

**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, 18 AUGUST 2010**

**Members**

**Mr A.P. Jacob (Deputy Chairman)  
Mr I.M. Britza  
Mr A.P. O’Gorman  
Mr T.G. Stephens**

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**Hearing commenced at 11.03 am****ACRES, MR JOHN GEORGE****Principal Officer, Inspector of Custodial Services,  
examined:****MORGAN, PROFESSOR NEIL ANDREW****Inspector of Custodial Services,  
examined:****GIBSON, MS NATALIE MAREE****Director, Operations, Inspector of Custodial Services,  
examined:**

**The DEPUTY CHAIRMAN:** On behalf of the committee, thank you very much for appearing before us today. The purpose of this hearing is to assist us in collecting information and gathering evidence for our inquiry into the effectiveness and efficacy of prisoner education, training and employment strategies. This hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not actually required to give evidence on oath, any deliberate misleading of the committee may be regarded as a contempt of Parliament. Have you all completed the "Details of Witness" form?

**The Witnesses:** We have.

**The DEPUTY CHAIRMAN:** Do you understand the notes at the bottom of that form?

**The Witnesses:** Yes.

**The DEPUTY CHAIRMAN:** Did you receive and read the information for witnesses briefing sheet about giving evidence before a parliamentary inquiry?

**The Witnesses:** Yes.

**The DEPUTY CHAIRMAN:** Do you have any questions relating to your appearance before the committee today?

**The Witnesses:** No.

**The DEPUTY CHAIRMAN:** Thank you very much. Obviously, you have seen the terms of reference of our inquiry. Do you have any opening statements to begin with?

**Professor Morgan:** I thought it may be helpful if I perhaps distributed some material and talked to that briefly, if I may. Hopefully, that will set some context.

Obviously, the committee's terms of reference are broad and we have also been involved previously, and are well aware of the interim report that was tabled some time back. From correspondence, as I understand it today the main issues you want us to talk to are issues for Aboriginal people in custody, including the adequacy of Aboriginal programs in prisons and issues around individual case management and evaluations. Obviously, I do not want to lecture you, but I did think it was perhaps useful to put a few contextual matters on the table and, at the end of what I have distributed, I have set out a few issues that seem to me to arise that are particularly pertinent to your terms of reference and to where our office is positioned on some of these matters.

I am sure you are very well aware of the issues around imprisonment rates and that Western Australia actually has the highest Aboriginal imprisonment rate in the country by a significant margin. The 2009 rates per 100 000 are always a little bit confusing to me, but it somehow has more impact if you reduce it to a different expression. If we say that Western Australia has 3 328 Aboriginal people in prison per 100 000, it means one in 30. Some years ago I broke down the figures much more and looked at the position of Aboriginal males. My estimate at that time was that at any given time one in 15 Aboriginal men would be in prison because, of course, males are in prison at a higher rate than females. Those figures would probably now be somewhat worse than that.

The general trends in Western Australia are very interesting. It is pleasing to see that the proportion of Aboriginal prisoners as a proportion of the state's total prison population is decreasing. It has gone down to 39 per cent from a high of around 43 per cent some three years ago. But, given the increase in prisoner numbers, this means that we have more Aboriginal people in prison, so that 39 per cent of 4 705 is significantly more than 43 per cent of 3 800. One of the things that has interested me over the years is the way in which the proportion of Aboriginal prisoners has shifted within the system. For many years, the percentage was around 30 to 35 per cent of the population. That lasted all the way through really from the 1970s until the early 2000s. Then something quite remarkable happened between 2002 and 2005, when the prisoner population increased by a significant number—by around 30 per cent over a three year period. What went largely under the radar, I think, at that stage was that the vast majority of that increase was Aboriginal—80 per cent of the additional number in that period 2000 to 2005 were Aboriginal. It was difficult to understand that shift, partly because we were coming off such a high level of Aboriginal imprisonment already and partly because crime rates were not going up. The rate of crime against the person was relatively constant. The crime rate in terms of property offences was declining very significantly over that period. It was very difficult to understand what happened. The then Labor government had a reducing imprisonment strategy—I am not making a political point here—but whatever happened with that, it does not seem to have reached this very complex group, the Aboriginal prisoner population. I lay this as context because I think this is why it is very important we start to think about alternative approaches. There are also a number of very specific pressure points.

I am sure the committee is aware of the fact that, with women and juveniles, the Aboriginal rate is significantly higher than it is for male adults. In terms of women, I think the other thing that has happened in the past couple of years, and has not been very much discussed, is the very dramatic rise in the total number of women in prison. They have gone up from 279 in August 2008 to 410. At present, around 48 per cent of that number are Aboriginal. That has been relatively consistent because over the years it has hovered around 50 per cent-ish of female prisoners being Aboriginal. What has also happened—this is a worldwide trend—is that the number of women prisoners has increased at a faster rate than the number of males. What I am driving at here is that we need to be planning for these increases and thinking about how we best reach this particular cohort of prisoners. From five per cent of the prison population in 1993, they are now closer to nine per cent. That has been a gradual trend, but there is a very particular peak over the past two years. I put the figures there on the material I have distributed. The male population increased by 20 per cent in the past two years; whereas the female population went up by 47 per cent. When you start to put this in context as well, recently, as you are probably aware, there has been a drop off in the total number of prisoners, but that has largely been the males; the rate for women has remained relatively constant or gone up slightly in the past three months.

In terms of juveniles, again, traditionally, there is a very high representation of Aboriginal children in juvenile detention. Currently, the figures are somewhat lower than they often have been. It has often been up to 70 to 75 per cent. It is now down at 66 per cent—around two-thirds, but, again, a very high proportion of females in custody are Aboriginals. The count I did on 12 August from the department's figures were that 14 of the 15 detainees were Aboriginal.

**Mr A.P. O’GORMAN:** Do you have any idea why that is?

**Professor Morgan:** I think it is a complex set of factors. Can I beg your indulgence and paint the picture first and then I am very happy to come back to what that might be.

**Mr A.P. O’GORMAN:** Just keep going.

**The DEPUTY CHAIRMAN:** Did you break the juvenile numbers down as you did with the Aboriginal adult men?

**Mr A.P. O’GORMAN:** It is on the second page.

**The DEPUTY CHAIRMAN:** No worries, thank you.

**Professor Morgan:** Currently, around two-thirds of the total population are Aboriginal and 90 per cent of the females. Females are a very small number, so that number can fluctuate somewhat.

The other issue I think is relevant is the question of security ratings and supervision levels. Where are Aboriginal people when they are in prison in terms of their security ratings? The figures I have put there were put together by one of my colleagues yesterday in preparation for this hearing. Just to give you an up-to-date snapshot, if you like, on 16 August there were similar numbers of Aboriginal and non-Aboriginal people at maximum security—around 175. In medium security and minimum security we see a slightly different pattern emerging, particularly at minimum security. There were 480 Aboriginal people at minimum security and 1 169 non-Aboriginal. The figures suggest that, for various reasons, there is an under-representation of Aboriginal people at minimum security. The issue of supervision levels is taking this analysis a stage further and asking: “Well, okay, if you have a group of people in a particular prison, are they under what we call an enhanced regime where they have more privileges, greater access and better living conditions, or are they at a standard or basic regime?” I have left aside the figures of people on a basic regime because they are very few and far between. The real importance, I think, is to look at whether people are on a standard or earned-privilege level.

[11.15 am]

Again, we see that significantly fewer Aboriginal people seem to get to the stage of being on earned privileges. This might mean, for instance, that at a prison like Acacia, they are living in the self-care unit and they have rather more freedom and capacity to move around the prison.

The women’s estate presents some particular instances of this. We conducted an inspection at Boronia Pre-release Centre for Women 12 months ago. At that time we thought we needed to take a look at the way the women were distributed across the prison estate. Bandyup unit 1 is the lowest level of accommodation for female prisoners in the metropolitan prisons. Seventy-five per cent of the women there were Aboriginal. We then went a stage further and said, “What are the conditions like?” We found that 71 per cent of those Aboriginal women were sharing a cell, compared with 41 per cent of the non-Aboriginal women. There is a lot more double bunking. In essence, the pattern is that they are in the lower levels and the lower parts of the system.

Working through the system and working up, if you have been to Bandyup, you may have seen unit 5, which they call the village, which are the new houses—very high quality accommodation. At the time of the inspection in 2009, only two out of 33 women there were Aboriginal. I believe that they were both pregnant women who had gone there for the purposes of having children or looking after young children. The figure at Boronia shows that the proportion has built up over the years. It was at 30 per cent or so when we did our inspection in June 2009 but currently there are only 15 Aboriginal women at Boronia, or around 20 per cent. They are underrepresented compared with their number in the total prison system.

The final chart relates to length of stay. The argument is often put that it is difficult to deliver programs to a lot of Aboriginal people because they roll in and out of custody very quickly. My view of that is yes and no. A significant number of people roll in but there are also a large number

of people who are there for quite a long period. The figures that we put together yesterday are based on the time expected to be served before the person becomes eligible for release on parole or before they are released from a non-parole sentence. I can explain that further but I think it makes sense. It does not mean they will all get out at that date because the parole board is becoming increasingly strict. This is the date that the prison sets as being the possible date of release. There is a differential between Aboriginal prisoners and others. The proportion of Aboriginal prisoners serving shorter periods is higher than the number of non-Aboriginal prisoners. Twenty-four per cent of Aboriginal prisoners are serving six months or less and 21 per cent are serving six to 12 months. Those compare with figures of 16 per cent and 17 per cent respectively for other prisoners. This leads to a general difference in the projected stay for prisoners. The projected stay for Aboriginal prisoners is under three years and for other prisoners it is more like 4.35 years. This means that 56 per cent of Aboriginal prisoners are projected to stay for over 12 months. A very significant cohort of people are not rolling in and out on a very short-term basis. I have tried to put those figures in because I think they are important contextual figures—I apologise if they are figures that are known to the committee—around where Aboriginal people are and service delivery issues.

In terms of the issues arising from those statistics and from contemporary developments, I have listed six areas that struck me as areas of importance. One was the expansion plans for male prisoners, the expansion plans for female prisoners, the young adult offender prison, which is being established at the current Rangeview Remand Centre site and some more general questions around Aboriginal programs, evaluations and setting and meeting targets. Perhaps I could ask the committee if there are questions.

**The DEPUTY CHAIRMAN:** I go back to the numbers on the juvenile offenders list. Right at the beginning of your presentation you broke it down to percentages of the total population, so you were saying one in 30 Aboriginal people will be in prison and you had a breakdown for men. Do you have a breakdown for juveniles?

**Professor Morgan:** I do not. The figures that I had on the first part are taken from the Australian Bureau of Statistics. I am not sure whether it does the same for juveniles.

**Mr Acres:** We could put some figures together but they would not be official.

**The DEPUTY CHAIRMAN:** I was just wondering if you had them.

**Professor Morgan:** If you do a national comparison, you will find that the rate in Western Australia is somewhat higher for the overall incarceration of juveniles than it is elsewhere but I do not know the figures per head of total population.

**Mr A.P. O'GORMAN:** I wish to ask a question about the supervision levels of Aboriginals. In maximum security you have 96 per cent at standard and two per cent at earned, and for the non-Indigenous population, you have 82 per cent at standard and 16 per cent at earned. Is there any particular reason why Indigenous people in prison do not participate to improve their conditions? That is really what they are doing—improving the conditions in which they have to live in prison.

**Professor Morgan:** John Acres has probably done most of the work on this.

**Mr Acres:** It is a somewhat complex issue because to be at earned supervision, you both must earn it and be placed at it. Whilst there may be 96 per cent and 82 per cent of people at standard, their behaviour may warrant them going to earned supervision but they may elect or select not to. That is our experience from an Aboriginal perspective. Many of them elect not to go into an earned privilege situation. For example, at Greenough Regional Prison, you will find very few Aboriginals in self-care, in their earned supervision, and most of those will be Nyoongah Aboriginals as opposed to northern Aboriginals. It is not because the prisoners do not wish to go to the nicer accommodation or do not wish to have more freedoms associated with that; they are selecting the ability to live in community over that better accommodation. They would rather live with their

family in the worst accommodation than be taken as an individual and put by themselves in the earned situation.

**Mr A.P. O’GORMAN:** That leads to another question. Are our prisons catering to Indigenous culture?

**Mr Acres:** We challenged the department. We have made a number of recommendations to the department that it should consider ways, for example, around this notion of earned supervision to take into account this preference for group as opposed to individual. The department has indicated that it is not supportive of that recommendation; it is too difficult. We recently challenged Acacia with a similar proposal, which it indicated some willingness to look at. This notion of the individual person’s performance as opposed to the group is really timely. It does not cater for the cultural issues, particularly for the more traditional Aboriginal group. Even if you looked at this group of Aboriginals who are on earned supervision, most of them would be Nyoongah or eastern states Aboriginals; they will not be your more remote and more cultural Aboriginals.

**Professor Morgan:** Perhaps I could also add the more general observation which is that a lot of Aboriginal people are being held well out of country. We have a huge number of Aboriginal men from remote areas in prisons such as Casuarina and Acacia. In fact, I had a look at some of the figures at Casuarina at our recent inspection, which was about four months ago. There were 200 Aboriginal men who were out of country, which means they are not Nyoongah men. These are people from the lands or from the north; from the Pilbara or Kimberley. At the last count, Acacia had around 120 that they designated as Wongi or Yamatji prisoners. They did not separately specify them in the table, but I saw some Kimberley prisoners. We are talking very big numbers of people who are out of country. That feeds into the notion of staying with the family group. It also creates some obvious issues around service delivery, especially if you want to tap into culturally relevant service providers from the regions from which many of these men come.

**Ms Gibson:** Another layer of the complexity when you are looking at the appropriate services program of employment and so forth is the notion that you provide an Aboriginal-appropriate program when you have such complex diversity within that cohort. Just having an Aboriginal will not necessarily meet the needs of the diverse range in population. It is an incredibly complex issue, which, as Neil said, is made much more complex by removing people from out of country and being able to manage them in an appropriate way.

**Mr A.P. O’GORMAN:** Juvenile Aboriginal offenders have a huge recidivism rate of around 80 per cent. Do you have any suggestions as to how we can develop rehabilitation strategies or how those strategies can be improved? Are we better off looking at different types of incarceration, punishment, or a work camp–style of incarceration on country or is there a better way of doing it in your view?

**Professor Morgan:** I do not think there is any silver bullet but we should be looking at all the options. Those options should include things like work camp–type activities. Partly because there are a relatively small number, juveniles tend to be treated as being of the same classification. To date, we have not developed much in the way of initiatives for people who may be regarded as minimum security juveniles, whether it is through work camps or arrangements in which they can come and go to the detention centre during the day. You would be aware of the fact that under section 95 of the Prisons Act, adults have the capacity to go out of the prison and then return. We would take the view that a lot can probably be done in that regard to assist because recidivism rates are not just about the programs that you provide within the closed walls of the facility; they are also about community connection. So many of these Aboriginal people—in fact, all the young people in custody—are not only offenders but they are incredibly damaged young people, almost without exception. They have been victims, often of quite serious crime. They have high-level substance abuse issues. I think the system probably could do more, both in custody and out of custody, to seek

to improve re-entry. I understand that the department is currently actively looking at that option as part of the Banksia Hill redevelopment. Your question was essentially about recidivism rates.

**Mr A.P. O’GORMAN:** And juveniles and a way of tackling or reducing recidivism.

**Professor Morgan:** The proposal for a facility for young adults is very interesting. We have tended to take the view historically that you have juveniles and you have adults.

[11.30 am]

Once you hit 18, you go to an adult prison. As part of its election commitments, the government committed to establish a facility for young adult offenders, and that will be a redevelopment of the current Rangeview Remand Centre. We, as an office, strongly support that principle—I will leave a copy for you today of an issues paper that we put out around that centre—because I think, again, that should give an opportunity to try to cut off supply, if you like, and reduce recidivism rates. The real question that concerns me, however, is whether that facility, which is explicitly designed to reduce recidivism and improve community connection and so on, will reach the hardest cohort. The reason I say that is that the criteria that are set for the new facility require that the person be of minimum security, and the figures we have seen actually show that, relatively speaking, Aboriginal people are underrepresented in the minimum security classification. Of course, as you have pointed out, many of these young men actually come from regional and remote areas, and so there is a question as to whether placement in Perth—albeit at a positive facility—is really the right place for them. I think the challenge in moving forward on the new young adults’ facility will be this very question: what can we do to make sure it reaches the hardest cohort and gives them the best possible chance?

**The DEPUTY CHAIRMAN:** Picking up on that and looking at rehabilitative research and the results that you get from around the world, I would have thought the opportunity there is, if you are reaching those more at the minimum security level, there is less of a journey to take them along to get them to a point where they, hopefully, do not reoffend, whereas many of those in maximum security-type situations will have far further to travel, so you are potentially going to get much bigger bang for your buck, effectively.

**Professor Morgan:** By focusing on the minimum?

**The DEPUTY CHAIRMAN:** On the minimum, yes, especially for younger offenders, because they go into prison as young adults and they are associating with people who are often more hardened criminals or are on their third or fourth time in prison.

**Professor Morgan:** I would like to see the facility, obviously, cater for those people you have mentioned as well, but I am simply making the point that the question will be, down the track, what has this done for that group of offenders who were actually most likely to reoffend and were most in need, arguably, of a different model.

\*chai: Of that maximum security cohort—if we are speaking about Aboriginals, there are only about 173—what proportion of those would fit into the young adult offenders category, and what proportion would be outside that category?

**Professor Morgan:** I have been given some figures by the department because I have asked the question about what they think the actual cohort will be if they are limited to minimum security. The figures that were provided to me, which date back to January 2010, were that at that time there were 151 minimum security males in the age group 18–24; 66 of them were Aboriginal, so 44 per cent of that 151 were Aboriginal. Of those 66 Aboriginal young men, 50 of them were actually in regional prisons, which raises that issue of whether you would dislocate them to bring them down to Perth, when they are, in fact, minimum security, to access the benefits of the new centre.

**Ms Gibson:** In relation to the point you made before, you also then have to ask the question whether you are targeting your resources appropriately in that a large percentage of those people who had not been to prison before probably would never have come back anyway because their histories and the type of offence and so forth probably put them at a low risk of reoffending, regardless of where you have placed them.

**The DEPUTY CHAIRMAN:** But we are also seeing recidivism rates of somewhere around 80 per cent for Aboriginal juveniles, so it is particularly that group, I think, that we are thinking about.

**Ms Gibson:** Yes, I guess I was speaking more generally. Our concern with some of the parameters that they are looking at for the young offenders facilities are actually targeting people who probably were not going to come back and who have a higher chance of not coming back anyway. If you look probably in two or three years into the future, if they target it the way it seems they are going to, you are going to have an astounding success rate, but you probably would have had a really good success rate with a lot of those offenders going into that facility at any rate.

**Professor Morgan:** Let me just stress that we are not criticising the concept; we are just asking those questions.

**Mr A.P. O'GORMAN:** Can I ask something about the security ratings? You have 175 Aboriginal and 173 non-Aboriginal: why is it that Aboriginal prisoners are in maximum security? Are the offences they commit that serious, or is it a matter of them bouncing back in so many times?

**Professor Morgan:** I will perhaps ask John to speak a bit more about that in a moment, but there are a few factors involved here. One factor around maximum security classification is that people who are held on remand are generally regarded as maximum security. In terms of the Aboriginal rates, it is fair to say that a significant number of Aboriginal prisoners have very significant criminal histories—there is no getting away from that. But, John, perhaps you want to talk a little bit more to the security classification.

**Mr Acres:** Certainly. The current security classification tool the department uses tends to balance three areas of risk for the community or for the department. One of those is the risk of escape; another risk is the notion of good order, or control issues, within prisons, so prison-based offending, behaviour; and the other risk is something that is loosely associated with the notion of public affront, or how much risk the individual would pose to the community should they escape. It is certainly the case that historically in Western Australia, Aboriginal people have been disproportionately represented in escapees from prisons. Part of that may well have been driven by a number of regional facilities with high escape rates. Certainly there are, within the Aboriginal population, if you look at the length of projected stay, reasonable numbers with five to 10 years-plus sentences, and when you get a sentence of that sort of length of period of time you are most likely going to end up at maximum security. The two major drivers of that are that there are people who are doing significant offending behaviours, and also the high historic escape rate has driven the Aboriginal maximum security population to those levels. Although I will say that with the new security classification tool there has been a significant reduction in the overall number of prisoners at maximum security.

**Professor Morgan:** One of the issues that is perhaps not unrelated to the question of security classifications is actually related to the current balance, if you like, within the prison system of the number of maximum beds versus medium beds versus minimum beds. I perhaps should say that we also have a few concerns that the current expansion plans for the men are very much focused on maximum facilities. Hakea Prison, Casurina Prison and Albany, which are all maximum security facilities, have been designated as major expansion sites. So, too, has Acacia, which is medium security; and it is the case that there are also expansions at minimum security places like Wooroloo, Karnet, Pardelup, and the proposed new work camps at Warburton and Wyndham. But if you take that pattern and you look at where many of those beds will be—at least for the foreseeable future—



they will actually be in the metropolitan area at maximum security. This poses, for me, some very significant questions about how will it be possible to reach these numbers of displaced Aboriginal men, many of whom are not actually maximum security prisoners but who are in a maximum security environment out of country. Hopefully, when Derby comes online at the end of 2011—I think the new Eastern Goldfields Prison is projected for completion in around 2014—some of that issue will be relieved. It certainly is a very important contemporary question. Although we are focused primarily on males, I should also add that although the number of women has gone up very quickly, there have been no plans of any significance to expand the capacity for women. We saw the figures earlier, and the very dramatic increase has largely been accommodated by extra mattresses on the floor at Bandyup Prison.

**Mr A.P. O’GORMAN:** What about Boronia?

**Professor Morgan:** Boronia has not been overcrowded to date. I believe that consideration is being given to that possibility, but that facility has a very particular relationship with the local community, and I think the department and the government are probably concerned about not jeopardising that positive relationship. It poses some very important challenges. There is a proposal to build a new women’s precinct at Greenough prison, but the capacity proposed for that, in the documentation I have seen, is around 35; they already have around 20–25 women at Greenough, so it is not going to add a huge amount to that.

**Mr A.P. O’GORMAN:** Can I pose a question to you about Boronia?

**Professor Morgan:** Yes.

**Mr A.P. O’GORMAN:** Information we have suggests that Boronia will have double-bunking in at least 12 instances. Is that going to cause a major problem for the operation of that prison, in your view? They operate on a very good system, I think, at the moment.

**Professor Morgan:** Yes.

**Mr A.P. O’GORMAN:** I think it is a really good system and I think we should support it. The last thing I would like to do is lever something in there that jeopardises that method of operation.

**Professor Morgan:** Your question has posed exactly the dilemma and the problem, because none of us would want to put Boronia’s achievements at risk, and yet at the moment we have people in unacceptable conditions in Bandyup. The issue really is: where are these extra numbers going to go? I certainly do not advocate the double-bunking of Boronia, but at a time of pressure on beds it is probably one of the few short-term options. Can the facility cope with an additional 12? Well, it may put some of their activities at risk, but it has been so well-established and it is in such a good position at the moment that it may also be able to handle a relatively small increase. But, as I said earlier, your question reflects the dilemma.

**The DEPUTY CHAIRMAN:** In terms of Boronia, is it currently three or four women to a house?

**Mr A.P. O’GORMAN:** I think there are four bedrooms.

**The DEPUTY CHAIRMAN:** It will be in one bedroom, so if we are talking double-bunking in Boronia, a couple of those houses will have an extra —

**Ms Gibson:** I think they were planning on one double-bunked room in each unit.

**The DEPUTY CHAIRMAN:** So will those four-bedroom houses go to five people?

**Ms Gibson:** Yes.

**Professor Morgan:** It is a very difficult question. Have you been to the Bunbury pre-release centre? That was significantly double-bunked from day one for the men. It was not intended to be, it was just a fact that it had to be.

[11.45 am]

**The DEPUTY CHAIRMAN:** Picking up on some of the issues arising towards the end, you have identified Aboriginal programs as one of those arising issues. How do we fare for targeted Aboriginal programs, particularly looking at these numbers? Something that was raised with us in a previous hearing is often the time it takes for a program to be available; the option is really targeted to offenders serving two years or more. Clearly the Aboriginal spike in the population is under two years. The other part to that question is: how do we go for courses tailored more towards the needs of Aboriginal prisoners such as literacy and those types of courses?

**Professor Morgan:** The first issue about the timing, we would all acknowledge there is an issue partly because there has been a backlog in programs, so that people are assessed when they enter prison but there is not a program available for some time. The government has put a lot of resources into the area of programs. Hopefully those delays will reduce. Going back to the figures I had earlier, you are right that there is a spike in a sense amongst the shorter term prisoners but there are a lot who are in there for 12 months upwards. I am not sure that cutting off at two years, saying we should target to do it in two years, is fast enough. Maybe at least 12 months upwards we should be able to meet a target of that sort.

The more general question around Aboriginal programs: I certainly believe that more needs to be done around this. It is a very complex question. To pick up a point that I think Natalie made earlier, we have very different groups of Aboriginal people in prison, too. There is sometimes an assumption that generic programs will meet their needs. I am not convinced that a program that has been assessed as “best practice” internationally as meeting the needs of groups of prisoners in the UK or Canada is necessarily going to meet the very specific and quite unique needs of a lot of our Indigenous prisoners.

The other issue that I alluded to earlier is the difficulty that when you have got prisoners out of country it is hard to tap into local service providers. For instance, if you have people from the Kimberley—there is a very significant number of them at the moment at Casuarina Prison—there are some very good service providers in Broome and in the Kimberley but you cannot tap into them because they are not here. Your resources are limited and constrained in that way.

The concept they have at Casuarina of a unit that operates for what we call displaced Aboriginal prisoners is not a bad concept but it is also in a sense an admission of a problem because they are so out of country. When we did an inspection recently of Casuarina, whilst the model and the concept had some value to it, we were rather disappointed to see that there had been no evaluation undertaken of that program. There was no clear statement of its goals, its targets and its outcomes. We have actually made recommendations to the effect that that be an area of priority within Casuarina. But the ideal of course is you would not have a displaced Aboriginal prisoners unit.

**Mr Acres:** If I may comment on this notion of displaced Aboriginal prisoners and efficacy of programs—from my background in clinical psychology, for a program to effectively intervene or to influence an individual they both have to need it but they also have to be able to engage in that program. They have to want to be able to engage and be able to engage. It seems to me a strange situation in Western Australia where we transport large numbers of Aboriginal prisoners out of the environment where they may be able and want to engage, put them in a metropolitan area and spend large amounts of money delivering programs to them that they cannot engage in, they are not in a place to engage in, and then punish them for that not being effective. We take our juveniles, almost all of them, and bring them to the metropolitan area and attempt to do something that may look like it is culturally appropriate and then wonder why we have an 80 per cent recidivism rate and a 60 to 70 per cent recidivism rate for male Aboriginal adults.

**Mr A.P. O’GORMAN:** I think that is why I was asking the question about work camps. During my last trip to Carnarvon I spoke to people up there about their thoughts on a work camp in that vicinity. Around Carnarvon, my understanding is there is actually no traditional Aboriginal group there. There are about four or five different groups that have migrated there over time. There could

be something close to town where the young offender can go at night for a period of time, maybe have section 95 rights or whatever. That could be a far better way to deal with them than the current system of bouncing them down to Perth, getting through six months and bouncing them back up there. There is no benefit to that community and there is no benefit to that young Indigenous offender in the first place. The work camps we saw at Decca and Millstream really impressed us. The attitude, particularly at Decca, of the Indigenous prisoners up there was an attitude that you would love to have in the broader community in some instances. That is why I was hoping you would expand more, but unfortunately we are out of time.

**Professor Morgan:** Perhaps we cannot expand but yes, we agree with you on that. There are a lot of positives around work camps and alternatives both for juveniles and for adults. As you have seen, you only have to go out to Decca or Millstream and see the positive work ethic that is there; the fact that people are feeling empowered. How wonderful to go into Decca, as I did, and see a young Aboriginal man filling in various forms and putting his CV together to try to get onto the PEP program. I hope he got onto it—that is another issue.

**Mr A.P. O’GORMAN:** I have not discussed this with anybody, but personally I would love to get you back in at a later point, maybe earlier in the morning, so we can pick your brains a bit more.

**Professor Morgan:** We would be very happy to do that.

**Mr A.P. O’GORMAN:** Brian will be in touch with you.

**Professor Morgan:** I appreciate the time frame but I think perhaps one issue that we have not touched on a lot is the question of evaluations. I think there is scope for better systems of evaluation. I do not think we have been terribly good at working out what works for whom and why in the Western Australian context. That is a really important issue if we are going to have a serious evidence-based approach in the future. It is the sort of thing that needs to be planned at the outset—budgeted for at the outset and followed through systematically. About 10 years ago there was a major review of the sex offender treatment program in Western Australian prisons. I am not aware of anything equivalent having been done since, even though that report actually was not entirely glowing about the outcomes from those programs.

**The DEPUTY CHAIRMAN:** Thank you very much for coming before us today, for giving your time and giving evidence before the committee. A transcript of this hearing will be forwarded to you for the correction of minor errors. Please make the corrections and return the transcript within 10 working days of the date of the covering letter. If this transcript is not returned within that period, it will be deemed to be correct. New material cannot be introduced via corrections and the sense of your evidence cannot be altered. Also, should you wish to provide any additional information or elaborate on any particular points, please include a supplementary submission for this committee’s consideration when you return the transcript of evidence. Thank you very much again.

**Hearing concluded at 11.52 am**