

**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, 10 FEBRUARY 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 10.07 am**

**MORGAN, PROFESSOR NEIL ANDREW**

**Inspector of Custodial Services, Office of the Inspector of Custodial Services,  
examined:**

**CRAM, MR BARRY JOHN**

**Deputy Inspector of Custodial Services, Office of the Inspector of Custodial Services,  
examined:**

**The CHAIRMAN:** Thank you very much for attending today. I understand that you have completed the “Details of Witness” form—is that correct?

**The Witnesses:** Yes.

**The CHAIRMAN:** You have obviously appeared before these sorts of committees before. Have you any questions relating to your appearance today?

**The Witnesses:** No.

**The CHAIRMAN:** You understand the rules of the game that although it is not a proceeding of Parliament, the same privileges attach to this and so any deliberate misleading of the committee may be deemed a contempt of Parliament. You are fully familiar with that experience, people?

**The Witnesses:** Yes.

**The CHAIRMAN:** Thank you very much. Our committee, as you know, has established an inquiry to look at how we get a more effective prisoner education and employment program with the aim of obviously reducing recidivism. That is our central focus: how do we use the prison system to actually create a better social outcome? So we would like to talk to you about that and get your views on that.

One of the issues that concerns us is that we had some evidence from the prison service itself that seems to be suggesting to us that although there is a very, very significant increase in the prison population that there has been no commensurate increase in the employment levels or the training levels; indeed, the figures on the amount of persons in full-time employment seem to be rather disturbingly low. I wonder whether perhaps you might want to just talk generally around that topic.

**Prof. Morgan:** Yes —

**The CHAIRMAN:** Sorry, I forgot to introduce ourselves! My name is Alannah MacTiernan; I chair this committee. We have Tom Stephens who is the member for Pilbara; Ian Britza, the member for Morley; and, Tony O’Gorman who is the member for Joondalup. So, sorry about that. We have Brian Gordon, our executive officer, and Jovita Hogan with us.

**Prof. Morgan:** First of all, thank you for the invitation to come; it is a critical area. I think if you look at the work of my office over the years of its establishment it has been a key focus in all our inspection reports at all sites.

In terms of the terms of reference, I was actually quite interested to see that you have a very broad set of terms of reference. Obviously, as you indicated, Madam Chair, the focus is on recidivism but obviously for us also inspecting prisons, I think you cannot underestimate the importance of work and education as actually part of the mechanism whereby you control a prison because it is very important for people to have things to do during the day, particularly when the number of people in prison is expanding. There are increased levels of double-bunking so people are sharing cells that

were originally designed for one—then you need outlets and that includes work, education, recreation and so on. So we share your concerns about the question, I suppose, of whether the infrastructure to support employment and education is really following the expansion in prisoner numbers. The answer I think would have to be no.

The national measures: one issue is how do you measure these things, employment and so on? We use the term in our reports quite frequently of “underemployment”. Just a little bit of a sense of that from my perspective at this stage—and I should say we are happy to follow up later if there are further questions that we can help you on but these are just preliminary observations. The latest report on government services that came out very recently, the federal report, actually says that Western Australia does rather well. It looks as if the figure is around 78 per cent of eligible prisoners being employed according to that national chart and on that we come second only to Victoria. When we visit individual prisons you find also that the measurements that tend to be used by the department are quite high, but the reason it is very hard to measure is that you might find people are officially employed but that the jobs they do do not take them very long. So one of the issues that we have talked about for many years, even when prisons were not as crowded as they are at present, is the question of whether people are doing meaningful work and whether they are doing meaningful work for a sufficient period of time.

[10.13 am]

What we do find in a number of prisons is that some people are employed for relatively short periods on fairly menial tasks, like cleaning a residential unit. That job might in the past have taken somebody two hours or so. With the realities of overcrowding, you also find now that sometimes that job may actually be split between two prisoners, so that you find two prisoners are now doing a job that was not previously what you would target as an appropriate level of employment. We have figures from a recent inspection of Hakea Prison. On our figures, 43 per cent were unemployed and 23 per cent were employed on cleaning and unit tasks. These are the relatively menial short-duration activities. When we did an inspection of Greenough prison last year, we found that 50 per cent of the people at Greenough were actually employed on these types of tasks. It is a very complex thing to measure. I think that one of the challenges, with respect, that your committee has and that we have is trying to get down to the real truth of this.

**Mr A.P. O’GORMAN:** I assume that the units that they clean are the units that they sleep in. Is that considered an employment task; is it not just considered a normal, everyday part of life? Just as all of us keep our houses clean, they keep their cells clean.

**Prof. Morgan:** It is classified these days, is it not, Barry, as being formal employment?

**The CHAIRMAN:** Even if you are cleaning only your own unit?

**Prof. Morgan:** The unit refers to the whole area, so I think the cleaning of your own cell would not be regarded as employment.

**The CHAIRMAN:** But if everyone cleans their own cells, what is the other work they do?

**Prof. Morgan:** The unit is the communal living space, for instance. These are not big areas and it does not take very long to mop and wipe and clean.

**The CHAIRMAN:** We ask because we were concerned about the real meaningfulness of the employment, the development of a work ethic and their occupation. We were given some figures, and I am wondering whether these are reliable. We were told that on a muster of a bit over 4 500 on 5 October 2009, 45 per cent of prisoners were engaged in employment activities for five hours and above, 30 per cent for fewer than five hours, which presumably would take into account the tasks you are describing, and the remainder of 24 per cent were engaged in activities other than work. According to those figures, 45 per cent were engaged in tasks of five hours or more.

**Prof. Morgan:** Have we seen that particular breakdown, Barry? I have not seen it. What you get is a big difference across prison sites, too. One of the interesting things about the process of privatisation was that, at that time when they decided that there was to be a privately operated prison, the contract that was being written demanded of the contractor certain performance measures. The way it works at Acacia Prison is that they get paid a fee for housing the prisoners and so on, but part of that fee is held back as what they call a performance-linked fee. They will get that percentage only if they meet certain targets. Acacia, perhaps partly because of that, has been more successful than some of the other prisons in meeting the requirements. Under the contract, to get its performance-linked fee, Acacia is required to meet a target of six hours' meaningful activity per day.

**The CHAIRMAN:** What sort of work do they find for them?

**Prof. Morgan:** Again, they are very active up there. It is going to be a combination of programs, which is where, on your previous figures, the other 24 per cent were probably engaged. It is going to be a combination of offender programs. They have quite a number of workshops at Acacia—metalwork, concrete products and so on—in addition to the other more menial tasks. And they have a fairly rigorous education program going at Acacia. The way we look at it as an office is that it is not just employment; it is a combination of things. The language we tend to use is around this idea of a core day, whereby people have meaningful activities to do.

**Mr T.G. STEPHENS:** Do you know whether Acacia is meeting those targets?

**Prof. Morgan:** Acacia has been meeting its targets generally. That leads to another interesting question, which is that on occasions Acacia has fallen short on meeting what is required in terms of its employment at the workshops. What I mean by that is that sometimes the workshops have had to close for periods of time.

**The CHAIRMAN:** Why is that?

**Prof. Morgan:** The reason that tends to come about is tied into staffing levels. At Acacia, the vocational support officers and trainers who operate the workshops also need a custodial officer present. That has been the practice up till now. To get a custodial officer—somebody trained in security—present in the workshop has tended to mean deploying that person out of a unit and up to the workshop. When for some reason there is a drop off in the number of staff present on a particular day for sickness or whatever, unfortunately it means that sometimes you cannot deploy the custodial officer into the workshops and they sometimes have to close. But that is not confined to Acacia; that is a systemic issue.

[10.20 am]

One of the big picture issues that I think the committee needs to, with respect, think about is again the impact of overcrowding and staff shortages. Most prisons survive at the moment on the basis of overtime by staff. There is a big push to reduce overtime costs, which is absolutely understandable, but one of the consequences of that is likely to be that services like education and workshops are going to start closing down, because there are core custodial functions that cannot drop off. So it is going to be the sort of extras—we do not regard them as extras; we regard them as absolutely integral to the regime, but they are the things that are likely to fall by the wayside.

**Mr A.P. O'GORMAN:** Neil, what you are saying is that the employment and the training programmes, because of staff shortages, are the things that drop off, but these are the things that possibly will enable prisoners, once they get out, to actually get a meaningful job.

**Prof. Morgan:** Yes.

**The CHAIRMAN:** And also, from your earlier evidence, you are saying that that actually has a consequence on the management of the prison itself, which I think was the evidence that we got last

week from the prison administration; that is, that the lack of opportunity is actually making it more difficult.

**Prof. Morgan:** It can increase the tension. Basically, idle prisoners are probably more likely to get up to mischief.

**Mr T.G. STEPHENS:** How recent is your information on Acacia, because I have had information from December that suggests that the figures have changed dramatically and that the end result is that they are down to two and a half hours contact per day at the moment.

**Prof. Morgan:** I would have to verify the current situation, but, again, with the increased numbers going into Acacia without a great deal of increase in infrastructure around industries and so on, they again are going to be struggling to meet their performance-linked fee targets.

**Mr T.G. STEPHENS:** Do you have a sense of when your information would be dated back to?

**Prof. Morgan:** I spoke with the director of Acacia the other day, who was quite up-front with me and said, "We have been struggling with this issue, and we continue to struggle with it." They do have some proposed solutions in mind, but I cannot give you a figure, I am afraid, in terms of the actual hours. But there is an acceptance by Serco, the people who run Acacia, that they are struggling to meet their contractual —

**Mr T.G. STEPHENS:** Their performance-linked fee.

**Prof. Morgan:** Yes, PLF.

**The CHAIRMAN:** But you would think that this is also the situation in the government.

**Mr T.G. STEPHENS:** It is worse.

**Prof. Morgan:** Well, I would say bluntly that Acacia is probably doing more than most of the prisons can do. So again we made quite a big issue of the employment question when we did an inspection of Albany prison. The actual inspection took place before I took over the office, but it was the first report that came out, if you like, under my watch, and one of the issues there was that at Albany there seemed to be a very high level of underemployment. If you talk to prisoners and you talk to staff, they will generally say that Acacia is probably doing a pretty good job at the moment compared with what most of the prisons are able to do.

**Mr T.G. STEPHENS:** But Neil, is that against a backdrop where they are the only prison that has this performance fee framework? The other prisons are not given key performance indicators to do the same work by government.

**Prof. Morgan:** I think that could be one of the issues. I think there is always more than one explanation of things, but I am sure that the performance-linked fee—if you were in Serco as an organisation, and this is the first prison that you have run in Australia, you would be very interested in doing a good job, because you would see this as a way into the broader market.

**Mr T.G. STEPHENS:** But if you had a public prison and you wanted it to do the same thing, you would give it a key performance indicator requiring it to do the same thing.

**Prof. Morgan:** Yes. We have not —

**Mr Cram:** Infrastructure is a huge issue as well. If you look at the workshops at Acacia, and you go to Roebourne or Broome, compared with the Acacia facility, they are impoverished in those prisons. Even with the incentive, and given the local economies and the opportunities and the ability to attract industry staff, it is quite a different dynamic and quite a challenging environment, particularly in those regional prisons, particularly up north. It is very, very difficult.

**The CHAIRMAN:** Obviously, you have this prison labour that is employed at a low cost. Surely there could be economic incentives if these prisoners were able to compete for work. Does that happen less here than it does, for example—there was the celebrated case recently in New South

Wales. Obviously, the prisoners in New South Wales prepare the meals for Qantas, is it—or prepare cutlery et cetera? Do we need to utilise this labour more, or are there opportunities for this labour to be utilised in a more meaningful way and perhaps generate enough income to ensure that there is enough custodial personnel engaged just to look after those people?

**Prof. Morgan:** I guess there are always opportunities, but there are also challenges, are there not, in terms of it being seen that you are using cheap labour to do jobs that in fact would be done or should be done by people who are not in prison? I think that perception is one that is difficult to get over.

**The CHAIRMAN:** That is right; but what I am asking, professor, is if you have any knowledge, or, Barry, if you have knowledge, of other jurisdictions that do that—that look at the other real problems that we have to manage in society, which is controlling the prisons and reducing recidivism. Are there other prison systems that do this more aggressively?

**Mr A.P. O’GORMAN:** Neil, could I ask a question first. What do they do in the workshops? What do they create and where does it go? Is that actually sent out into the community as something useful? You said concrete products and you said metal workshops.

**Prof. Morgan:** Yes.

**Mr A.P. O’GORMAN:** Do they actually make something that is useable, or is it just breaking rocks for the sake of breaking rocks?

**Prof. Morgan:** No. Fortunately, I think, those days are over, but in terms of what they do—some of what they do within the prison workshops will actually be for the prison itself. One of the things that has been happening at the moment is that Hakea, for instance, has been constructing bunk beds to be put into other prisons. So some of the work that is done in the workshops is done for internal prison use, and that is terrific. We are just in the middle of an inspection of Karnet prison out in the hills. There is a fantastic new visitors’ centre there. That was built by prison labour. So there are opportunities within the system. There is also work that goes on where, for example, they might be making beds and so on, which are actually made under a contract with a local—whether it is Beds Plus or somebody, I am not quite sure, but there are contracts with local retailers and wholesalers. What I think you see in different countries—and I will perhaps leave this behind afterwards. This is a draft from a—I will perhaps circulate it now—conference that was held in Perth.

**Mr Cram:** Could I just make a further comment about the local context. In WA, the industries in each prison have tended to very much depend on the local management, so the initiative at the level of the superintendent or the industries manager is very much dictated what has happened prison by prison. Bunbury has always had a very viable woodworking workshop where they have produced furniture, and Wooroloo is similar. Greenough for a while was making craypots for local industry, and so on and so forth. What we have never had in Western Australia is a system-wide plan or blueprint for prison industries, where across the state there might be some sort of integrated contract to, say, produce furniture for government or something of that ilk. I think that is partly the issue for Western Australia, that it has been very piecemeal. It has been prison by prison, contract by contract, and as they have fallen over, it has been sort of hand to mouth to try to put together a contiguous business model. I think that is part of the problem we have in this state.

**The CHAIRMAN:** Clearly, there are some areas where they are producing for the private sector.

**Mr Cram:** Yes.

**The CHAIRMAN:** I guess the question is: say in places like New South Wales, do they have a more comprehensive approach in relation to this engagement in exterior employment? Are you aware of whether or not other prison systems in Australia do this in a more comprehensive way?

[10.30 am]

**Prof. Morgan:** I am not aware in detail of what is done in New South Wales, other than what NSW presents at conferences. You always have to treat some of that with a little bit of cynicism at times. However, NSW seems to have—to use Barry’s language—a more comprehensive approach. I think NSW had a separate, specific unit—I will have to double-check whether this is the case now—called Corrective Service Industries, which was charged, as I understand it, with a system-wide drive around this. It is not unrelated to the paper that I have just given you. The Asian and Pacific Conference of Corrective Administrators was held in November last year. I go under the grand title of the “rapporteur” for this. One of the agenda items that shows that this is an issue across the whole Asia-Pacific region relates to prisoner employment. I refer members to heading 8, towards the end of the paper where there are a couple of summaries of case studies. This report is in draft form at the moment. I draft the report with Irene Morgan and it then goes out for comment to all participants at the conference. Once their comments are in, I can send you the final copy of the report. At the moment it is subject to potential amendment. What I would also like to do, if it is of help to this committee, is to request from Singapore, Hong Kong, Canada and one or two other places, copies of the papers that they presented to the conference because I think you will see a number of different models. The case study in Singapore is very interesting. I cannot quite always work out the relationship between the Singapore Corporation of Rehabilitative Enterprises and the Singaporean corrective services department, but SCORE is at least semi-autonomous from the prison service. SCORE is given the role of liaising with community bodies. We cannot translate the Singapore model, but one of the things that you will find is very big at the new Changi Prison Complex is the laundry. It is a massive laundry and the prison does the laundry service for many of the public and private hospitals. The prison has big contracts for the laundry services. You mentioned the food services provided by Qantas in New South Wales. Changi prison does some of the catering for Singapore Airlines. There are some interesting initiatives there. Some of the things that impressed me about the Singapore paper this year are that Singapore works very hard to get people into employment before they are released. Singapore has started a system of case managing people on release when they are employed. Rather than saying that the job is over and that the government has done its job when a prisoner finds a job, the government helps case manage a prisoner through the first six or 12 months of employment. These are just ideas, but this is quite interesting and innovative to me. Singapore seems to do a fair bit of work for the private sector within its prison industries but Hong Kong is somewhat different. It does a lot of work for government. It makes a lot of the shoes and uniforms that prison officers and other people wear. There are different cultures in different places as to how much is private and how much is public. They could be interesting models to get more information about. The Canadian experience is slightly different but what I am drawing attention to, which is relevant to the committee’s terms of reference, is that Canada had a very strong focus on prisoner programs for a long time. It focussed on psychological treatment programs but seems to have decided that it probably put too much effort into that and needs to balance it with a lot more skills training. What is called in very grand terms its “transformation agenda” makes for interesting reading in addition to this committee’s terms of reference regarding the balance between skilling up people, employment opportunities, education and rehabilitation programs.

**Mr T.G. STEPHENS:** Inspector, are we right in saying that education programs, training programs and an employment focus of prisoners is a way of responding to the safety needs of the community by reducing recidivism? Is that the view of the custodial —

**Prof. Morgan:** That certainly would be our view. When it comes to finding good, hard evidence, we sometimes struggle to find out what it is that works with people. In terms of reducing recidivism, let us suppose that we have put a person through a comprehensive, well organised period of time in prison and the prisoner has done education programs, entered into programs to address his offending behaviour and we have skilled him up. If the prisoner does not re-offend when he is released, it is very hard to work out which of those three things it was that contributed to

him not re-offending or whether it was something entirely unrelated to what he had done in prison, such as he had found a new love.

**The CHAIRMAN:** You could work it out if you had a big enough sample.

**Prof. Morgan:** We could then start to unpick that. One of my concerns in Western Australia—I hope this committee can get some movement on this in the longer term—is we need more evaluations. When we set up programs in prisons, we need to set up an evaluation mechanism at the outset because it is too hard to do it after the event.

**The CHAIRMAN:** Yes. I think that applies to many things in government. We received some evidence at our last hearing that a new work-related program was introduced in 2008 that allowed people to go out into work.

**Prof. Morgan:** Was that the prisoner employment program?

**The CHAIRMAN:** Yes. Although it is early days, the recidivism rate seems to have been good. We have seen quite a dramatic decline in recidivism when we compare those prisoners to a broader cohort.

**Mr Cram:** The issue is that the numbers are very small. It is a very good program, but we are talking about a handful of prisoners at each prison. It is not going to stem the tide, so to speak. It is a very good program, but it is very small scale.

**Prof. Morgan:** Of the three main minimum security facilities that run the PEP, Boronia Pre-release Centre for Women had two women on PEP, Karnet Prison Farm has two men out on PEP and there were four prisoners on PEP at Woorooloo at the time. There are a series of issues of PEP around the approvals process because it is quite bureaucratic. Another issue that one has to be sensitive to is that, as far as I can tell, most of the people going out on PEP were actually already skilled. Some of them were going back to the jobs that they had done before, or very similar jobs. Although I am sure that the recidivism figures are very good, it certainly would have been a very carefully selected cohort of prisoners going out and doing it and it would have been a very skilled group already. The question to me is whether we can utilise PEP as a means to help skill up people and not keep it for those people who were actually very employable anyway.

**Mr I.M. BRITZA:** I find it difficult to reconcile that a skills training program is going to stop a criminal's criminal mentality. I do not know whether I have articulated that correctly. I have been looking for a program that—for want of a better word—deals internally with an issue. If a well known criminal gets out and has an education, that is fine but that will not stop the recidivism. That is what I am looking for.

**Prof. Morgan:** One of the key issues is that so much crime is related to drugs. Again, we can skill up people but if they start using drugs again on the outside, that will lead to further problems. That is why I say it is very hard when we to look at and construct evaluations to work out how to pick what it was that changed the prisoner and made him stop taking drugs. Was the prison program or was it because he fell in love with someone who did not want him to take drugs? I do not mean to be flippant when I say that.

[10.40 am]

**The CHAIRMAN:** I guess there must have been some work done on the performance of people who have been able to work in prison and get a job subsequently. Are you aware of any research on that?

**Prof. Morgan:** I am not aware of recent research at the moment. I can go away and try to find some but I am not aware of the current state of the literature, I am afraid, on that specific question.

**Mr T.G. STEPHENS:** Do you mind if I ask you the other question: have you come across faith-based programs in prisons—is it Sycamore Tree?



**Prof. Morgan:** Yes.

**Mr T.G. STEPHENS:** Do you have any comment on some of these faith-based programs that will be utilised in prisons, as to whether they impact upon the criminal mentality; that is, is the redemption of the human spirit possible inside a prison?

**The CHAIRMAN:** Is it faith or is it work that delivers that redemption?

**Prof. Morgan:** I am probably going to give you a rather vague answer again. I think things like the Sycamore Tree program are really good. It is really good partly because it is an innovative program that gives prisoners something to do. It is also confronting because, as you know, the Sycamore Tree involves people who have been victims actually not fronting up to the people who offended against them but to offenders. I think that has a fairly profound impact when you talk to prisoners. They certainly say they were affected by that. Whether it really affects their behaviour when they get out is again a little bit of an unknown. But the Sycamore Tree is very interesting because it is not an officially accredited departmental program; therefore even though many prisoners go through Sycamore Tree it is not formally recognised, as I understand it for instance, by the parole board, which tends to focus on the programs offered by the department itself as being, if you like, the prerequisites for parole release. But Sycamore Tree seems to be regarded very highly by prisoners, by staff, and I actually know two people who, as victims, were on that program. From their point of view it was actually a remarkable experience.

**Mr T.G. STEPHENS:** I do not know whether Sycamore Tree is essentially faith-based, but presumably it follows the model of the restorative justice program.

**Prof. Morgan:** It models restorative justice. I understand it is to some extent faith-based.

**Mr T.G. STEPHENS:** But there could be a secular restorative justice program —

**Prof. Morgan:** There could be.

**Mr T.G. STEPHENS:** — but there are no longitudinal studies of this?

**Prof. Morgan:** No.

**The CHAIRMAN:** Can I go back to what we were looking at at the beginning, the evidence that we have received, which seems to parallel your evidence that the impact on overcrowding has been to reduce the availability of employment and training opportunities within the prison. I understand that you have actually prepared a report on this, a review of overcrowding in prisons. Where is that report and when was it completed?

**Prof. Morgan:** We prepared a draft report, what we call a thematic review. That was completed in around November. Our normal process, as with any report, is that reports are sent out to relevant people for comment and feedback. Unfortunately, as you would be aware, that draft report was actually leaked in the media. I say that is unfortunate because that actually hinders what I would call the due process behind all of this. We have recently received the comments back from the various parties, and I intend to finalise that report as soon as possible. As you may know with our reports, even once it is finalised there is actually an embargo period. It will be in Parliament for a month before it becomes an official public document. There have been some significant delays on that.

**The CHAIRMAN:** You will be reporting directly to the Parliament, not to the minister?

**Prof. Morgan:** We report to Parliament. It is a public report. It is a report tabled in Parliament.

**Mr T.G. STEPHENS:** And the draft report, is that something that you can make available to the committee?

**Prof. Morgan:** I think it would be probably inappropriate to do so at this stage. The final report should be completed relatively soon:

**Mr T.G. STEPHENS:** Are you required to present these reports by your statute regularly?

**Prof. Morgan:** Yes. Our basic reporting requirement and role is that we must inspect every place of custody once every three years. Over and above that we will do quite regular thematic, which is what that was, looking at system-wide or issues papers around particular areas of interest. We did one recently on the proposal for the 18 to 21-year-old facility at Rangeview.

**Mr T.G. STEPHENS:** But you are not required to do these thematic?

**Prof. Morgan:** Not required, no; that is a matter of us deciding.

**The CHAIRMAN:** You obviously decided to do this one because of the increase in overcrowding in prisons?

**Prof. Morgan:** To our mind it was important to understand a little bit about the causes of the overcrowding and the impacts of that overcrowding and thinking about where we are likely to be heading in the future.

**The CHAIRMAN:** What did you identify were the causes of this overcrowding?

**Prof. Morgan:** Overcrowding is partly simply a function of how many prison beds you have. We are to some extent inheriting a problem which was a lack of expansion of capacity for a number of years at a time when the prison population was rising. That was prior to the new government coming in. Subsequent to the new government coming in, the impact of parole changes has been quite dramatic. A massive decline in the number of people on parole at any given time means a massive increase in the number of prisoners.

**Mr T.G. STEPHENS:** It is not simply a function of the number of beds. If there is a change in parole board policy —

**Prof. Morgan:** It is very interesting what drives imprisonment rates. I think people tend to assume that what drives imprisonment rates is what happens in court. I was on the parole board for years. I very quickly reached the conclusion that it was not just what happened in court and sentencing practices, it was actually releasing practices that were equally important in terms of prisoner numbers. Parole board practices have changed. The parole legislation is in fact quite discretionary in nature, and it was always a possibility that different chairs would take a different view on the interpretation of that legislation.

**The CHAIRMAN:** I think we have had evidence that there has been something in the order of a 23 to 24 per cent increase in prison numbers about the past 18 months, which is a pretty huge increase. What percentage of those do you think is the result of sentencing? Are you able to give us some feel of what proportion is sentencing changes and what is release policy?

**Prof. Morgan:** I am not able to do so off the top of my head, but I could certainly have a look at that information for you.

**The CHAIRMAN:** The impact on the management of the prison because of the inability—can we make sure we have got the logic right—so we have got overcrowding. This in turn means that there is less meaningful occupation for prisoners because there has been no meaningful expansion of those facilities; therefore that is what is making this a difficult situation to control? You were commenting that it impacts on the management issue.

**Prof. Morgan:** I think from a big picture point of view the system is to some extent gridlocked at the moment because if people are not getting out on parole, there is a knock-on effect right down the system. We have got quite a significant number of people, for instance, at Casuarina prison, which is maximum security; at Acacia, which is medium security; and at Hakea, which is maximum. There is quite a significant number of prisoners there who are actually classified minimum security but they cannot move through the system up to a minimum security placement because the people from minimum are not getting out on parole as they might have done. I make no comment on the rights and wrongs of that, but the fact is that five or six years ago a significant number of those people would have been released on parole. So there is a bit of a gridlock which

creates some of the difficulty. There is certainly an effort on the part of government to put more resources into the infrastructure needed for employment and education programs. Up at Karnet just last week, I have seen the fact there has been a new unit or transportables opened for programs and education recently, so there is some of the infrastructure going in. I guess the problem is it tends to lag a bit behind the increase in numbers and then there is another group coming in. Karnet has now gone on up from 170 prisoners three years ago to 250, and another 120 will be going in fairly soon in some new accommodation. The prison can actually probably handle that number of people but it is a case of when does the other infrastructure catch up with the beds.

[10.50 am]

**The CHAIRMAN:** On this management issue we did get some evidence that the lack of parole opportunities is impacting on the prisoners' desire to participate in programs because they feel that it is useless, that whatever they do in prison is not going to have any impact and there is just a general level of, "No matter how well behaved we are, no matter what we do, we are not going to have the opportunity of parole." So, do you perceive this? Is this what you are experiencing when you go into prisons?

**Prof. Morgan:** It is a very difficult one. Yes, there are some prisoners who feel that whatever they do they are not going to get parole anyway, so why bother?

**The CHAIRMAN:** But this is because obviously people are aware of the change in parole —

**Prof. Morgan:** They are very well aware of that. There are, however, other people who say, "Well, my only conceivable chance of getting parole is if I do do a program." So there may be some people—and prisoners have expressed this view to me—that become more desperate to get on programs. Does that make some sense? So that they do see some people are getting out. If you do not do any programs, it appears you have got very little chance. So some of them will say, "Well, forget it, I just won't do it." Others will say, "That gives me even more impetus to really want to get on to a program." But it certainly is an issue that has created a good deal of tension—frustration perhaps more than anything else—for people who feel they have done everything that they were expected to do and there is nothing else that they can do but that their parole has been knocked back.

**Mr A.P. O'GORMAN:** Neil, the prisoners that put their hand up to do programs and to employment, do they come from any particular section of the prison population? I mean we have people in prison for traffic offences right up to murder. Is there any sort of particular trend as to who puts their hand up and who gets their place on some of those programs and employment?

**Prof. Morgan:** There are assessments done of prisoners. I might hand over to Barry to talk a little bit more about the assessment process in the department.

**Mr Cram:** When a prisoner is received into the system, they are assessed and what is called an individual management plan is put together for the prisoner based on that assessment. So they are assessed against their needs around literacy, numeracy, education generally. And also their program needs, behavioural issues and also work opportunities are reviewed and looked at as well. Historically, the issue in prisons has been that the education system, I think, has probably been perhaps the best functioning part of the prison system for a number of years, so access to education has been pretty good in the prison system. Programs up until recently have been very, very difficult, so a lot of prisoners have not been able to access the programs that they need to satisfy the parole board, or the Prisoners Review Board, that that addressed their offending behaviour. So up until recently that has been a problem and it continues to be a problem; and, of course, it is compounded because there are only so many places in these programs and the prison population has, as we have heard, gone up exponentially. Access to employment has always been very difficult in the prison context, and this idea of meaningful employment. And so those historical levels of access remain, but they are compounded by the increasing prison numbers, and it is much easier in a sense to

address the education component followed by the program component. But there are only fixed opportunities in most facilities for access to workshops or access to employment, and the section 95 people that go out to the community have quite stringent requirements. So the pressure is compounding and employment is the most difficult one to address. And even though the employment and skill training needs of a prisoner may be assessed and well understood, accessing that skill training or accessing any sort of employment opportunity is very difficult.

**Mr A.P. O’GORMAN:** For people who end up in prison because of traffic offences or a build-up of traffic offences, is there any evidence to say that that actually modifies their behaviour or a trip to prison works? Are we sending them to prison for no good reason?

**Prof. Morgan:** I think, unfortunately, a particularly large number of Aboriginal people tend to be caught up with that.

**Mr A.P. O’GORMAN:** With traffic offences.

**Prof. Morgan:** And I have to say that, unfortunately, most Aboriginal people in that situation simply regard imprisonment as a fact of life; it is not a deterrent. There is no particular shame for many people now in going there; it is just something that happens.

**Mr T.G. STEPHENS:** Do we have statistics on that? What is the percentage of the Aboriginal population of Western Australia that is in prison?

**Prof. Morgan:** In terms of the prisoner numbers, as you probably know, it is about 40-odd per cent.

**Mr T.G. STEPHENS:** No, what percentage of the Aboriginal population is it?

**Prof. Morgan:** If you break it down, I remember some years ago before the imprisonment figure were quite what they are at the moment, I actually did some work on the ABS figures and actually tried to work out the number of Aboriginal adult men in prison. The figure I came up with was one in 15.

**The CHAIRMAN:** At any one time?

**Prof. Morgan:** At any one time.

**Mr T.G. STEPHENS:** So it is a normalised experience.

**Prof. Morgan:** It is a normalised experience, and that is likely to be worse now, as I say, as the prisoner numbers have increased.

**Mr T.G. STEPHENS:** One in 15.

**The CHAIRMAN:** But that is what I mean. What would be an interesting statistic is how many had ever been in prison.

**Mr T.G. STEPHENS:** Have you got that figure? If it is one in 15 at any given time —

**Prof. Morgan:** I do not have it. It is probably something that the department should be able to obtain for you, or I could make some further enquiries.

**Mr A.P. O’GORMAN:** Is it fair to expect that rather than sending particularly Indigenous people to prison for traffic offences, the better option would be to actually run programs outside prison to teach them how to drive, to give them licences, to get them out of the speeding or drink-driving and those sorts of things, if that is what they are going in for?

**Prof. Morgan:** I think there needs to be more initiatives in that regard, and I think there was a committee report, chaired by Ben Wyatt, that looked at this particular issue. I do not know quite where some of those recommendations have reached. But my personal view? We are not getting anywhere by doing more of the same.

**The CHAIRMAN:** Thank you very much for coming along. We are very interested in the examples that you have given us; particularly the Singapore, Hong Kong and Canadian material looks extremely interesting.

**Prof. Morgan:** Can I just interrupt there? Would you like me to get their permission for copies?

**The CHAIRMAN:** Yes, please.

**Prof. Morgan:** There were other countries but those are going to be the three that have —

**The CHAIRMAN:** From the look of the paper that you have given us, they look like the most prospective.

**Prof. Morgan:** Yes.

**The CHAIRMAN:** Thank you very much for coming along today. As you would be aware, you will get a transcript of the hearing and you have 10 days to make any corrections that you deem appropriate. You would understand that new material cannot be introduced and the sense of your evidence cannot be altered.

**Prof. Morgan:** Yes.

**The CHAIRMAN:** If you wish to provide any additional information, including that which we have just discussed, we would be very appreciative of it. If, of course, you come across any criminological research that you think would bear on the terms of reference, we would very much appreciate you referring that to us as well.

**Prof. Morgan:** We will actually send you a formal submission. I think the official deadline was Valentine's Day on Sunday. Can I have an extension until Monday?

**The CHAIRMAN:** Absolutely! Again thanks very much.

**Hearing concluded at 10.59 am**