

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

**“MAKING OUR PRISONS WORK”: AN INQUIRY INTO THE EFFICIENCY
AND EFFECTIVENESS OF PRISONER EDUCATION, TRAINING AND
EMPLOYMENT STRATEGIES**

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 19 MAY 2010**

SESSION ONE

Members

Ms A.J.G. MacTiernan (Chairman)

Mr A.P. Jacob (Deputy Chairman)

Mr I.M. Britza

Mr A.P. O’Gorman

Mr T.G. Stephens

Hearing commenced at 10.02 am.

TANG, MS JACQUELINE THERESE

Deputy Commissioner, Offender Management and Professional Development, Department of Corrective Services, examined:

LAIRD, MS CHRISTINE ANNE

Managing Director, Education and Vocational Training, Department of Corrective Services, examined:

GLASSON, MR MARK

Director, Offender Services, Department of Corrective Services, examined:

ELLIS, MR BRIAN

Director, Sentence Management, Department of Corrective Services, examined:

The CHAIRMAN: Good morning. Thank you all for very much for coming in. I am pretty sure all of you have done this before. I will just introduce ourselves. My name is Alannah MacTiernan. I am the chair of the committee. I have Albert Jacob with me. Albert is the member for Ocean Reef and the deputy chair; and we have Tony O’Gorman, who is the member for Joondalup. Our other two members are missing but we form a quorum and we are very interested to take your evidence. You have all completed your witness statements?

The Witnesses: Yes.

The CHAIRMAN: I note that everyone nodded affirmatively. You have understood the notes at the bottom of that form?

The Witnesses: Yes.

The CHAIRMAN: And you do appreciate that this has the formality of a parliamentary hearing and you are therefore not required to give evidence under oath, but any deliberate misleading of the committee may be regarded as a contempt of Parliament. Do you have any questions relating to your appearance?

The Witnesses: No.

The CHAIRMAN: Okay; great. We have had a fascinating time—I think I could say on behalf of our members—going out to prisons. A number of you have given evidence to us before, but I have to say that it would seem pretty evident to us that there is just a completely inadequate provision of employment and education opportunities. We have seen in fact the positive side of prison life and what prison can actually offer someone in terms of getting their chaotic lives in order. I think it would be fair to say that we are not convinced in any way that we are doing this as well as we might. Perhaps if you could give us perhaps some response to that, and we have some specific questions here. The major restrictions on overtime in delivering the VET initiatives. We are getting feedback that there are overtime restrictions that are inhibiting the delivery of VET programs.

Ms Tang: Perhaps Christine, as the managing director of education, and who clearly has responsibility for people on the ground and in the field, would probably be best to comment on how

that has impacted on a daily basis in prisons, rather than myself. So, if you do not mind, Christine, if you are comfortable with that.

The CHAIRMAN: Yes.

Ms Laird: At this point we do know that as the prison population increases, the staff supervision and the safety of staff and prisoners within a prison environment potentially could be impacted by the ratio between prison officer supervision and educational training delivery. I can say from my perspective at this point in time we have not been experiencing a major close-down of education training programs, which potentially does happen. I know that from my past experience when we have had points within probably about six, seven years ago, again we had the ratio between prison officer supervision and offenders was an issue and we had quite a number of strikes. We had quite a number of close-downs of education programs and those sorts of things occurring. We actually have not been experiencing that. I have briefed my staff saying that that is a potential or something that may happen, but we have not exhibited that at this point in time.

The CHAIRMAN: The feedback we were getting from the wardens is that that is occurring, that they are just on —

Ms Laird: We have agreed ratios within each education centre to the number of offenders that we can actually physically accommodate in the education centre, and we must abide by those ratios that are set out. Those ratios will only potentially increase if there was another prison officer there to supervise.

Ms Tang: So it is a case, just for clarity—that one is about: could we take more prisoners if there were more prison officers?

Ms Laird: Definitely, yes.

The CHAIRMAN: Or if the manpower is in fact being diverted to custodial services. That is happening, is it not?

Ms Laird: In some sites potentially if there are not enough officers who turn up to work on the day, they work to manage essential services within a prison environment; and we know that from an executive perspective that there is agreement that education and training programs will not be the first thing to close down if there are not enough officers on the prison site for that day. We have agreement with that.

The CHAIRMAN: What will be then?

Ms Laird: From an adult custodial, they will look at where they will deploy their officers, but they know that it is a positive to actively keep people engaged in education and training; that there are a number of staff who come in from outside. We have external partnership arrangements that we need to meet, so they understand very clearly that that is not going to be the first thing to close down if there are not enough officers who attend the prison on that day.

Mr A.P. O’GORMAN: Probably Jacqueline might be best able to answer this one. Can you give us a breakdown of the prison officers, education officers, vocational industrial officers and administration staff for the past couple of years? Is it possible to get those numbers as to, I suppose, your hiring patterns and what you have on the ground?

Ms Tang: Yes. I am sorry I cannot give that to you now, but that would need to come obviously from the department. Are you wanting to know over a period of years how many prison officers we have employed and professional staff?

Mr A.P. O’GORMAN: Yes.

Ms Tang: Just for the committee’s information, my division covers education programs, health services, sentence management—so all the services into prison. I could commit to giving you the staffing around the professional people that we employ across the prisons for my division, and I will

also request from the department specifically the number of prison officers we have employed over that period of time.

Mr A.P. O’GORMAN: That would be great.

Ms Tang: Because the other aspect of my division is that I am responsible for all the training that occurs within the department, so we also do the entry level training of prison officers as well as all other training. So I could specifically commit to ours and request the department to provide that.

[10.10 am]

Mr A.P. O’GORMAN: Could we also get an idea from you what proportion of the budget is for the training and education of prisoners?

Ms Tang: Yes.

The CHAIRMAN: Some of that would be a bit hard to determine. It is interesting that some of these prison officers are actually delivering training. So where do they sit in terms of the budget?

Ms Tang: We can give you the funding for the education and training officers under the vocational education and training unit and basically the breakdown of staffing and the costs for that. The vocational skills officers are employed not by my division, but by adult custodial. The officers who are in uniform delivering vocational training or the industrial officers who are there either in the kitchens or wherever are not specifically my staff. But when you look at all services across prisons, clearly we know how many VSOs we have, cook instructors and —

The CHAIRMAN: So it is industrial officers and —

Ms Tang: “Vocational skills officers” is actually the general term. Then under that you have the specific —

The CHAIRMAN: But with those vocational skills officers, what will be difficult is to determine how much of their time is actually spent on delivering training or employment and what time is spent delivering custodial services.

Mr Ellis: You should be able to get a breakdown of the amount of time that is allocated. There are some VSO roles that actually deliver no training at all and are a completely different animal. The VSO component, as a block, is not entirely about vocational training. But they should be able to give you an indication of the percentages around those positions.

Ms Tang: Christine, did you want to make a comment, because, again, you know the overlap between VSOs and education staff?

Ms Laird: There are two projects that we are involved in at the moment between vocational education and training and adult custodial. One project is specifically looking at the vocational skills officers and an agreement for more robust training and induction for those staff, so that we can build in the capacity for them to be able to do more training and be skilled at offering training to offenders. That is one project that is underway at this point in time. Another project that we are unpacking at the moment is to specifically look at what happens in a prison industry and being able to map the various different sorts of activities, whether it might be a reparative activity to the community or whether there might be, within that one industry, some self-sustainability for the organisation, or specifically that it is purely vocational training and giving some percentages to industries along those —

The CHAIRMAN: I am not quite sure what you mean.

Ms Laird: I suppose, in essence, we want to be able to weigh the amount of activity that happens in a prison industry against those factors of education and training, reparative, self-sustainability or pure profit.

The CHAIRMAN: What is reparative? How would making bread, for example, be reparative?

Ms Laird: In that particular industry, it would have less of that function.

The CHAIRMAN: What would be reparatory?

Ms Laird: It may be that it might be a community activity whereby offenders go out into the community and work on land reparation and those sorts of things in the community. That would be less self-sustainability for the organisation. We are trying to be able to —

Ms Tang: Basically, what do we use prisoners and their skills for to keep the prison running, and how do we engage prisoners in the community to maybe clean up a particular area or work on the development of a playground? What do we give back to the community? How do we weight a prisoner's time and a skills officer's time? How do we measure is going back into just the running of the prison, how much is going back into the community and how much is going into the individual prisoner for their skills development?

The CHAIRMAN: We noted some of that work. We would feel that it is important to up the amount of time that people are spending. What is your relationship with the Roebourne work camp?

Ms Laird: The work camp at Millstream or the Decca project?

The CHAIRMAN: No, not Decca; Millstream.

Ms Laird: With Millstream, as with other work camps, my staff at Roebourne are responsible for facilitating, where possible, training delivery at the work camp. We are not responsible for the activities that they do or the relationship with conservation and land management and how it functions, but, where possible, we overlay accredited training to that delivery. With the Millstream work camp, we have been involved in a pilot program that was done a good 12 months ago running a traineeship because they were doing on-the-job training. Because of the distance from Roebourne and the lack of consistency with accommodation for the TAFE lecturers going out, we realised it was difficult to get full completions within the traineeship, so we have reverted to delivering small short courses that are planned and periodically done by the TAFE college. They negotiate to go out there and stay for a period of time to do delivery at Millstream.

The CHAIRMAN: What is the actual aim of the work camp?

Ms Laird: I am really not the person to —

Ms Tang: Millstream is one of the older work camps that have been around. To be honest, it is one of the ones I have not been to. But it is always purported to allow minimum security prisoners to work closer within their country to work with conservation and land management, and to place them out in a more open environment. As I say, training for a traineeship to occur over a 12-month period is difficult because of distance and also if prisoners are out there and if they are relatively short sentences. The chances of having that group of prisoners there for an extended period of time is small, because generally there would be shorter sentences for a longer period of time, so the short course would make sense with the group of people. But the purpose over and above is more open security, working with other prisoners, work ethic, working back with the land —

The CHAIRMAN: Work ethic is part of it, is it? I would suggest that you go and have a look at it. If ever there has been a place that has been wrongly named, it is that place.

Ms Tang: As I said to you, I have not been to that work camp. But work camps are usually purported to be about team, work ethic, back to country, skills development and open security. If your experience is that work ethic is sadly lacking —

The CHAIRMAN: I think that everything is sadly lacking, except for the open security. That is evident. Other than that —

Mr A.P. O'GORMAN: I think—I am not speaking for the whole committee—in Roebourne and when we went out to Decca, everybody was pretty impressed by how that operated and how the program operated —

Ms Tang: How Decca operated.

Mr A.P. O’GORMAN: — and how Decca and even the Roebourne prison itself operated. When we went out to Millstream, I think we were a bit aghast at the lackadaisical way it was run.

The CHAIRMAN: It is a place that has been there for 10 years but it looks like a squatter camp, yet this is a work camp. The only visible thing you could see in 10 years was two toilets. They were very nice toilets —

Mr A.P. O’Gorman: And a campground.

The CHAIRMAN: Yes. You have 15 staff there permanently and all you have achieved in 10 years is two toilets and a complete lack of sustainability in the approach to the whole place. I personally found it absolutely appalling.

If we can get on to Decca, we were very impressed with the personnel running the various programs in Roebourne. One of the issues that has been raised that does concern us is—they are working very constructively—that it is a very poorly equipped place. Decca is a bit of a disgrace of a place. The fellows made the point that they get trained in bobcat and forklift, which, in the Pilbara, there is not a huge demand for. That might make sense if there is demand. Obviously, we would need equipment to be able to train them in other things, but it would seem that, when we have a market like that, there should be some attempt to provide more appropriate skills training to these people who do seem to be highly motivated.

[10.20 am]

Ms Tang: The committee is very familiar with DECCA. That project has been running and is strongly supported by the educational and vocational training unit. The extent that we can put funding into that and provide more funding beyond what we have provided at the moment is extremely limited. We rely on the prison support for that. I understand that DECCA is not in isolation from the other things that you would have seen at Roebourne with respect to the work with the mining companies and the educational unit, the restrictions that EVTU experienced in relation to the workshop at Roebourne and what work can be done at DECCA.

The CHAIRMAN: EVTU being?

Ms Tang: The educational and vocational training unit. Despite the difficulties in Roebourne, given the remoteness of the prison and all the things that go on, it is quite an oasis of the work that staff do, despite the difficulties that they face.

Mr A.P. O’GORMAN: One of the things that struck us was the person who sorted the employment. I cannot think of her name at the moment, but she was very dedicated. She will burn out very quickly. It seems to be carried on her personality. It is not systemic. If she is not there tomorrow, it will not continue; it will fall into a hole. How do you address those types of issues? That seems to be primarily a staffing issue.

Ms Laird: We are monitoring Roebourne. We are aware that Annette’s workload is increasing. In the past week or two we have provided another support person to work with her. That is not an additional FTE but we are casually employing that person in a supporting role. Probably two locations that we are monitoring quite closely at the moment show that the workload is exceeding the person who is responsible for the work. We are doing a similar thing at Bunbury too.

The CHAIRMAN: One of the issues that was raised was the prisoner employment program. I think we discussed this program, albeit we have had very small samples. On the data to date the program seems to perform well. The point made by the personnel, who are very actively engaged at Roebourne, was that the bureaucratic delay in getting a person approved under a prisoner employment program makes it harder to get people into the system. I understand that that is when you go out into the workplace three months before you are finalised and you have to line up the

employer and the accommodation but it takes so long to get it through the system that opportunities are often lost because of the lack of a timely response. What can we do to try to deal with that?

Ms Tang: Do you want to comment on that, Brian?

Mr Ellis: Yes, given that I have the recommending authority for participation on PEP. The actual time frames revolve around getting the necessary information from the employer and also assessing the prisoners. We assess the prisoner and the employer to determine whether or not there is an appropriate fit and that we have managed all the risks around that. Often what happens around the site is that an approach is made to an employer asking whether he is prepared to offer a prisoner an employment or work experience opportunity or something of that nature. A quite extensive checklist must be completed by the PEP coordinator in conjunction with the employer around those things. That involves the employer coming to the head office, which oversees it. I receive those documents within two or three days of them being received at our head office. If all the papers are provided in the first instance—one of the problems is that often there are gaps in the information that has been provided from the local site and we must go back and verify matters, such as what wages will be paid and whether they are consistent with awards and agreements, because we cannot place a person into a position where he will be abused by prospective employers who are not prepared to pay appropriate award wages. That is one of the issues. We also have to ascertain whether or not the prisoner has completed a range of other processes or interventions within our system; that is, whether the prisoner has addressed his offending behaviour through the appropriate programs or that behaviour has been mitigated by voluntary engagement in voluntary programs.

The CHAIRMAN: Why cannot that be done at the local level? Why can it not be done, for example, in Roebourne, and be checked off by the superintendent?

Mr Ellis: I would have to say that it is because, in the end, they are not consistent about the risks that they should be looking at. That is why it comes to a central point—to ascertain that those risks have been ascertained.

The CHAIRMAN: Could you not make this part of the skills set of the person who is in charge of a prison? That is what they are about. They manage prisons and assess risk.

Mr Ellis: That is not my understanding of the role of a superintendent in prison, at all. That question is probably better directed at the adult custodial directorate. My understanding of what they are asking superintendents to do now is to be strategic and not to be involved in the daily decision making for individual prisoners. That is not the role that a superintendent currently undertakes.

The CHAIRMAN: How long does it take to go through all these processes?

Mr Ellis: That depends on what paperwork is provided in the first instance. If it was the case that everything looked like it was all lining up fairly quickly—the prisoner has been identified, an employment opportunity has been identified, the employer is prepared to engage and the relevant paperwork has been put together—that could take two weeks out in the field and then it would come to head office within that time frame and would be processed by my staff and given to me. It would be the best part of a week from when I received it and then it would go to Jackie for a final signature, and it would be referred back from there. Once it hits head office —

The CHAIRMAN: So it goes to you and then it goes to Jackie?

Mr Ellis: Yes. I recommend it to Jackie, who has the final delegated authority from the commission.

The CHAIRMAN: How long does that then take?

Mr Ellis: Two weeks maximum, between the two of us.

The CHAIRMAN: What are the ranges of time frames?

Mr Ellis: There is a substantial range of time frames.

The CHAIRMAN: We are hearing that it can take up to three months.

Mr Ellis: Yes, there have been instances of that. Those instances have generally revolved around the issue of assessing the prisoner as fit to work, because there is a fit-for-work requirement —

Ms Tang: A health requirement.

Mr Ellis: Yes, a health requirement. The prisoners must be assessed by our health practitioners to ensure that they are fit to go to work, because we have a liability there. In some instances there have been significant problems in getting them assessed by health personnel because of the pressures placed on health services. We have been trying to identify when that is a particular issue and ensuring that we get a better process for those appointments.

The CHAIRMAN: Are you saying that every prisoner must have a health inspection before they are given a job?

Mr Ellis: Yes.

The CHAIRMAN: Every prisoner?

Mr Ellis: Yes. They have to be determined as fit to work.

The CHAIRMAN: Another concern we have—we found this in prison after prison, the work camp being the worst—relates to data collection. People cannot tell us what works and what does not work because there is no reliable, consistent data available.

Ms Tang: Is that just in respect to education and training?

The CHAIRMAN: We would be interested in a specific issue in relation to education and training, but in terms of outcomes, I know that there is some in relation to PEP. You seem to have kept some data, but in terms of the performance of prisoners generally, there is very limited data on people who go on work programs and even, for example, the Rio program, which is a good program. There is very little data available about what happens to people. Do they stay in those jobs, and are they successful?

[10.30 am]

Ms Tang: On the last occasion that I was here we talked a little bit about that. EVTU collect data in relation to assessments of people—what training they do, who is at risk in relation to literacy and numeracy and records of training. If someone is released into the community who is not under any supervision, then we have no mandate to be able to track, or even find them, when they go. The other thing is if they are released on parole. We have some ability to do that, but again it is limited. As a state, we have not done that. In talking with Christine and her other staff about—okay, we might not do it, but surely there is evidence elsewhere that says that what we are doing actually does contribute to someone's stability in the community and improving their lifestyle so they are not re-offending. That is what we are supposed to be doing. Christine and others were able to provide me with lots of information, but we have not done that specifically within our state. Christine is the best person to talk about what information we collect about a person who is in custody. We know that we have not done it for those people who are being released.

Mr Glasson: We have completed a significant data exercise in relation to people who have done treatment programs. We completed that this year. We have now commenced the same exercise with people who are doing employment and training programs.

The CHAIRMAN: If you are able to do that for people who have done treatment programs, how are you able —

Ms Tang: No. What we are saying is that it is our next thing.

The CHAIRMAN: If you have been able to do it for people who have done treatment programs, how do you make the follow-up once they have left prison?

Ms Tang: It is whether they return or not.

Mr Glasson: Each prisoner has a unique identifier, so we are able to track their return to prison. We do that as part of our reporting on government services requirements.

The CHAIRMAN: It is for only the return to prison, and that is within a two-year period.

Ms Tang: That is the return. That says that we only hear about the failures and how long before they failed, rather than the successes and to deal specifically with programs. With employment, if someone comes back into the system, we are only talking about their failure time to re-offend. We have not talked about whether we are not necessarily able to track whether they stayed in stable employment for 12 months, they had 15 different jobs or whether the skills we provided—it is the same for programs. The problem with the recidivism rates and saying that someone has returned is to what extent did programs contribute to that or what extent did training contribute to that. Even if we are moving to say that of those who are undertaking training in prisons, whether they returned or not, does not really nail what makes the difference.

The CHAIRMAN: It does not give you the full picture.

Ms Tang: Yes. I think we need to be realistic about it. We are not going to say to the committee that we are going to be able to say that. If Mr Smith returns, we know exactly that he did these training programs and that is why he stayed out for six months rather than three. That is our difficulty.

Ms Laird: There is a current proposal for research that is with our department's research committee at this point in time. It is a joint proposal between the Department of Corrective Services, Department of Training and Workforce Development and two universities. Within that proposal they are looking at more of a longitudinal study, which is what we need, to look at those people who have engaged in education and training and employment activities and looking at what happens to them in terms of post-release and their engagement within the workforce. Within this proposal they are also looking at having an agreement, which they have got from the commonwealth government so that we can look at some data merging to look at people—if we cannot track them to see if they are in employment, maybe we can track them by seeing if they are actually on employment benefits of some sort. It is an arrangement with Centrelink to look at that sort of data. That is on the table. We are having discussions at this point in time.

The CHAIRMAN: In terms of assessment of literacy, which is obviously a huge issue, you do an assessment when a person goes in. Do you do an assessment at the end to see what you have obtained? How do you determine the success of your literacy programs?

Ms Laird: At this point the department is not funded to do literacy assessments prior to release. What we do is screen and assess offenders as they come into the system. Our assessment tool—our literacy screening tool—is mapped to what we call in Australia the Australian Core Skills Framework. It is a framework in how we describe people's abilities within the literacy field. Our tool is mapped to that. We assess people right at the start when they come in. We know where they fit within that framework.

The CHAIRMAN: That is at the beginning.

Ms Laird: That is at the beginning. Then what happens is that all our curriculum in Australia is also mapped to this Australian Core Skills Framework. As people enrol in courses and units and they attain success or competencies within a unit, we can actually work out how they have progressed within that framework.

The CHAIRMAN: You do not actually re-test them.

Ms Laird: We do not re-test them.

The CHAIRMAN: You make a presumption that things are working.

Ms Laird: We operate under the Australian Qualifications Framework, so we are a nationally recognised training organisation. We deliver accredited training. Also, TAFE comes in and delivers accredited training. If we are working beneath that framework there is a requirement for everyone to be able to know that people are placed appropriately and the course of study they are doing is mapped to their needs and ability. You do not actually achieve competency unless you have met specific standards to move forward.

Ms Tang: So the pathway to education is that you assess them and want to move through that pathway, you cannot move through until an assessment is done at each stage. We do not do an assessment just prior to someone going out —

The CHAIRMAN: I am just curious. Obviously we have schools where notionally the same thing happens and kids go through. If you look at the data on the basis of your evidence before most of those people have completed year 10. They have gone through and if you use the same argument that they are going up to the next stage, therefore, ipso facto, they must have actually achieved, culpably that does not happen—that people just get moved up to the next stage regardless of the acquisition of skill. That is how you can do 10 years at school and still be illiterate. I am just a bit concerned that if the only way in which we are assessing the effectiveness is the fact that people are just moving through the system that we are actually —

Ms Tang: Is it not fair to say that? When someone comes in they may have said during the assessment process, “Yeah, I went to year 10”, but that is not necessarily the case.

Ms Laird: But you still do the numeracy and literacy testing to see, in fact, they would actually be only grade 5 or grade 6.

The CHAIRMAN: That is right. I understand that, but what I am saying is that the mere fact that people go through a process and are supposedly attaining a level—if that is not actually tested you might find that —

Ms Tang: You are saying that they are assessed and tested before they can move into the next step of the pathway, but we do not actually finally test them before they are released. To move through the education process —

The CHAIRMAN: I understand some of the inherent difficulties. However, there is just not much evidence. Believe me, we are very impressed with the dedication of so many people who we have come across in the prisons. We have found that there are some extraordinary people. But this lack of quantification of being able to say, “Well, what does work?” What concerns us, and obviously we see it in education. People have been taught to read and write and it does not work. What we are concerned about is how rigorous we are in really assessing whether all of this good intention is achieving anything in terms of literacy.

[10.40 am]

Ms Laird: From our perspective in the adult education environment, we do not have a lockstep curriculum process. We assess people to work out what level they need to go into. When the student gets into the classroom with the literacy teacher, it is up to the literacy teacher to do the diagnostic assessment. That is saying, “I know these letters but I don’t know these letters”, so we can specifically unpack the needs of that individual. Within the literacy program, within the curriculum that we offer, we deliver customised literacy to the needs of that particular client. An adult comes to a learning environment with lots of different skills and abilities and we plug the holes and go through that process rather than a lockstep “this is what you need to learn to be able to do that”. Within the wider VET program, there is a set curriculum and that is what people work from, but from a basic adult education program, we customise it to meet the needs of the individual client.

Ms Tang: I know where you are coming from. To be fair, for many years education – vocational training has been under the radar about what benefits it provides to prisoners and to the general running of the prison as far as the constructive activity and the skills development for offenders is concerned. Absolutely they have got on with their job and done it despite the difficulties that they face. The same thing has occurred with the programs. Many programs ran for many years and we did not know whether they made a difference or not. We are still trying to address that problem. We have tried to put the effort into that. For education – vocational training, their funding has been totally associated with delivering on the ground in the most innovative and cost-effective way that they have not had the funding to do the bigger studies to know what we are doing does make a difference. We have relied on the national perspective on this and some international studies to say that we seem to be following the things that seem to make a difference in other places so there is no reason to believe it would not make a difference here. Christine has not been given the money to do the evaluations and the research.

The CHAIRMAN: It is not a personal criticism.

Ms Tang: I am saying that the department has not allocated that funding to be able to say whether what we are doing works or not. I know it is not personal.

The CHAIRMAN: I note that you have said that you have some universities involved now and you are doing a bigger analysis. Some universities get research money. One of the things that would be very useful to do, even if you do not get the funding yourself, is to get ECU or Curtin in there to randomly test 10 per cent of prisoners prior to exit and just do a comparison at least. That would be one of the things that you could look at. You could then see what the literacy level was and what the literacy assessment was. I think it would be an extremely useful tool to be able to say, “This is what we’ve been able to achieve.”

Mr Ellis: That is a proposal that certainly could be undertaken. I would like to dispel a myth that that does not cost any money. It actually does cost money to set those projects up and support those sorts of projects. That is really the issue. Evaluation has not been the strength of the organisation over a number of years. We have not been able to attract funding through the funding processes to be able to achieve a range of evaluations across a range of issues that we would have liked to have done, certainly over the past 15 years that I have been involved in these areas.

Mr A.P. O’GORMAN: Jacqui, what is the ideal from an education and vocational training point of view and from professionals in there? What would be your dream to push through the prison system?

Ms Tang: How much time have you got? The dream goes beyond just education. The dream is for a system such that when individuals enter the system, they are assessed across all sorts of risks and needs that they have. That is then put into a plan of action for those individuals. We then have a case management process that works with the offender, the custodial officers and all multidisciplinary people working in a prison to achieve that goal of what is in that individual plan so that the person has gained the skills and the functioning capacity to be able to come out into the community and not re-offend. The ultimate goal is that people are skilled and have addressed their issues so they do not create further crime and further victims. That also addresses their health issues. All the areas that come under my responsibility are all the services that we try to provide an individual.

The issue for me is that we provide health services within a prison. We provide education within a prison. We provide programs within a prison. It is not a school that happens to be placed in a prison. It is a prison where a school runs or it is a health centre that runs within. We are compounded by reality, whether we like it or not, by the restrictions that are imposed by the custodial security environment. If the superintendent turns up to the prison on a day when there is limited staffing, they have to make a call based on the security and safe management of that prison as to which prisoners they unlock, for how long and for what activities. There is a varying view across the state

as to the involvement of a superintendent in the ideal. Some are very open to it. Even at the end of the day, if they do not have enough staff turning up and it is not safe to unlock, things like educational programs will not run. That is when you start getting the conflict within a prison environment. We will never get away from the reality that that conflict will exist. If the security aspect is the primary role, by our very nature, we have to take the secondary role. That is the bottom line.

The CHAIRMAN: I think we all understand that that is going to happen from time to time. When it starts happening with such frequency and the programs are not being delivered, the opportunity is lost.

Ms Tang: The ideal with respect to education is if someone comes in, they leave with greater numeracy and literacy skills to be able to at least get some employment if they had none before or to get a better job when they are released. It is the same for programs and the same for health. We want people to leave healthier than they were when they first came in. Often times that happens. The ideal is there. Do we aspire to it? Yes. Do we battle it every day? Yes.

The CHAIRMAN: You have these individual case management plans. Do they exist for every prisoner?

Ms Tang: Every prisoner who is serving a sentence of more than six months has an individual management plan developed that is based on a comprehensive assessment process.

The CHAIRMAN: Does that involve the full gamut of treatment?

Ms Tang: Treatment, education, security, rating.

The CHAIRMAN: Can I go back to the question I asked you earlier, Brian? I find this extraordinary. I have been in the employment area, worked for the commonwealth government, for years. Centrelink and various agencies refer people to jobs without them having to undertake a medical. Where does this notion arise from? This is becoming a substantial barrier. Are we overbureaucratising? You do not own the prisoner. The prisoner is willing, the employer is willing. Why do you need to —

Mr Ellis: They are in our custody and if there is anything untoward in what happens with them—for example, a death might happen within the workplace; that would be the most fatal issue—firstly, we would be held responsible for not having assured ourselves that he or she was fit to work within that environment and, secondly, we would need to ascertain that the actual employer had appropriate occupational health and safety factors. They would also need the appropriate liability insurance and have emergency procedures in place. We have a vicarious liability to provide them with a safe workplace. We have to assess that.

The CHAIRMAN: I can understand that, as every employer has an obligation to do it. I still do not understand this notion of a prisoner needing a medical examination when he or she voluntarily goes out to a workplace, unless you have some reason to believe —

[10.50 am]

Ms Tang: If I could just step in here, because it does relate to another matter as well. When everything is going okay, it is reasonable to not have the medical assessment. But in the environment in which we work, corrective services, as soon as something goes wrong, the absolute unpacking of every decision, every aspect, everything you did, everything anyone said or wrote about that person, is put out there on show. People then come back and say, “Why didn’t you do a medical assessment? Obviously the man had a heart condition, and you put him to work on a job that was too vigorous for him. Why did you do that?”

The CHAIRMAN: No, you give the prisoner the choice, just as a prisoner has a choice outside.

Ms Tang: We have an obligation. We have to tie every knot going up, because if something goes wrong, it will be untied coming back. In relation to transport, every prisoner who leaves the prison

in transport provided by the department must be checked—not physically, as such—but a notification must be made to the health centre about the person leaving in transport. That is what we are down to. Whilst it would be reasonable to say, “Brian, you’re in minimum security; you have personal responsibility; you believe you can do this job and you’ve lined it up with the employer and we think it’s okay—off you go”, if Brian escapes and, God forbid, keels over from a heart attack or something else happens, it is all unpacked back.

The CHAIRMAN: I can absolutely understand that in relation to security matters; I understand precisely what you are saying and I understand your need for caution in that regard. I am not talking about that; I am talking about the fact that the stuff that a person does in the outside world is not going to impact on the rest of the community.

Ms Tang: If they are in the outside world—they are prisoners with us but they are doing activities outside the confines of the prison—it absolutely has to be our sole responsibility. They do not leave our responsibility because they happen to be working outside.

The CHAIRMAN: I know that, but you do not have responsibility to ensure —

Mr A.P. JACOB: I would assume that most of the employers that you send prisoners to are offering the kind of employment where a medical form would usually be required.

Ms Tang: Not necessarily.

Mr Ellis: No, far from it.

Mr A.P. JACOB: Okay, but even if that is the case—there are a number of jobs that I have had over the years where I have had to do a full medical before I started—is there duplication? If you are sending the prisoner out, does the company employer then require the same medical again?

Mr Ellis: I actually have to say that in the numbers that have come through, I have not experienced a position where the employer is saying the person needs to do a medical. We may be looking at different types of employment opportunity. Generally, the sorts of employment opportunities that the bulk of our people are getting are at the lower skill level base. One of our probable industries where a lot of people are getting placed or have been placed traditionally over many years is in the meat industry—in abattoirs, for example. That is solid, hard work. A number of the people we have within our custody have very poor health outcomes anyway, so they start from behind the average person, if you want to put it out there, especially when we are talking about the Indigenous population that we have. Often, when they come into custody, this is the first time they have actually been comprehensively assessed, and there are a number of health issues that arise from that. Our responsibility, which is entrusted upon us by the state, is to ensure that the person does not get any worse, or that we put them in a position where they will not have a problem.

Mr A.P. JACOB: Are there any workers’ compensation liability considerations?

Mr Ellis: That is one of the considerations; we require to see a workers’ compensation insurance policy, or confirm that there actually is one.

Mr A.P. JACOB: So if that business has workers’ compensation, we cover them?

Mr Ellis: Yes, that is right.

The CHAIRMAN: Under these programs, as I understand it, they actually are employees for those three months.

Mr Ellis: Yes, that is correct.

The CHAIRMAN: Again, I do not have any difficulty with you taking that responsibility of making the assessment that the employer is obeying the law. I am just concerned that it is being seen to be a significant impediment to the use of what, undoubtedly, is a very worthwhile program.

Ms Tang: The other impediment is that people say that it takes so long, is too bureaucratic and that we are too risk-averse in dealing with people who go out on programs. I think this program is one of the initiatives that is a shining light for the department to engage in. At the same time, I would rather err on the side of caution and not risk the whole program than to rush through just to get the sheer numbers.

The CHAIRMAN: No-one is saying we should rush through, but —

Ms Tang: Some staff believe that we are overcautious and could be more liberal in how we apply that. As the decision maker, I try to make my decisions quickly, but certainly cautiously in respect of who we let out, because I think if I let someone out who will risk this program, then no-one will get out.

The CHAIRMAN: An issue that has been raised in several prisons is the section 95 orders, and a desire that there be greater flexibility. For example, at Bandyup, the opportunity to use land outside the actual prison gates to ramp up the horticultural endeavour depends on section 95. The other point that was made at Roebourne is that they could get a hell of a lot more work if their section 95 people were allowed to stay out overnight to go and work on camp sites. Because of the remote nature, they cannot get back every night.

Ms Tang: Section 95 is principally in respect of adult custodial. We do not do the approvals for section 95 nor the activities that they do, so superintendents have a number of approved activities within their prisons. I will stand corrected if I do not get this right, but they have a number of approved activities associated with the prison that the prisoners can go on. They then have a group of prisoners and they then decide whether they are suitable for those activities. They have a standard approval for activities, and as individuals come in, they are assessed. The superintendent has sole responsibility for saying whether someone is suitable for that. To my mind, I do not know why. If land outside Bandyup is not being approved for section 95, what is the purpose of it? What business cases have been put up to adult custodial?

The CHAIRMAN: The issue is that there is a lack of flexibility around section 95.

Mr Ellis: I would have to say that it is entirely the province of adult custodial; we have had some discussions over the years. For section 95 programming, the superintendent actually puts forward a range of activities for approval under section 95 to the deputy commissioner of adult custodial, and that process takes place within head office as to what is actually agreed to go ahead with. In terms of flexibility, my understanding is that they are probably more flexible than the legislation allows them to be. I have had cause, as Christine would know, to say, "Look, you're really gilding the lily on some of these programs." As to overnight options, I have never heard of any of those being put forward. I think it is maybe the disconnect between what people think should be there and what gets put forward. Once the risk assessment is done within adult custodial's leadership, they determine that that is not appropriate. That varies, I must say, depending on the personalities in those positions over the years .

Ms Tang: There is overlap, and it is about the timing of new initiatives and different legislation, but at one time there was only the section 94 program, and that was all, apart from leave of absence to go out for home leave or to see a dying relative or for a funeral. We now have new initiatives. I have had past discussions with superintendents who have let prisoners out on section 95 to work in the community every day; yet for a prisoner to go out on one of these programs requires a lot of approval requirements. To me, they are quite different programs and there is an overlap, but this person is under supervision far more closely. It is not as rigorous because of the discussions we have already had around requirements. Someone may ask, "How come he can go out every day with a prison officer, yet you have to put all this around a PEP officer? How is it that he can go out on home leave and stay overnight with his family, but you don't allow him to go out on section 95?" Some of it is how we line up the processes around the changes in legislation and activity which, for someone sitting back and observing prisoners coming and going, would not make sense. When

considering PEP we have to look at those regulations; when we are looking at home leave, we have to look at the specifics of that legislation and then section 95. I understand that adult custodial is sitting before the committee next week. Section 95 is clearly something that it would need to comment on.

The CHAIRMAN: Thank you very much for coming in; we really appreciate that. As you know, you will receive a transcript and you have 10 working days to return it. If it is not returned, it will be deemed to be correct. No new material can be introduced via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please feel free to make out a supplementary submission. Thank you.

Hearing concluded at 11.02 am