

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

*Sixth Report — “Making Our Prisons Work’: An Inquiry into the Efficiency and Effectiveness
of Prisoner Education, Training and Employment Strategies” — Tabling*

MR A.P. O’GORMAN (Joondalup) [10.10 am]: I present for tabling this morning the report and related submissions of the Community Development and Justice Standing Committee’s inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies.

[See paper 2920 and 2921.]

Mr A.P. O’GORMAN: This report is the second and final report of the inquiry “Making Our Prisons Work”. The first report focused on prison employment and industries. This report considers the vocational, education and post-release support and, significantly, an innovative strategy to better address the issues of recidivism among Aboriginal people in our community. First of all, I would like to thank the staff of the Department of Corrective Services. Throughout the course of our inquiry, the committee was struck by the high level of commitment of correctional staff at all levels and, on behalf of the committee, I would like to express our warm thanks to the commissioner, the prison staff and the prisoners who contributed to the compilation of the two reports through their willing engagement with the inquiry. The committee was also impressed by the localised leadership shown in many of the facilities we visited. The superintendents, particularly those at Boronia, Roebourne and Broome prisons, impressed us as being intelligent, compassionate and energetic people who maintained a strong focus on the rehabilitation of prisoners in their care.

Employment, education and training are recognised as among the most significant rehabilitative activities in reducing reoffending in Western Australia. The committee found that the education and vocational training unit is maximising its limited resources to great effect. In fact, it leads the country in many of its initiatives, such as its drive to have full apprenticeship qualifications available to prisoners while they are in prison. Having said this, the committee also found that in other areas of the department’s operation there are a number of critical deficiencies that affect its rehabilitative strategies. These include the longstanding failure to fully implement an integrated offender management system despite several attempts. This is attributed to lack of an integrated information technology system and to staff culture. However, this failure means that there is a significant shortfall in the ability of the Department of Corrective Services to provide adequate case management of its prisoners.

The termination of the role of director of women’s prisons has had a negative impact on staff, female prisoners, prison design and adequacy of support, all of which are factors in the successful rehabilitation of female prisoners, and has also contributed to the failure to adequately translate policy into practice when delivering Aboriginal rehabilitation programs and services. This failure of the department to adequately implement rehabilitation strategies in its Aboriginal prisoner populations is more significant because of the over-representation of Aboriginal people in our justice system.

It will come as no surprise to members in this place to learn that Aboriginal people are over-represented in our justice system. However, we were shocked by the level of that over-representation. The ugly reality is that the imprisonment rate of adult Aboriginal people in Western Australia is 2 483 per 100 000 of population in the state. This compares with an average imprisonment rate of just 175 per 100 000 for the population as a whole. This means that the Aboriginal imprisonment rate is greater by a factor 14 times the imprisonment rate for the population as a whole. The Western Australian Aboriginal imprisonment rate is not only the highest in Australia; it is the highest of any other ethnic group internationally, including African Americans. This extraordinarily high rate of Western Australian Aboriginal imprisonment is the single biggest issue confronting WA’s justice system. But it gets worse. Not only is the Western Australian Aboriginal imprisonment rate appallingly high, so too are the recidivism rates. In looking at the statistics, the committee was amazed to learn that the Aboriginal male adult recidivism rate is 70 per cent, the female adult recidivism rate is 55 per cent, the Aboriginal male juvenile recidivism rate is 80 per cent and the Aboriginal female juvenile recidivism rate is 64 per cent. Perhaps such social statistics have an even stronger impact on us when they are translated into dollars and cents in these economic times. In other words, what does this failure mean to the financial bottom line of the government and to the pocket of each and every one of us in this state of ours? Firstly, the cost to Western Australians of the over-representation of Aboriginal people in the Western Australian justice system has been put at just less than \$1 billion, at \$941.9 million. This was the figure back in 2005–06, and it comes from a study by the Law Reform Commission of WA. Undoubtedly, it would be significantly higher today as the proportion of Aboriginal people in prison has increased. This means that, at an individual level, the cost of maintaining our corrective services represents an impost on every man, woman and child in this state of \$229 per annum per person. A nuclear family of two adults and two children is contributing close to \$1 000 every year in maintaining and expanding

Mr Tony O’Gorman; Mr Albert Jacob; Ms Margaret Quirk; Acting Speaker; Mr Tom Stephens; Mr Ian Britza;
Mr Paul Papalia

our prisons. For these reasons, reducing the recidivism rate represents a significant saving to the state and to each and every one of us as taxpayers.

However, while acknowledging the inadequacies of many of the department’s Aboriginal initiatives, the problem of both Aboriginal imprisonment and recidivism is not primarily related to anything the department is doing or failing to do. Rather, it is attributable to a range of social, health and education factors in often very dysfunctional communities, including high levels of alcohol and substance abuse combined with a real lack of services; the lack of employment with an unemployment rate three times higher than that of their non-Aboriginal counterparts, leading to a median household income that is half that of the rest of the community; very low levels of functional literacy; and child abuse and neglect nearly four times higher than that of other communities.

The Social Justice Commissioner of the Australian Human Rights Commission recently highlighted how such factors are reflected in the subsequent crime. For instance, the 2009 Productivity Commission report tells us that Indigenous people were hospitalised as a result of spouse or partner violence at a rate 34 times the rate of the non-Indigenous population. It also tells us that family violence escalates to homicide in Indigenous situations at rates that are double that of the non-Indigenous population. The data tells us that Indigenous women are 45 times more likely than non-Indigenous women to be victims of domestic violence. The homicide rates of Indigenous women are between nine and 23 times higher at different times in the lifecycle than they are for non-Indigenous women. These statistics tell us that alcohol is a significant factor in Indigenous family violence. Hospitalisation rates for all alcohol-related conditions were higher for Indigenous people than for non-Indigenous people and the homicide rates among Indigenous people who are drinking were much higher than the rates among the non-Indigenous population. The information tells us that there is more likelihood of significant harm when drinking occurs.

Because of the systemic problems facing some communities, the justice system can have only limited impact on Aboriginal imprisonment and subsequent recidivism rates. What is acknowledged by many in the judiciary and in other arms of the justice system is that the issue requires a holistic approach drawing on the strengths of these communities, at the same time as addressing the problems in health, education and welfare. Because the cause of the problems are external to the justice system, solutions are not likely to be found in the criminal justice system alone, although the issue becomes a problem for the justice system, which is also a problem for our back pocket.

The problem is not simply just going to go away. Recognising this, the report makes a strong recommendation for innovation, and in particular we are calling for a pilot strategy to be adopted in a community where there is a high concentration of offenders. The strategy in question is known as “justice reinvestment”. Justice reinvestment is not just about tinkering around the edges of the justice system; it is about trying to prevent people from getting there in the first place. Justice reinvestment is a data-driven approach that seeks to reduce corrections spending and reinvest some of those savings in targeted strategies that can decrease crime and strengthen communities. Part of the strategy is its focus on reducing reoffending by ex-prisoners. This was recognised in Singapore. When we visited Singapore, we were made very aware that it is not just what we do in prison; it is what we do afterwards as well.

Justice reinvestment recognises that most offenders come from a small number of very disadvantaged communities. It redirects money into crime prevention and community services in those identified communities and, as such, it is a preventive strategy. Justice reinvestment responds both to the individual and to the causes and sources of crime through a less centralised and more localised approach to reduce offending. However, justice reinvestment will require a program of joined-up government on a very systematic and ambitious basis, as it seeks to do nothing less than to radically change the culture of local communities. In fact the success of any justice reinvestment initiative is critically dependent on the effectiveness of the collaboration between the participating agencies. The agencies are in health, education, community services, child protection and police.

The committee has recognised that effective collaboration has proven to be a major hurdle in the past and, accordingly, the report makes several recommendations in this respect. One of those recommendations is that at the highest level of government a lead agency be established to make sure that that collaboration works across all those areas that I have mentioned previously. In previous governments that usually went to the Premier’s office, but we have not recommended a particular department; we have just said “at the highest level”.

Finally, I take this opportunity to thank my fellow committee members—the member for Ocean Reef, the member for Pilbara, the member for Girrawheen and the member for Morley—for their individual and collective contributions over the course of this inquiry. Their insight and genuine interest in this difficult area enhanced the work of the committee. I think if we asked any one of those members, they would say that we had a difficult task just getting some words on paper that we could all agree to. The main aim, I think, of each and every member of this committee was to make sure that this report has the effect of changing the culture in the department so that it is proactively out there working to make sure that it is not just part of the problem, but also part of the solution.

We would like to see the department actually put some initiatives in place that change its culture so that it has a new way of looking at things; because we all know that we cannot keep doing the same things time after time and then expect a different outcome. What we have to do to get a different outcome in the community is change some of the inputs. Therefore, one of the major recommendations of our committee is that we actually change some of the inputs so that we get a much better outcome.

Before I finish I also thank the former member for Armadale, Hon Alannah MacTiernan, the previous chair of this committee who steered the committee through the very difficult first part of this report that we tabled earlier in the year.

I also thank the staff, who are not present in the gallery, although I thought they would be. Dr Brian Gordon is our principal research officer and wordsmith, if I can use that term. He found ways that we could have words that we could agree on, rather than sometimes pushing it to a vote. My view is that it is much better to have collaboration on the committee so that we can get the words on paper rather than vote somebody down and have some dissatisfaction on the committee. I therefore thank Dr Brian Gordon for that. He was excellent at finding words that were acceptable to us all. I also thank Jovita Hogan, who has been with the committee for some time now, for all her input and support and for the logistical organisation for when we travelled over east and up north. So, members, thanks again to each and every member of the committee and thanks to the committee staff. I commend the report to the house.

MR A.P. JACOB (Ocean Reef) [10.25 am]: This has been somewhat of a different report. I think it is the third in my time on the committee. However, this is part 2, or the sequel, of our original report tabled earlier this year titled “Making Our Prisons Work: An Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies”.

The first report in many ways took much of the driving intent that was behind the instigation of this combined report, and made recommendations such as to significantly expand prison industries in partnership with the private sector; to create a statutory trading enterprise or a semi-autonomous trading enterprise to run all employment and industry initiatives in prisons, which would work collaboratively with the Department of Corrective Services; and to return profits to the development of workshops and to other employment and training-related rehabilitation initiatives. Another one of the first report’s recommendations was to encourage private sector involvement in getting ex-prisoners employment both pre and post release, and also to expand the prisoner employment program. All these recommendations clearly focused quite strongly on prison training and employment, as reflected in the report’s title and, I think, very strongly in the spirit in which the inquiry was initially undertaken.

With our subsequent and second half of the report, it is very likely that the lion’s share of the public focus will be on the Aboriginal issues raised, in particular in chapters 6 and 7. This has certainly been the main thrust of the media release that has come out on this report. Alternatively, I would hope that more consideration and attention is ultimately given to the proposed ways of tackling issues of Aboriginal over-representation, rather than focusing on an identified problem of which many of us are aware to some degree. It is not the re-identification of the problem that many of us are aware of to some degree, but the opportunities to look at alternative ways of tackling that problem.

It also has to be acknowledged, as the chair has done in his foreword and in his speech just now, that Aboriginal imprisonment and recidivism are not principally related to anything that the Department of Corrective Services is doing or is failing to do. A range of social, health and education factors are at play before somebody even comes into contact with the justice system. And, even if we are looking at just the justice system’s role in this, Corrective Services is indeed at the very end of that chain and really just has to deal with the numbers and demographics that come to it.

Also, as vitally important an issue as Aboriginal over-representation is, I think it would be a pity if focus on the WA prison system came to the exclusion of all else contained within the report. This is one of many things within this report that we are tabling today. Other key issues include identifying the needs of individual prisoners as early as possible from when they come into the system; an improved focus on basic literacy and numeracy for those who need it, from the commencement of a custodial sentence regardless of the length of sentence; and paying prisoners the same amount to participate in education and training programs as they are for prison employment, to encourage a greater uptake of educational opportunities. Although, on that issue, I would hope that, for any training to be worthwhile, individual prisoners would be principally motivated by improving their own prospects into the future rather than gaining a minor gratuity for that education. Another recommendation is that consideration be given to prisoners working a conventional eight-hour day in educational, vocational, training or work programs. I think this is a particularly excellent suggestion, although I do appreciate that there may well be some logistical challenges to making this work. But I think it is well worth looking at. Also, another

theme throughout this report is ensuring the effective implementation of a women-centred approach, as outlined in the department’s own “Women’s Way Forward” policy document.

One issue in this report that is often raised in Parliament and frequently in the public arena is that of increases in rates of imprisonment and, I guess, an increase in the prison muster or the prison muster more generally. This is an area where we start to see a fundamental divergence of opinion between many members opposite and ourselves. I draw members’ attention to the graph on page 3, “Figure 1.4 Comparative reported offences: imprisonment rates”. That graph compares the imprisonment rates per 1 000 head of population—that is the pink line—with the number of reported offences. Members will see clearly from that graph that there has been a deviation in the trend from 2008. We are all aware of the changes that took place in 2008. It is clear from the graph that since 2008, the crime rate has been steadily tracking down, while concurrently the imprisonment rate has been steadily tracking up, both at much the same pace as each other. The paragraph that precedes this graph reads —

An increase in crime is demonstrably not the key factor in the growth in the prison population. In fact the increasing rate of imprisonment exceeds the growth in the number of crimes as illustrated in figure 1.5 below.

There is a minor editorial error there; that should read “figure 1.4”. An argument can be put about why we are imprisoning more people when the crime rate is going down. That is one way we can look at it. But another way we can look at it is to say that as we have increased our rate of imprisonment, funnily enough, the crime rate has been going down. In fact, I would say that is actually the most logical conclusion that we can draw from this graph. For the majority of my Ocean Reef community, that is very good. I thank the minister for that, because we now, through these changes, have had a significant reduction in our rate of crime and enjoy one of the lowest crime rates in the state.

The growth in the imprisonment rate generally since we have come into government has received a lot of focus in this report. However, I would caution colleagues opposite against making too much of this from the way it is contained in the report. I was interested to hear in Parliament last week that although during our time in government the average annual growth in the prison muster has been around 7.5 per cent, the average annual growth during the time of the previous Labor government was around 5.2 per cent—smaller, yes, but only slightly.

It should also be noted that our Liberal–National government has also embarked upon a significant building program in our prisons to prepare for both current and future demand. Members may recall the graphs that the Minister for Corrective Services held up during question time last week. I have grabbed a copy of these graphs from the bills and papers office. The first graph shows the weekly prisoner snapshot over the past decade or so, plotted against the 10-year trend. The second graph shows the building program and the bed capacity, plotted against the growth in the prison population. It is the second of these graphs that I want to bring to the attention of the Parliament today. Unfortunately, this graph did not come to my attention until a couple of hours after we had tabled our report. This graph can be contrasted with the other graph at page 3 of the report, “Figure 1.3 Forecast prisoner population”. This graph is actually about nine months old. The blue line in figure 1.3 represents the prisoner population. Unfortunately, this data was taken at a time when the prisoner population had peaked. Since that time, the prisoner population has tracked down—in fact, it has tracked well below the lower band. Given the significant turnaround in the prison muster in the past six to nine months, some of the findings in the report, such as finding 11, probably need to be read in the context of that more current information that is now available. Today is a fantastic opportunity to bring this to the attention of the house. I also believe that the Minister for Corrective Services deserves credit for having turned this trend around in recent times, while never taking his eye off what is an important issue to my community; that is, ensuring that we are working to bring the crime rate down. In fact, what we have probably seen is a lag. The government’s law and order agenda has come into effect, and that has resulted in a small spike in the prisoner population; however, it has brought the crime rate down. We have then seen a spike in the prisoner population as people have gone through the prison system. However, the prisoner population is now coming down as well. So we have ended up with a Rolls Royce option, with a reduced crime rate, and now, as that reduced crime rate is working its way through the system, we are seeing a reduction in the prison muster as well.

The nature of reports such as this is that, more often than not, they are handing out brickbats rather than bouquets. However, some credit does need to go to those elements of the Department of Corrective Services who are achieving above and beyond. We have seen strong examples of this in the course of our inquiry. I would like to thank the chair of the committee for also making this acknowledgement in his foreword, which I read last night. If any of the fantastic people who gave up their time to host the committee, in particular the educational and vocational training unit of the Department of Corrective Services, read this report, I would draw their attention to finding 10 at page 22, in which they are duly acknowledged as leading the way in prisoner education

Mr Tony O’Gorman; Mr Albert Jacob; Ms Margaret Quirk; Acting Speaker; Mr Tom Stephens; Mr Ian Britza;
Mr Paul Papalia

and training in Australia. One particular standout example for me is the education team in Roebourne. I think the entire committee came away from Roebourne prison, and by extension Decca Station work camp, with a new sense of optimism about what can be achieved with offenders while they are serving their time.

In closing, I thank both our chairs over the process: first, the former member for Armadale, Hon Alannah MacTiernan, who initiated this inquiry while the chair; and, secondly, the current chair, the member for Joondalup. I also thank my fellow members for their patience over long hours of robust discussion, and also, of course, our long-serving committee staff, Dr Brian Gordon and Ms Jovita Hogan.

MS M.M. QUIRK (Girrawheen) [10.35 am]: I also want to thank our committee staff, Dr Brian Gordon and Ms Jovita Hogan, for their tremendous and conscientious efforts. I do observe that I joined the committee halfway through its deliberations. I also want to thank my colleagues on the committee for their thoughtful and considered reflection on what are difficult issues. I thank those who gave evidence, and acknowledge the considerable efforts of the many individuals who use their best and sincere endeavours to fight systemic discrimination and to enshrine meaningful change within the system.

This report highlights the over-representation of Aboriginal people in Western Australian prisons. The committee did not set out to canvass this well-trodden path, especially when a range of comprehensive reports have been released for decades chronicling this shameful fact. But in the course of the committee’s inquiries, this became a recurring issue, and there was consensus that this had to be addressed head-on in our deliberations. Members have already heard that the imprisonment rate for Aboriginals in Western Australia is 2 483 per 1 000 of population. This is 14 times higher than for the Australian population as a whole. Aboriginals make up 3.8 per cent of the general population but, sadly, 39 per cent of the prison population. In the context of Aboriginal over-representation in our justice system, it can be asked: Why then has there not been some improvement? Is it too hard, or impossible, to reduce the rate? Is it something that we care about enough to address, or is it just an immutable fact of life that we are powerless to change? Some people argue that the causes for the over-representation of Aboriginals in our prison system do not stem from the prison system, and that to focus exclusively on that will never achieve the desired outcome. The argument goes on to say that there are broader triggers for Aboriginal disadvantage, and until we address those causes within communities themselves, there is little prospect of a reduction in the number of Aboriginals in prison. I believe we need to do both, and I think this report suggests likewise. Communities are decimated and made more dysfunctional by their young men and women being away from the community in prison. However, while they are in prison there is a real opportunity to take measures that will act as a circuit-breaker.

We can also learn from the experience in Canada, which, after a five-year royal commission, introduced targeted legislative changes. Those changes include mandating programs for Aboriginal offenders, formalising the role of elders within the system, the participation of communities in delivering services to offenders, and court findings that in the sentencing of individuals, there is a capacity to take judicial notice of the history of Aboriginal disadvantage in Canada. By doing all those things, and more, Canada has successfully reduced the Aboriginal imprisonment rate over the past 15 years, from equivalent to what the rate is currently in Western Australia, to 19 per cent. We also know from the work done at a community in Canada called Hollow Water that real change is possible even in the most dysfunctional of Indigenous communities.

What is most telling is that the committee found that recidivism rates for Aboriginal prisoners were “exceptionally high”. The Aboriginal recidivism rate for male adults is 70 per cent, for female adults is 55 per cent, for male juveniles is 80 per cent, and for female juveniles is 64 per cent. Research shows that two factors are pivotal in the reduction of recidivism rates. The first is being close to family, and the second is being engaged in employment on release. The former Inspector of Custodial Services, Professor Richard Harding, in his report titled “Inspection Standards for Aboriginal Prisoners”, which was published in July 2008, noted —

By not providing an adequate quantum and comprehensive range of minimum, medium, and maximum-security custodial services in a regional area, for both genders, and with the full range of necessary rehabilitative programs, the State is forced to relocate large numbers of Aboriginal prisoners, sometimes to prisons thousands of kilometres away from their home country. Such dislocation inevitably adds a further layer to the emotional hardship of reduced or non-existent family visits. Most Aboriginal people in Western Australia hold a strong attachment to their ‘land’ or ‘country’ which is inextricably bound up with their own sense of who they are.

On employment and transition back into the community, the committee found spasmodic and inconsistent access to even the basic programs for many Aboriginal prisoners, even on the fundamentals such as literacy. Although the need to leave prison with a driver’s licence is seen as essential, the capacity to deliver that cannot keep up with demand. It is acknowledged that there have been improvements in program delivery in the past few years,

Mr Tony O’Gorman; Mr Albert Jacob; Ms Margaret Quirk; Acting Speaker; Mr Tom Stephens; Mr Ian Britza;
Mr Paul Papalia

but it has to be accepted that this started from a low base. The unacceptable practice of having to move prisoners to other prisons to access courses or programs is still far too prevalent.

On a personal note, it was a real pleasure for me, as part of the committee’s deliberations, to travel to the new Derby prison site and see it finally take shape. It was over five years ago that the then Labor government made the decision for the prison to be located there and secured funding for the project to proceed. There is a real opportunity with that prison to do things differently and better. Underpinning the new prison is a comprehensive philosophy that will permit that to occur. Any attempt to do things as they have always been done but just in more modern buildings will be a wasted opportunity.

In Western Australia, however, I discern that there is a level of resignation that achieving better outcomes for Aboriginal prisoners will never be possible. Of concern is that this message is conveyed and legitimised at the most senior levels of the department. That is a real tragedy. In an interview with *The Australian* in October 2008, Attorney General Christian Porter was noted as saying —

... indigenous justice issues would not be top of his list of priorities and he would not focus on recommended reforms to tackle high rates of Aboriginal incarceration.

Similarly, the committee was given a copy of the performance plan of the Commissioner of the Department of Corrective Services. I seek for that to be incorporated into *Hansard* pursuant to standing order 86, Madam Acting Speaker.

The ACTING SPEAKER (Mrs L.M. Harvey): I will just need to inspect it and I will advise the member shortly.

Ms M.M. QUIRK: This performance plan is underwhelming and miserable in its attempts to address the core and fundamental issues. It refers opaquely to developing and implementing an Aboriginal stakeholder strategy, enhancing Indigenous participation in the regions, and conducting a trial for the greater uses of technology. Nowhere are targets set for the reduction of recidivism or the rate of Aboriginal imprisonment or for the provision of universal access to programs. Similarly, there is little or no reference to community or restorative justice measures. Achievement is measured by having strategies, not by not doing anything concrete. Both are evidence that expectations are being lowered to meet performance. What we say should be the case is raising the level of performance to meet expectations. Overcoming low expectations requires leadership, and I believe that is sorely lacking at present. I look forward to the government’s response. I am hopeful that this report will go some way to changing how we do things in Western Australia. After all, they say that the definition of “madness” is doing the same thing repeatedly and expecting a different outcome.

The ACTING SPEAKER: Before I give the call to the member for Pilbara, I advise the member that the table will be incorporated into *Hansard*.

[See page 9747 for incorporation.]

MR T.G. STEPHENS (Pilbara) [10.43 am]: I hate prisons with a passion. I see that they are necessary in our community for reasons we understand, including the protection of the community and the protection sometimes of individuals who go into the prison system because they have done the wrong thing. Having said that, and having a background of hating prisons and their futility, although we know that we have them, we have to make sure that they work well and effectively. The Community Development and Justice Standing Committee has today tabled a report that, if considered, drawn upon and responded to positively by government, could improve our prisons in Western Australia quite dramatically.

I appreciate very much the opportunity of working with the chair of the committee and other committee members from both sides of the house. I thank them for the opportunity to collaborate with them. The committee’s previous chair, Alannah MacTiernan, was instrumental in securing this term of reference. I appreciated the opportunity of working with Dr Brian Gordon and Jovita Hogan, the committee staff, and thank them for their work.

When people read this report, they will have the opportunity of thinking about some of the work the committee did. The highlights for me include the committee’s visit to the old leprosarium at Derby and the Bungarun work camp. The question that was put by committee members to the 20-plus prisoners was, “How many of you have a driver’s licence?” There was a laugh almost as they indicated that nobody really had a driver’s licence. There might have been one person, and those who had had a licence had lost it and often this had contributed significantly to their arrival in the prison system. In our report, we draw to the attention of the government that there is the Ben Wyatt report on the issue of motor vehicle drivers’ licences in the Aboriginal community, and

we re-endorse that report seeking action by government and we call for a rapid response to those recommendations that are awaiting implementation.

There was other controversial work by the committee. Let us call a spade a spade, particularly after listening to the member for Ocean Reef speak. I draw the house’s attention to the fact that we were united in our endorsement of the justice reinvestment strategies and the recommendations that call for the government to adopt that approach. I pay tribute to, firstly, my committee colleagues for endorsing that approach. The fact that they have endorsed something that has not yet found favour with this government and the minister is perhaps politically controversial. It has been pursued fearlessly by my colleague the member for Warnbro, who has fought those inside our outfit in hand-to-hand combat, which seems to be the approach that he adopts to his parliamentary life, until he has won support for this concept. His suggestions have now been considered by the committee in this parliamentary report and have been endorsed by the committee calling on the government to adopt a pilot approach to this issue. How does that play itself out? I am given to understand from the observations of the Chief Justice that a community such as Balgo can be expected to deliver, by virtue of the profile of its socioeconomic position in Western Australia, the highest level of prisoners in this state per head of population than will any other community in the state. There is no data on this. One of the problems that are highlighted in the report is the need for the information technology systems of government departments to be improved. Our recommendations are there for the house and the government to see. It needs to lift the game of these IT systems so that we can have a better analysis of what is happening in the prison system. Where are these prisoners coming from? We could then draw upon that data to implement a pilot approach that could be put to good use in a community that is delivering a disproportionate number of prisoners into the prison system. We pay eventually for dysfunction and for people who end up in the prison system. It costs a hundred thousand bucks a year. If a community is producing 10 prisoners, that is a million bucks a year that the taxpayers of Western Australia are paying that could and should be spent up-front, in this case on a pilot study, to try to work out how we can stop the arrival of so many prisoners from those locations. The suggestion is that we have a remote community and a metropolitan community, and simply get on with it.

In the chairman’s foreword, as has previously been indicated, some complimentary remarks were made about officers we found within the Department of Corrective Services and the leadership in Broome, Boronia and Roebourne prisons. The leadership that was on display was compassionate, energetic and intelligent. It felt as though this leadership was sometimes being exercised almost outside the constraints of departmental head office policy. Cultural change in the department is a big thing, and it cannot be done without putting structures in place to achieve that change. I draw the attention of the house to one of the recommendations in this report for tackling the key performance indicators of the commissioner, to say to the commissioner, “Lift your game and the game of your department by producing some outcomes. Work with your best people and support your best people in restructuring your department so it does not deliver futile head office policy, but practical things that work in the communities and prisons, where best practice is sometimes so self-evidently on display”. Structural change is worth achieving, because this is a big bucks department that is growing along with the prison population. It was also recommended that there needs to be a lead agency within government, although there was not unanimity within the committee on that point, so the wording of the recommendation perhaps reflects a pulling away from what some of us might have liked. It was recommended that it should be left in the hands of a lead agency to establish a justice reinvestment program.

We cannot simply expect the Department of Corrective Services to necessarily be the right agency to do that; in my view, at least, it is not the right agency to do that. The Attorney General, for instance, has the Department of the Attorney General and it seems to me absurd that recommendations are constantly coming from the Attorney General’s portfolio clutch for more prisons, but there do not seem to be any resource proposals to respond to alternative ways of tackling crime and justice issues within our community. The Attorney General has the Department of the Attorney General, and there could be a policy unit created and resourced within that department that could try to come up with more creative responses to these justice issues and run with a pilot project such as this. If it is not going to be done within that portfolio area, another lead agency could take it up—obvious ones would be the Department of Treasury and Finance or the Department of the Premier and Cabinet. One of the lead agencies simply has to get on with trying alternative ways of responding to the challenges of too many people being churned around the prison system at great cost to them and the wider community. It is madness to repeat practices that have failed; there are other ways of doing things, and this report highlights some of them. I commend the report to the government, and look forward to a positive response to these recommendations. I congratulate those both within and outside the committee who have contributed to the value of the report that is tabled today.

Mr Tony O’Gorman; Mr Albert Jacob; Ms Margaret Quirk; Acting Speaker; Mr Tom Stephens; Mr Ian Britza;
Mr Paul Papalia

MR I.M. BRITZA (Morley) [10.53 am]: I rise in support of the report that our committee has presented to Parliament today. Although I have been absent from the house for almost six months, I have been kept informed of the inquiry’s progress, and I will keep my comments to a bare minimum.

I wholeheartedly endorse the findings and recommendations that are presented in this report. There is one recommendation in particular that I want to bring to the attention of the house, which is recommendation 3. I also want to briefly comment on justice reinvestment. In respect of recommendation 3, I was particularly surprised to learn that not all prisoners who demonstrate low literacy levels, regardless of their length of sentence, location or classification, are being processed adequately and effectively. Dr Neale Fong, former Assistant Commissioner of Aboriginal Justice, has said that he would love to see it happen that as soon as a prisoner walks through the door of a prison, he or she must be enrolled in a literacy class and an alcohol management class—no ifs, buts or whats; they just do it.

It needs to be stated that the Department of Corrective Services and the educational and vocational training unit are, in fact, addressing these issues; however, more support, resources and encouragement are needed to enlarge the net to capture those prisoners who struggle constantly with the demoralising dilemma of a lack of literacy and numeracy skills. The educational and vocational training unit, in fact, invests a large proportion of its resources into teaching literacy and numeracy, using a diversity of strategies to engage individual prisoners. For this, the unit should be commended, highly praised and respected for doing something that sometimes appears to show no lasting or permanent fruit.

I recommend that the Attorney General critically appraise the implementation of the justice reinvestment program. I refer to a quote by US Republican Senator Sam Brownback that appears on the website of the US Council of State Governments Justice Center’s Justice Reinvestment project. It states —

We’ve got a broken corrections system. Recidivism rates are too high and create too much of a financial burden on states without protecting public safety. My state and others are reinventing how we do business by employing justice reinvestment strategies that can put our taxpayers’ dollars to better use.

The committee is simply suggesting that there could be another way to reduce our prison population without resorting to methods and systems that do not genuinely tackle and confront the rising rate of recidivism. A fundamental change in attitudes and mindsets towards the revolving door of men and women who constantly come back and forth into prisons plainly needs to be radically and aggressively dealt with.

I would like to take this opportunity to acknowledge the former chair of our committee, the former member for Armadale. As I was absent from the house when she left Parliament, I want to place on record the immense pleasure and satisfaction I experienced while working alongside her. While there were, in fact, many ideological and political differences between us, it never in my opinion hindered her approach to committee matters. Her academic and professional methodology allowed her to succinctly and sometimes tersely hinder those who appeared before the committee from trying to hoodwink or delude us. I may not genuinely miss her in this chamber; however, I shall miss her presence and wit in the committee room, and I need to sincerely disclose that I indeed learned much from this woman who one minute could have us shaking our heads in disbelief and amusement, and then immediately focus on the seriousness at hand with much gravity and importance.

In closing, I would like to acknowledge our principal research officer, Dr Brian Gordon, whose tireless and diligent labour is a constant source of wonder and appreciation. I would also like to knowledge Ms Jovita Hogan, whose efforts and work also make the committee a constant delight to work with. I honourably acknowledge the current chairman—I thought his foreword was excellent—and my committee colleagues, whose company I take great pleasure in. I thoroughly recommend this report to the house.

MR P. PAPALIA (Warnbro) [10.57 am] — by leave: I would like to make a brief contribution to extend my thanks and compliments to the members of this committee for what I believe is a significant step forward in the debate on crime and punishment in Western Australia. Until recently, and for a long time, there has been a bipartisan approach to this debate, and it has been a juvenile approach. The debate has been conducted on a superficial and negative level as politicians from both major parties have engaged in childish squabbles over who is toughest on crime. A consequence of this is the creation of a situation in which members in this place are beginning to think in a more mature way, to question that approach and to ask the very important question: what actually works? We are starting to question whether what we are doing now works, and whether there might be alternative means of tackling these problems. However, unfortunately, because of the nature of the debate and because all of us have engaged for a long period in trying to convince the people of Western Australia that things are getting worse and that the only way to deal with these problems is to be tougher and harder, we have a big job to do. We must now confront the challenge of educating the people of Western Australia. We must reverse what has been undertaken for probably more than a decade, when we have almost brainwashed people into

Mr Tony O'Gorman; Mr Albert Jacob; Ms Margaret Quirk; Acting Speaker; Mr Tom Stephens; Mr Ian Britza;
Mr Paul Papalia

believing that the only way of dealing with the challenge of crime is to enact another notionally and rhetorically tough law.

Mr R.F. Johnson: You have not read the report yet.

Mr P. PAPALIA: I actually have.

Mr R.F. Johnson: Where did you read the report?

Mr P. PAPALIA: I have been sitting here. The minister has been out of the chamber.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr P. PAPALIA: Mr Deputy Speaker, I have not welcomed interjections.

Several members interjected.

The DEPUTY SPEAKER: No. Leader of the House! Member for Warnbro.

Mr P. PAPALIA: I will make one observation, though —

The DEPUTY SPEAKER: Member for Warnbro, address your comments to the Chair and we will get things going again.

Mr P. PAPALIA: Thank you, Mr Deputy Speaker. I believe that we are now confronted with a real challenge for governments of any political persuasion. Governments cannot have it both ways. They cannot engage in mindless rhetoric about being tough to convince people that they have to enact another law, for which there is no justification or evidence for saying that it will be successful. I will talk about that at another time.

The member for Ocean Reef holds up a very compressed graph. It is not for 10 years.

Mr A.P. Jacob: This one is.

Mr P. PAPALIA: No. If it was extended to 10 years, it would show a consistent growth in the prison muster over that period. The point is that there is not a long-term decline that can be associated with these new laws. There has been a long-term decline. The Chief Justice pointed out that over the past 10 years there has been a 10 per cent reduction in crime. It is not something that is new. The Attorney General claiming that he is responsible for a reduction in crime is ridiculous. There are short-term blips in both directions. As was reported in the media today, the murder rate has gone up. If the government wants to identify particular rates of crime and take credit for them, it can, but that is again engaging in the childish debate. We need a grown-up debate.

Several members interjected.

The DEPUTY SPEAKER: Member for Ocean Reef! Member for Warnbro, please address your remarks to the Chair and let us get going.

Mr P. PAPALIA: I will, Mr Deputy Speaker; you are right.

The issue is that this report has been done in a mature fashion. The findings of this report are a glimmer of hope for the people of Western Australia that, instead of consistently acquiescing to the belief that we must build bigger and bigger prisons and spend more and more money on our prison system, there may be a better way of doing things. There may be an opportunity to reduce crime, make communities safer and ultimately reduce expenditure on our prison system. There may be an opportunity to make the working environment safer for prison officers and others who work in the prisons.

Mr A.P. Jacob interjected.

The DEPUTY SPEAKER: Member for Ocean Reef!

Mr P. PAPALIA: It requires bipartisan maturity, as reflected in this report. It will be challenging, because now, as a result of the childish debate over a long period, the people of Western Australia need to be convinced. They are no longer open-minded. The people of Western Australia are told that prison is the only action that members in this place can take to tackle the challenge of crime and disadvantage, particularly in Indigenous communities. I am absolutely convinced that if the recommendations of this report are implemented, and we bring some science to the table and look at which communities are contributing disproportionately to the cost of the prison system, we will find that they are spread across ethnic groups and the state, but they will always be broken communities that do not have adequate services in a range of areas or the same level of employment opportunities as other communities that do not make that contribution to crime. There will be a raft of problems

Mr Tony O’Gorman; Mr Albert Jacob; Ms Margaret Quirk; Acting Speaker; Mr Tom Stephens; Mr Ian Britza;
Mr Paul Papalia

in a specific number of communities, but they will have one universal characteristic, and that will be that they are disadvantaged. Whether they are black, white or any other colour, that will be the one unifying factor.

This mature report calls for a mature, grown-up debate. It calls for a mature response. If all the government does with this universally signed, bipartisan report is to roll out yet another childish, inane —

Several members interjected.

Mr P. PAPALIA: I am politicising the response.

Mr J.M. Francis: You don’t even know what it is. It was tabled only an hour ago.

Mr P. PAPALIA: I have seen the response over here.

Several members interjected.

The DEPUTY SPEAKER: Members!

Several members interjected.

Mr P. PAPALIA: I am speculating then, member for Jandakot. If all the government does is respond in the juvenile way that governments on both sides of politics have done far more than the past decade—I am bipartisan in my response—this will be a missed opportunity. We are faced with the challenge now. The members on both sides of the chamber on this committee have acknowledged that the debate has been juvenile and that there is another way —

Mr R.F. Johnson: No, they have not. What a disgraceful thing to say.

Mr P. PAPALIA: Recommendation 24 states —

The Committee recommends that government at the highest level charge a lead agency to establish the proposed pilot Justice Reinvestment strategy to:

- have an over arching responsibility for each of the agencies collaborating in the strategy insofar as their deliverables to the strategy are concerned; and
- have control and be accountable for the pooled Justice Reinvestment budget.

It calls upon a justice reinvestment strategy. It wants a trial. Why did the committee do that? It is because the current approach does not work. What has been acknowledged is that the current approach does not work.

Mr A.P. Jacob: This is an alternative approach —

Mr P. PAPALIA: If all the government does is to try to cover its backside —

Mr R.F. Johnson: The member for Ocean Reef knows what he is talking about.

Mr P. PAPALIA: He signed the report.

The DEPUTY SPEAKER: Members! Member for Ocean Reef!

Mr P. PAPALIA: If all the government does is revert to type—I am not talking just about its type but the type of the debate on this subject over the past decade—Western Australia will have missed an opportunity. It will be more difficult to convince the people of Western Australia to open their minds and think about whether there is a better alternative. It will be more difficult for the people of Western Australia to conceive of an alternative, because all they get is the same response. All they get is an unthinking, juvenile, childish debate, rather than what the people of Western Australia deserve, which is a grown-up consideration of whether what we are doing works. When they come to the inevitable conclusion that it does not work, they will then be able to look around to see whether there is a better alternative.

I am absolutely convinced that the adoption of the recommendations in this report will confirm that there are better alternatives for the prison system. More importantly, there are better alternatives for the community of Western Australia and, in particular, the most disadvantaged. In every possible way those people in Western Australia will be better off if we adopt a more grown-up approach to this whole subject.