



REPORT OF THE

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL

OPERATIONS

PROPOSAL TO TRAVEL

Presented by the Hon Muriel Patterson MLC (Deputy Chair)

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

The Standing Committee was established on 21 December 1989 with the following terms of reference:

1. There is hereby appointed a Standing Committee to be known as the *Estimates and Financial Operations Committee*.
2. The committee consists of 5 members.
3. The functions of the Committee are to consider and report on:
 - (a) the estimates of expenditure laid before the Council each year; and
 - (b) any matter relating to the financial administration of the State.
4. The Committee shall report on the estimates referred under clause 3 by or within one sitting day of the day on which the second reading of the *Appropriation (Consolidated Revenue Fund) Bill* is moved.
5. For the purposes of clause 3(a), the House may appoint not more than 6 members at any stage of its examination.
6. A reference in clause 3 to "estimates of expenditure" includes continuing appropriations, however expressed, that do not require annual appropriations.
7. The Committee may initiate investigations under clause 3(b) without prejudice to the right of the Council to refer any such matter.

Members of the Committee:

Hon Mark Nevill MLC (Chairman)
Hon Muriel Patterson MLC (Deputy Chair)
Hon Edmund Dermer MLC
Hon Simon O'Brien MLC
Hon Bob Thomas MLC

Staff of the Committee:

Ms Penny Griffiths (Advisory/Research Officer)
Mr Jason Agar (Committee Clerk)

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1. INTRODUCTION

- 1.1 The Standing Committee on Estimates and Financial Operations was first appointed on 21 December 1989. Under its Terms of Reference, the Committee is required, *inter alia*, to consider and report on any matter relating to the financial administration of the State.

2. BACKGROUND

- 2.1 At a meeting in February 1998, the Committee expressed concern over the resignation of the Director General of the Ministry of Justice, Mr Gary Byron, and the alleged removal of the Executive Director of Offender Management, Mr Kevin Payne. In this regard, the Committee believed that the apparent disruption at the higher echelons of the Ministry of Justice had a clear impact on the financial administration and efficient day to day running of the Ministry of Justice. Accordingly, the Committee resolved to commence an inquiry into the financial administration of the Ministry of Justice.

- 2.2 The Committee's inquiry initially focused on the resignation of Mr Byron and the alleged removal of Mr Payne.¹ However, it soon became evident to the Committee that the disconcertment within the senior Management levels reflected wider problems within the Ministry of Justice. Accordingly, the Committee expanded its inquiry to include such issues as the allocation and expenditure of financial resources in relation to prison overcrowding, deaths in custody, recidivism rates, prison management, availability of medical facilities within prisons, training of prison officers and staff, rehabilitation services and drug dependent prisoners.

- 2.3 As part of the expanded inquiry, the Committee has heard evidence from numerous witnesses including -

- Mr Murray Allan, Parliamentary Commissioner for Administrative Investigations;
- Professor Richard Harding, Director of the Crime Research Centre at the University of Western Australia;
- Mr John Kirton, Director of Prisons, Offender Management Division, Ministry of Justice;
- Mr Peter Moore, Director of Operational Standards, Offender Management Division, Ministry of Justice;
- Mr Ric Stingemore, Secretary, Prison Officers Union;

¹ On 2 July 1998, a report on this matter was tabled with the President, the Hon George Cash, which contained a number of recommendations arising from the inquiry.

- Mr Kevin Payne, Executive Director, Offender Management Division, Ministry of Justice;²
- Mr Brian Rankin, Acting Manager/Operational Standards Directorate, Offender Management Division, Ministry of Justice;
- Mr Jock McNaughton, Manager, Internal Investigations Unit, Canning Vale Prison Complex; and.
- Mr Athol Jamieson, Acting Executive Director, Offender Management Division, Ministry of Justice.

2.4 During the course of the inquiry, the Committee has attended the following prisons -

- Canning Vale Prison;
- CWC Remand Centre;
- Casuarina Prison; and
- Banydup Women's Prison.

2.5 In response to requests, the Committee has been provided with numerous documents relating to the financial administration and infrastructure of prisons within the Western Australia system.

3. TERMS OF REFERENCE

3.1 The Committee believes that travelling to the United Kingdom, the Netherlands and the United States of America would enhance the inquiry and provide Members with a comprehensive understanding of the relevant issues.

3.2 The Committee's Terms of Reference are to conduct an inquiry into the allocation and expenditure of financial resources within the Western Australia prison system in relation to -

- (i) Strategies aimed at reducing the recidivism rates of prisoners.
- (ii) Strategies to deal with drug dependent prisoners.
- (iii) The role of an external auditor and/or independent inspectorate.

3.4 The Committee considers the Terms of Reference are sufficiently broad to encompass the numerous issues in which enquiries have been made to date.

² Mr Kevin Payne is currently on special leave and Mr Athol Jamieson has been appointed Acting Executive Director, Offender Management Division, Ministry of Justice.

4. ANALYSIS OF TERMS OF REFERENCE

- 4.1 As indicated, the Committee has conducted extensive enquiries into the allocation and expenditure of financial resources in relation to specific areas of the Western Australia prison system. The following is an outline of the relevant issues in relation to the specific items of the Terms of Reference.

Strategies aimed at reducing the recidivism rates of prisoners

- 4.2 The Committee has concerns over the recidivism rates of prisoners within the Western Australia prison system.³ The Committee believes that further research is required to develop prison vocational training and work experience programs with the aim of reducing recidivism rates.
- 4.3 A study has been conducted by the United States Federal Bureau of Prisons, Office of Research and Evaluation, designed to evaluate the impact of prison work experience and vocational training on an offender's behaviour following his or her release to the community. The evaluation commenced in 1983 and data was collected until October 1987 on over 7000 offenders. The researchers reported preliminary findings in 1991, when all offenders in the study had been released to the community for at least one year. In 1995, the researchers again reviewed the study which covered ten (10) years for many of the offenders.
- 4.4 The results of the study showed that the impact of in-prison employment in an industrial work setting and vocational or apprenticeship training can have both short and long term effects reducing the likelihood of recidivism especially for male prisoners. Although the program effects did not appear to have an impact on supervision revocations in the long term, they had an important impact on recommitment for new offences. On average, offenders who receive new sentences will spend a much longer time in a prison than those who only have their supervision revoked. Accordingly, prison work and training programs could have a benefit in reducing prison populations due to recidivism.
- 4.5 The Committee proposes to meet with the Project Directors, Mr William Saylor and Mr Gerald Gaes who are based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington. The Committee also proposes to address the issue of projects aimed at reducing recidivism rates when attending prisons in the United Kingdom, the Netherlands and the United States of America.

Strategies to deal with drug dependent prisoners

- 4.6 During the course of the inquiry, the Committee has obtained information addressing the problems associated with drug dependent prisoners. On the information provided, the Committee is concerned about the availability of drugs within prisons and the rehabilitation programs to deal with drug dependent prisoners.

³ In evidence to the Committee, Professor Harding commented that the recidivism rates for inmates in the Western Australia prison system was *very high*, 11 March 1998, page 5.

- 4.7 Recent studies have been conducted in the United States of America by the Federal Bureau of Prisons concerning drug treatment programs for inmates who receive a "*substance abuse diagnosis*". The goal of the programs is to identify, confront, and alter the attitudes, values and thinking patterns that led to criminal behaviour and drug or alcohol abuse.
- 4.8 An evaluation of the study revealed that cost-effective drug testing and drug treatment programs consistently reduce recidivism rates for offenders. The study involved 1866 inmates at more than 30 institutions. The study found that those who entered, received and completed residential drug abuse treatment were 73 percent less likely to be re-arrested than inmates who did not receive such treatment.
- 4.9 The 73 percent reduction in arrest rates, coupled with a 44 percent reduction in drug use for treated subjects, strongly suggests that the Bureau of Prisons' residential drug abuse treatment programs are making a significant difference in the lives of inmates following their release from custody and return to the community.
- 4.10 The Committee has been informed that a Drug Prevention Initiative program conducted by the United Kingdom's Home Office has addressed drug prevention at the various stages of the criminal justice system. The study involves, inter alia, setting up coordinated systems of preventive interventions at five (5) main points in the criminal justice system in South London, Sussex, East Midlands and parts of Greater Manchester.
- 4.11 The Committee has been informed that the Netherlands' prison drug program provides some 400 places in drug free units in prisons and detention centres. The main aims of these units are to motivate drug dependent detainees to accept help and to prepare them actively for external treatment and social rehabilitation. Placement is voluntary, but those who participate must be motivated to end their drug use and undergo urine testing. In addition to general medical and social care, the program involves structured activities such as sport, work and discussions groups.
- 4.12 The Netherlands also operates an Early Care Intervention Systems program aimed at drug offenders within the criminal justice system. The project is aimed at reducing criminality and nuisance caused by addicts by means of an improved and more intensified cooperation between police, judicial authorities and the addiction care sector. Subject to Court approval, some addicts are granted a suspended sentence on the condition that they participate in a care program. If the addict breaches the conditions, an independent judge may revoke the suspension of the provisional detention and rule that the former verdict be reinstated.
- 4.13 In the light of the above, the Committee proposes to meet with the drug studies Project Director, Ms Bernadette Pelissier, Ph.D, who is based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington. Furthermore, the Committee proposes to meet with the relevant persons from the Home Office, United Kingdom and the Netherlands regarding drug programs. The Committee also proposes to attend a number of prisons where the drug programs have been implemented.

The role of an external auditor and/or independent inspectorate

- 4.14 In evidence to the Committee, Professor Harding argued that there should be an independent inspectorate role within the Western Australia prison system. According to Professor Harding, the best international model of an independent inspectorate is the Chief Inspector of Prisons in the United Kingdom. The Chief Inspector is authorised to conduct unannounced inspections and attends every prison in the United Kingdom at least once every five years.⁴
- 4.15 Professor Harding referred to the United Kingdom's Chief Inspector's visit to Holloway Women's Prison in 1997. Following the inspection, the Chief Inspector arranged a press conference at which he directed severe criticism at the prison. About six (6) months later, the Chief Inspector returned and noted that there had been a radical upgrading of the prison. In this regard, Professor Harding said that the role of an independent inspectorate is required to obtain "better value for money, better programs and a more purposeful and focused prison system, some efforts at proper program delivery, rehabilitation ..." and was "crucial" to the effective running of a prison.⁵
- 4.16 The Ombudsman informed the Committee that he had had discussions with Professor Harding concerning the role of an independent inspectorate within the Western Australia prison system. The Ombudsman was unable to comment in any detail but said that he agreed with the general terms of Professor Harding's argument for an independent inspectorate.⁶
- 4.17 The Committee considers it important to inquire into the issue of the allocation and expenditure of financial resources in relation to the role of the external auditor/independent inspectorate. In this regard, the Committee proposes to meet with the Chief Inspector of Prisons and also discuss this matter when attending a number of prisons within the United Kingdom.

⁴ Professor Harding's evidence to the Committee, 11 March 1998, page 9.

⁵ Professor Harding's evidence to the Committee, 11 March 1998, page 9.

⁶ Ombudsman's evidence to the Committee, 1 April 1998, page 15.

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PROPOSED ITINERARY

THURSDAY 24 SEPTEMBER 1998

Depart Perth for London, UK.

FRIDAY 25 SEPTEMBER 1998

Arrive London, UK.

Meeting with the Agent General.

MONDAY 28 SEPTEMBER TO WEDNESDAY 30 SEPTEMBER 1998 - THE UK

Meetings with -

- Project coordinator of the Home Office Drug Prevention Initiative in relation to the criminal justice system.
- Chief Inspector of Prisons.

Visit the following prisons -

- Blakenhurst Prison - a private prison located near Birmingham.
- Lowdham Grange - a private prison located near Nottingham.
- The Wolds - a private prison located near Doncaster.
- Bullingdon - a public prison located near Doncaster.

THURSDAY 1 OCTOBER TO FRIDAY 2 OCTOBER 1998 - THE NETHERLANDS

Meetings with -

- Mr A V Vroom, Secretary of the Dutch Association of Prison Directors.
- Coordinators of the Early Care Intervention Systems program.

Visit a number of the drug free units in prisons and detention centres.

MONDAY 6 OCTOBER TO MONDAY 12 OCTOBER 1998 - THE UNITED STATES OF AMERICA

Travel to the United States of America.

Meetings with -

- Drug Studies Project Director, Ms Bernadette Pelissier, Ph D., who is based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington.
- Recidivism Project Directors, Mr William Saylor and Mr Gerald Gaes who are based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington.
- Mr Gerald G Gaes concerning comparisons between private and public prisons and the role of an independent inspectorate.
- Meeting with Senator Jim Kyle, expert on public and private prisons.

The Committee proposes to contact the USA Consulate in Perth and the Australian Ambassador in Washington to obtain further information regarding relevant prisons and organisations to attend while in the United States of America.

The Committee will have prepared a detailed itinerary 2-3 days prior to departure and is happy to provide a copy to Members on request to the Chairman.

MEMBERSHIP

The Hons Mark Nevill, Muriel Patterson, Simon O'Brien and Bob Thomas will be travelling. The Committee will be assisted by one Advisory/Research Officer and one Committee Clerk.

The trip is endorsed by all members of the Committee.

TRIP COSTINGS

	\$
Perth - London - Washington return (5399 x 6)	32,394.00
London - Amsterdam return (727 x 6)	4,362.00
Meals, Accommodation etc (300 x 6 x 16 days)	28,800.00
Incidental allowance (60 x 6 x 16 days)	<u>5,760.00</u>
 Total Approximate Cost	 \$71,316.00

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