, the Indigenous imprisonment rate is 12.5 per cent compared with 2.9 per cent for non-Aboriginal people. Two-thirds of the driving and vehicle offences are related to driving without a valid licence.

... Of the eight courthouses with the highest number of unlicensed driving convictions for Aboriginal people, six were in regional areas, representing 63 per cent of convictions.

That quote is from the Department of the Attorney General's submission to the committee in June 2007. The Greens would strongly put to the chamber that a person should not have to wait to be imprisoned to be afforded a better opportunity to learn to drive. I note with interest that the Commissioner for Equal Opportunity, Yvonne Henderson, in a recently reported comment, said that it was not appropriate that a person had to be a prisoner to learn to drive.

If we look again at the report titled "Indigenous Licensing and Fine Default: A Clean Slate", the executive summary goes on to state —

The provision of accessible and appropriate driver education and licensing for Indigenous communities continues to be a priority at a national level. Road crashes remain one of the leading causes of death among Indigenous Western Australians. Aboriginal people are about three times more likely to be injured or killed in motor vehicle crashes than non-Aboriginal people.

The reason we require people to have a driver's licence is to ensure that the person is competent to drive—for the safety of themselves, passengers and other road users. In regional and remote areas, there are often fewer alternatives to driving than there are in urban areas. That is for obvious reasons such as less, if any, public transport; fewer taxis; fewer cycle paths; extreme temperatures that may preclude walking as a method of transport; and, of course, the huge distances involved in travelling to services.

Page 15 of the 2011 report of the Australian Institute of Health and Welfare entitled "The health and welfare of Australia's Aboriginal and Torres Strait Islander people: an overview" lists access to transport as a determinant of health. Page 26 of that report states —

Transport can be an important resource, providing communities with greater opportunity to pursue employment, educational, social and health outcomes. With limited or no public transport options, remote Indigenous communities face various challenges, which not only have a significant impact on their ability to receive goods and services, but also to access timely health care. ABS analysis of the 2008 NATSISS and the 2006 General Social Survey revealed that:

- An estimated 11% of Indigenous Australians aged 18 years and over could not get to, or often had difficulty getting to, places needed, compared with 4% of non-Indigenous Australians. The proportion was higher for Indigenous Australians living in remote (18%) than in non-remote areas (8%). —

Not surprisingly —

- About half of all Indigenous households (51%) had access to a motor vehicle compared with 85% of non-Indigenous households.
- Nearly one-third (30%) of Indigenous adults living in non-remote areas used public transport in the 2 weeks before the survey; use of public transport by Indigenous adults was lower in remote areas (13% in the previous 2 weeks), with one of the key factors being the lack of availability of public transport ...

In 2011, the report of the House of Representatives' Standing Committee on Aboriginal and Torres Strait Islander Affairs titled "Doing Time — Time for Doing: Indigenous youth in the criminal justice system" found —

Failure to meet minimum driver licence requirements of potential employers was the most significant contributor to work readiness program graduates not getting employed, particularly in the early years. This suggests that the lack of a driver license, or an accumulation of fines relating to driving without a licence, is a significant obstacle for Indigenous youth when seeking employment.

It is worth noting some outstanding recommendations from previous inquiries that dealt with this issue. Recommendation 95 of the Royal Commission into Aboriginal Deaths in Custody, from 20 years ago, states —

That in jurisdictions where motor vehicle offences are a significant cause of Aboriginal imprisonment the factors relevant to such incidence be identified, and, in conjunction with Aboriginal community organisations, programs be designed to reduce that incidence of offending.

The commission's report states in volume 3, paragraph 22.3.11 —

There are, however, categories of offences which have a quite unnecessary effect on recidivism. For example, there is a very high incidence of imprisonment in the Northern Territory for motor vehicle offences. Whilst some of these undoubtedly relate to serious misbehaviour, the genesis of many such convictions will be the fact that the person never obtained a driving licence and upon conviction for that offence was disqualified from driving for a period and then committed the offence of driving while disqualified. Commissioner Dodson has told me that in Western Australia the Police Commissioner has a right to object to a person who having previously been disqualified applied to gain or regain a driving licence. It seems to me that it must be possible to devise programs which would reduce, at the outset, the incidence of people failing to obtain a driving licence. Given the very serious extent of road traffic deaths and injuries on outback roads a program of driver education (whether administered in or out of prison) would also be a very sensible community investment.

The Wyatt report made 35 recommendations. Recommendation 6 was for the expansion of licensing programs and supervised driver training in prisons. However, there were many other recommendations intended to apply in a non-prison context. My question to the government at this point is whether these recommendations have been fully implemented to the best of the government's ability.

Three years later, paragraph 4.5 of the Standing Committee on Public Administration's twelfth report stated that the Community Development and Justice Standing Committee identified a variety of structural obstacles that still make it difficult for a person to obtain a driver's licence. Both reports identified problems associated with the need for supervised driving. That needs to be addressed. Comments have been made in this place about how applicable the standard driving test is to remote Western Australian communities—things such as the driver's log and the number of supervised hours. Those of us who know outback Western Australia know that it is profoundly different from any metropolitan or urban setting. It seems to me that we need to look at how we can adjust the driver training program to suit those circumstances. On a lot of occasions it involves quite different driving circumstances. That does not mean any lessening of the necessary requirements to be a qualified driver.

Hon Ed Dermer: Adapting.

Hon GIZ WATSON: Yes, adapting. I am sure that more can be done in this area.

It is stated at page 181 of the report entitled "Doing Time — Time for Doing: Indigenous youth in the criminal justice system" —

For many Indigenous people in remote or regional areas, a number of factors make obtaining a driver's licence a difficult process. These factors include lower levels of literacy, unpaid fines, limited access to driving mentors, and limited road and transport infrastructure.

The point about limited access to driving mentors relates to when a significant component of the community are non-drivers because they either have had their licences suspended or do not have valid drivers' licences and therefore cannot mentor other people within the community. It gets to a critical mass in that regard.

Recommendation 21 of that report states —

The Committee recommends that the Minister for Infrastructure and Transport, in partnership with relevant state and territory governments, establish:

- **specific learner driver resources in multiple media formats that appropriately meet language and literacy needs of local Indigenous communities, and**
- **a remote and regional learner driver licensing scheme to assist people in remote and regional areas to obtain learner and provisional licences.**

I want to add that into the discussion about this report. We certainly fully support the recommendation from the standing committee and thank it for bringing that to the attention of Parliament. This issue has been talked about for at least 20 years. There have been some improvements, but it would be great if we could have a significant breakthrough in this area.

I want to add to a comment Hon Ed Dermer made with regard to the impact of crowding in prisons. Again, it is something that I have spoken about in this place. We have evidence that when there is overcrowding in prisons there is a decline in the provision of services and training. Those services are seen as less essential than the requirements to maintain order and discipline in the prison. Certainly, I have evidence that prison staff, if they are dealing with a double-bunking situation and significant over-capacity within the prison, have less capacity to provide other training or educational functions within the prison because the prison is under stress in that circumstance. They have to make choices. They cannot compromise on security and safety issues. An overcrowded prison is less likely to provide the sort of retraining and preparation for prisoners that would make them less likely to reoffend after being released; things such as holding a driver's licence in order to apply for a job. It is such a critical issue in remote communities that if people come out without a driver's licence, their

chance of even being eligible to apply for a job is very low. I can hardly think of a job in remote areas where one would not have to have a driver's licence and the ability to move around.

With those comments, I commend the committee for its work and support the recommendation.

Question put and passed.