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Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
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To the Chair and Members

Petition No 98 – Remand Facility for Women

Thank you for the opportunity to provide the Committee with information for its preliminary investigations regarding the Bandyup Action Group's petition (the petition).

I strongly support the petitioners' opposition to the proposal for part of the Hakea men's correctional facility to be converted into a remand facility for women, or for any new construction of a remand facility for women at Hakea prison. I am also supportive of the request to instead use that funding to fund bail and legal services for women in order to reduce the number of women on remand.

The answer to overcrowding is not to build a new prison; it is to reduce the number of women imprisoned.

In October 2014, the Inspector of Custodial Services (OICS) visited Bandyup Women's Prison and produced a report into the facilities, conditions and operations. The Government has since accepted 38 of the report's 40 recommendations, however only one action has been implemented since that time. The Government has stated that they do not have the funds to implement any of the other recommendations.¹

The Office of the Inspector of Custodial Services, the Women Lawyers of Western Australia (Inc.) and the Auditor General, have all recommended in recent reports that the Government find ways to reduce the number of women on remand. The Government recently stated that it is looking at how to support the needs of remand prisoners.

One option to reduce the number of women on remand, as suggested by the Bandyup Action Group is to resource a women-only hostel that can accommodate women on bail. Resources are not unlimited and the \$20 million which has been allocated to build a facility at Hakea would be much more effectively spent on other initiatives to reduce offending behaviour in the first instance.

Imprisonment should genuinely be a penalty of last resort. Indeed Article 9 (3) of the United Nations' International Covenant on Civil and Political Rights (UNICCPR), states that "it shall not be the general rule that persons awaiting trial shall be detained in custody". Women on remand have not been convicted or sentenced, therefore, in keeping with all international standards, they should not be imprisoned.

¹ Bandyup Action Group, *Action Plan*, 2015.



The report by the Auditor General has stated that not being able to provide a residential address and not being able to provide surety are the two main reasons why bail is not granted.² This clearly discriminates against poorer members of our society and those who for a variety of reasons may not have a fixed address (eg people fleeing domestic violence).

Regardless of UNICCPR article 9 (3), the number of women held on remand across the state has more than doubled between July 2011 and July 2014. Women are more likely to be held on remand than men, and Aboriginal women are by far the most likely to be on remand.³ Further to this, more than half the releases from Bandyup in 2013 and in 2014 were sentenced women - 53% and 63% respectively.⁴

The Office for the Auditor General WA's report *Management of Adults on Bail* states that "the number of people granted bail but held in remand, could be reduced if more support were provided to help them meet bail release conditions. It could also save the State significant imprisonment costs".⁵

The annual operating budget for Bandyup is \$16.5 million whilst the cost of keeping a person in prison is estimated at \$440 per day. If remand and minimum-security women were placed in home detention, there would be fewer than 150 women in Bandyup.⁶ "Imprisoning defendants who have been granted bail is costly. A person granted bail, but who is remanded in prison for one week will cost the State about \$5,390".⁷

Additional to our international obligation and the budget savings, there are other benefits of investing in a women-only hostel as opposed to holding women in a correctional facility. It is also beneficial for the individual's emotional wellbeing and it allows women to remain with their children and families and continue in their caring roles and other responsibilities.

The Greens believe that access to justice requires policies and resources that overcome social, economic and cultural inequalities to ensure equality before the law. As such it is imperative to address the particular cultural and social needs of Aboriginal and Torres Strait Islander peoples in particular, given their over-representation in correctional facilities in Western Australia and Australia as a whole. The Greens strongly back the introduction and implementation of alternatives to imprisonment, where appropriate, including restorative justice, diversionary programs and justice reinvestment strategies.

I ask that the Committee review the Office of the Inspector of Custodial Services' Report into Bandyup Women's Prison and review the recommendations and the actions (or inactions) of the Government thus far. I also ask that the committee examine the proposal to invest in funding bail and legal services for women in order to reduce the number of women on remand as a matter of priority.

Kind regards,



Hon Lynn MacLaren MLC
Member for South Metropolitan Region
16 October 2015

² Auditor General, *Management of Adults on Bail*, 2015, p 13. https://audit.wa.gov.au/wp-content/uploads/2015/06/report2015_10-Bail.pdf

³ *Report of an Announced Inspection of Bandyup Women's Prison*, Office of the Inspector of Custodial Services (OICS), 2014, p28

⁴ Question on Notice 4135

⁵ *Management of Adults on Bail*, June 2015. https://audit.wa.gov.au/wp-content/uploads/2015/06/insert2015_10-Bail.pdf

⁶ Bandyup Action Group, *Action Plan*, 2015.

⁷ *Management of Adults on Bail*, June 2015. https://audit.wa.gov.au/wp-content/uploads/2015/06/insert2015_10-Bail.pdf