

## PART F

# SERVICES TO, AND THE WELFARE OF, PRISONERS

IN THE PUBLIC INTEREST WHAT CHANGES, IF ANY, SHOULD BE MADE IN THE ORGANISATION, ADMINISTRATION AND OPERATION OF THE QUEENSLAND PRISON SYSTEM, INCLUDING, *INTER ALIA*, CHANGES IN RELATION TO SERVICES TO, AND THE WELFARE OF, PRISONERS INCLUDING:

- programs for re-integration into society;
- prisoners' physical requirements, their health and welfare;
- prisoner counselling;
- contact with family and friends;
- opportunities for education, training, work, recreation and self improvement;
- the special needs of certain prisoner groups, such as Aborigines, long term prisoners, intellectually handicapped prisoners and drug and alcohol dependent prisoners;
- the rights of prisoners;
- grievance procedures of prisoners;
- incentives to rehabilitation;
- the special needs of prisoners' families.

## 31. PROGRAMS FOR REINTEGRATION INTO SOCIETY

### 31.1 The Role of Community Corrections in Reintegration

The Commission's approach to supervising and assisting prisoners to re-enter the community is detailed in the section of this report on expanding the use of community corrections.

I have argued the principle that no prisoner should be released into the community without support and supervision for a time. To simply release prisoners at the main gate of a jail is to encourage recidivism and place the community in a situation of increased risk—this cannot continue. Reintegration and post-prison community based programs are the same thing.

The restructuring of community corrections will allow for the majority of prisoners to be programmed back into the community under varying levels of supervision.

Another important issue relates to financial support for just released prisoners and prisoner support agencies.

### 31.2 Unemployment Benefits for Released Prisoners

Unemployment Benefits for just released prisoners is constantly mentioned in submissions from prisoners and welfare agencies. At the moment, when prisoners are released from prison they are literally, in most cases, put out the door like the cat. Prisoner after prisoner told me that on release they would have hardly any money to live on. They could not get work in prison and if they did they could earn only about \$1 a day. They get 1/2 a dole cheque on release. A letter to me described the problem.

“... An ex prisoner is entitled to one week's unemployment (about \$94) to provide funds to celebrate his new found freedom and to keep him for two weeks. For those without family or friends it becomes a formidable task to survive within the law and is I believe a significant cause of recidivism.”

(Submission from Peter D. Ryan)

It was just one of many similar submissions:

“I can't even afford to smoke (on wage of 45c per day) let alone get out of here with any money to keep me out. One half dole cheque is gone on two weeks' rent. What the hell do I eat?”

(Graham Higham—Prisoner)

and

“A major failing of the Queensland Prison System is that prisoners simply are turned out of the gate with little or no money to try to re-enter the community—having received what balance they may have in their account and a week's dole cheque, prisoners have little alternative but to return to crime almost immediately to live.”

(A. Callaghan—Prisoner)

and

“A prisoner released often has nowhere to live and no-one to turn to for support. He may have no money in his pocket.

He is entitled to receive half a dole cheque which provides him with less than \$100 to provide himself with meals, a room and fares for two weeks. Too often a prisoner just released must turn back to crime to survive.”

(T. Lemon—Prisoner)

I have checked these facts. I actually asked the Comptroller-General of Prisons to supply me with the names of all prisoners released in a one week period with how much money they had. Most had less than \$10.

It seems that it was Federal Government policy to provide released prisoners with half a fortnightly dole cheque and nothing further for some time. Prisoners leaving gaol with inadequate social security benefits at the very time that they really do need help. I wrote to the Minister regarding this issue, and recommended that he take up the matter with the Commonwealth Government as a matter of urgency. I said that both the prisoner and society would gain if prisoners on their release were paid the dole immediately and in full. I argued that the system should not balk at paying a full dole cheque to a just released prisoner who has had no opportunity whatever to gain employment or build up a cash reserve. It is with considerable approval that I noted in the most recent Federal budget last month, the provision that as from 1st January, 1989, prisoners will

receive a special benefit of an extra week's payment. This is a just and humane use of the social security system.

### 31.3 Prisoners Remuneration

The subject of pay rates for work performed by prisoners is one that attracted a lot of attention in submissions sent to the enquiry.

Many prisoners are destitute when they are sentenced and have no family or other support network in the community who can stake them financially to purchase basic toiletries, underclothing, food items offered for sale, or other small comforts sold by prisons. Other prisoners are reluctant to impose on relatives who may be on welfare payments.

Prisoners earn very little in prison. They leave prison with almost no money. The main source of income available to prisoners, that avoids bludging on families is the remuneration paid for work performed in prison. Rates at the moment vary from .30c to \$1.20 per day. Depending on the prison, and work emphasis, prisoners can work for 5 or 7 days per week.

The present rates of remuneration haven't been adjusted since December, 1982. The growing disparity between the already low rates (they are virtually token payment only) and cost of items offered for sale to prisoners has increasingly become a contentious issue with prisoners.

Some submissions I received said:

"The pay system for workers in gaol is nothing but ridiculous. Many inmates rely on this payment to buy underwear, toiletries and food buy-ups. I was going to do an educational course but lack of funds stopped me. Wages range from .45c to \$1.20 and there is no recognition of trades and skills so there is not any reason to take pride in whatever job you are working."

(Submission from a prisoner)

"To a lot of us this (remuneration) is an important issue . . . a lot of people have nobody to help them, which makes it hard to survive without gambling etc. getting paid a reasonable amount for the work we do goes towards teaching people to work for a living. Also our families shouldn't have to support us."

(Submission from a prisoner)

"Our families have it hard enough outside with us (mostly the bread-winners of the family) in gaol, so we cannot really expect them to continually support us in here. The average wage in gaol is approximately \$6 per week. Out of that we have to buy tobacco, toiletries, and other necessary articles. It is impossible to do so without outside support. I am not asking for big dollars, but if the wages were increased by a sensible amount it would relieve one of the financial pressures constantly on our families."

(Submission from a prisoner)

The situation as described in these examples is one of a developing "haves" and "have nots" prisoner population.

A clear message in many of the submissions is the need for a pay scale appropriate to work skills.

I've discussed in the previous section the problems of prisoners being discharged with little, or no money. A more realistic payment to prisoners would help alleviate that.

The Q.C.S.C. should make work available, and should establish and review regularly, more realistic remuneration packages for prisoners. Also, prisoners should be paid for appropriate courses of study.

### 31.4 Hostels and Half-way Houses

Bearing in mind the facts, and given the way prisons are crowded, and the high cost of housing someone in them, it would be just plain common sense to release a prisoner a few weeks earlier into some form of community facility, under supervision and which can act as a base for finding work and to become re-established in the community.

The Commission needs centres in the community for offenders who are serving a sentence in the community:

- They could include half-way houses and hostels for people just released from prison and trying to find their feet, get a job and a place to live;
- They could include attendance centres where intensive counselling programs can be run;

- They could provide a base for "home detention" for those without a home;
- They could be a small low security "community prison" in places like Palm Island or Mackay so that offenders can be supervised but closer to their families, communities, support and employment;
- They could be run by private enterprise or church or community groups, or the Q.C.S.C.,
  - in this context I have already mentioned the Shaftesbury Centre, run by the Rev. Allan Male and the Holy Spirit Hostel run by Sister Bernice Heffernan,
  - Both these people are on my Committee and strongly support moves in this direction.

The legislation has been drafted in such a way as to enable rapid expansion of this approach. I have drafted the legislation also, in such a way as to give the Commission the power to further extend this kind of correctional institution with the inclusion of specialist programs. The Commission will have the power to use such facilities in graded release programs.

## **32. PRISONERS' PHYSICAL REQUIREMENTS**

### **32.1 Shelter and Accommodation**

The quality of prison housing and shelter were addressed in the Interim Report. The demolition of No. 2 Division of H.M. Prison, Brisbane and the Maximum Security Section of H.M. Prison, Townsville will remove most of the accommodation units in the prison system that really do not meet reasonable standards. The demolition of Boggo Road, the construction of a Pre-Trial Centre, and the opening of three new prisons will provide an acceptable level of accommodation. The remainder of the institutions will then all have been constructed since 1958.

### **32.2 Food**

Almost none of the submissions complained about the quality of food. It does not seem to be the issue it was at the time of Sir David Longland's inquiry. I have sampled it in most prisons and find it quite acceptable.

### **32.3 Clothing**

The only concern contained in prisoners' submissions related to the desire of some prisoners to wear their own clothing. I do not see any reason to change current procedures except for remand prisoners.

### 33. HEALTH SERVICES

#### 33.1 The Complaints

The United Nations' Minimum Rules for the Prevention of Crime and the Treatment of Offenders sets out standards for the provision of medical services for prisoners. These require:

- every institution to have at least one qualified medical officer with some knowledge of psychiatry;
- prisoners requiring special treatment to be transferred to specialised services outside the prison; and
- suitably trained staff to include a dentist, and special pre- and post-natal accommodation in women's institutions.

A committee set up by the Minister for Health to investigate the alleged medical and dental problems experienced by prisoners at H.M. Prison, Brisbane, in 1985 found that the medical service provided to prisoners still falls short of the level of service expected in the community. The conclusions of this Committee were as follows:

"Whilst the basic philosophy of the N.S.W. and Victorian Prison Medical Services is that Health care provided in institutions should be equivalent to that available in the community and subject to the same regulations, Queensland has no clear accepted philosophy regarding the level of service to be provided to the prison community. Again, years of financial neglect have led to an inadequate, ill-planned medical service.

#### GOVERNMENT MEDICAL OFFICER

The Government Medical Officers would appear to be overworked and unable to provide the necessary time commitment necessary if an adequate medical service is to be provided. They are often called to attend court at a moment's notice and, because of the demand for their services, they are constrained in their available time commitment.

An example of this can be seen in examining the figures for the month of June, at Brisbane Prison. A Government Medical Officer was in attendance for a total of 21 hours. They saw 323 prisoners. This averaged at 3-9 minutes per prisoner and 1.3 hours per day in attendance. The Female Division has a Doctor in attendance for one hour a week. The Government Medical Officers are paid by the Health Department, but operate independently of the Department.

#### NURSING CARE

The Nurses are presently employed by the Prisons Department. They have no clear lines of accountability and are often in conflict with the demands of their nursing profession and the security demands placed on them by the Department. Clearly, their role is one of Nurse, and they ought not be expected to be responsible in any way for custodial issues.

As stated in the 1985 report:

'Strategies for the delivery of nursing care have not been developed and standards of nursing care are not set. Nurses entering the Service receive no formal training in areas such as Prison subculture and the duties delegated to them.'

Medical orderlies, on the other hand, are prison officers. It must be acknowledged that they have often displayed a commitment to health care under difficult circumstances; however they have also been called upon to provide health treatment and assessment without adequate training and supervision. (In Townsville, three medical orderlies are responsible for health care.) This reversing of roles has been noted and pointed out before (see 1985 Departmental Report) and must be addressed. All nursing care should be provided by Registered Nurses and the role of the medical orderly needs clarification and direction."

The submissions I have received would indicate that problems continue.

Many submissions from prisoners referred to the quality and availability of health services. Next to parole, it was the most frequent issue mentioned in submissions.

There is a very strong perception among prisoners that there are real problems with health services. I must say, I have also received contrary views. Some of the following comments will indicate the debate:

"The medical arrangements leave a lot to be desired. It took me three years to see a specialist about severe headaches. It was my mother who finally saw the Superintendent . . . that tipped the scales."

"When a prisoner who has served two years or more asks for a physical checkup from the doctor, it should be done—instead of the usual 'you look fit enough'."

"The dental department is no better. I broke my false teeth 14 months ago. It took four months to see the dentist and after another two months I was supplied with teeth that won't fit. I have been wearing my broken teeth since ...".

"There is only one doctor for the entire population and none whatsoever on the weekends. Also the prison service is loathe to supply dental treatment to remand prisoners—delays of four months are not uncommon".

"When I first told a certain medical officer of my dizzy spells and other associated symptoms, he laughed at me and told me I was drunk when he noticed I was unsteady on my feet."

"Medical—The medical facilities here at Brisbane Prison complex are in a word, laughable. I have a back problem which recurs regularly, and nothing short of major surgery can rectify my problem what, at times, stops me from walking or even getting out of bed through quite severe pain, but the only medication I can get for this pain is Aspirin or Panadol, unbelievable but very true, here in Brisbane Prison."

(From Prisoner submissions)

Adverse comments are not confined to prisoners. For instance, an experienced nurse who has worked in the prison hospital on a relieving basis said, in an interview with a Committee member:

"Medical orderlies were not proficient. They were handing out pills, diagnosing or commenting on patients' health without any training or authority ...

... The reason why a sick female prisoner was not often brought over, was because it was just too much effort, even though a car was available ... it was always such a big thing ...

... It was most unprofessional and inadequate ...

Prison officers were often unwilling to escort me on rounds. They were very often prepared only for a sleep and didn't like being disturbed.

... Prison Officers warned me not to ring the G.M.O. at night—he would not appreciate it, but some doctors were excellent ...

Two Panadols were given out for everything! There was an attitude of 'take this and shut up' in the Female Division.

Attitudes to Aborigines were, at times, appalling.

The Medical Services in my mind needs urgent attention."

(Sister Bernice's interview with a prison hospital nurse, Female Division, 1981 relieving; 1984-1985 Male Division)

This is really only a very small selection.

I have discussed these views with Government Health Officials and my Committee members. I have been told that prisons are full of malingerers and hypochondriacs. Nevertheless, the Prisons Department is not in control of the health services delivered to its inmates. There is a very high level of complaint.

I have had discussions with Mr Tom McCarthy, Under Secretary of Health and his senior officers. They have suggested an approach to the management of health services under the Q.C.S.C. which I basically agree with and will recommend be adopted. It is discussed in the following sections.

### 33.2 Prison Hospital

The hospital at Brisbane Prison is not well equipped to handle the medical services of the system. This is widely agreed by the Health professionals. Escorting prisoners to the Princess Alexandra Hospital is a security problem, and expensive. The plan to redevelop a hospital inside the prison is made obsolete by the demolition of the prison. The possibility of a secure ward for prisoners at the Princess Alexandra hospital was examined and rejected.

The alternative recommended to me by the Health Department is to build a proper hospital, within the Queensland health system, to cater for prisoners. A site can be found on Health Department land at Wacol. I agree with this proposal. The hospital would be located in the Wacol prison precinct, but could serve the needs of the prisoners State-wide. I have recommended a pre-trial centre be built by 1991, and this really is the deadline date for the demolition of Boggo Road. Therefore, taking this logically, I am recommending that the Government start work on the hospital immediately.

I agree with Mr McCarthy's proposal for its operation. It should be a hospital in terms of its staffing and administration. It should provide outpatients services for Metropolitan Correctional Centres. It would need a secure perimeter and some security services which could well be provided by the Q.C.S.C., or they may be provided by a private enterprise security service.

On the provision of what might be termed General Practice services for prisons outside the Metropolitan area, I am now of the view that the Queensland Corrective Services Commission should not relinquish its responsibility to provide for the needs of inmates. Its service is far-flung, and I think it is likely that, in order to provide an efficient system, the organisation of general practice services might best be left with the Q.C.S.C. Townsville, Mareeba, Rockhampton and Woodford, as well as the provision of some specialist services, are already paid for by the Prisons Department. The cost to the Government of going the other way, which is to have the Health Department take over services at present paid for by the Prisons Department might well prove higher. There is also the consideration which weighs heavily on my mind that the Q.C.S.C. will have the legislative responsibility for the provision of services to prisoners and, if the Health Department was to provide all medical services, it may be difficult to establish a suitable commission-client relationship between the two organisations.

### 33.3 Psychiatric Services

I had a very informative discussion with Dr Perce Tucker and Dr Bruce Westmore of the Health Department, concerning the provision of psychiatric services within Queensland prisons.

They recommended that psychiatric services should be provided by multi-disciplinary teams, employed by the Health Department, rather than professionals working within the proposed Corrective Services Commission.

The Doctor's view is supported by a submission to me of the 5th April, 1988, which stated *inter alia* "Providers of health care to prisoners should be employed by a Division or Agency of the Department of Health ...".

I recommend that psychiatric services to prisoners be provided by teams from the Health Department, Division of Psychiatric Services.

### 33.4 Appointment of Manager, Medical and Health Services

I would also recommend the appointment of a Manager, Medical and Health Services, to the Q.C.S.C. The position is needed to provide an authoritative contact point inside the Q.C.S.C. for the Health Department professionals who are professionally responsible for the provision of medical care. The person will ease bottlenecks in the system, liaise with the Health Department, arrange appropriate responses in the event of complaints or queries. I am in two minds as to whether such a person ought to be a medical practitioner by profession, or whether the appointment should be an experienced health administrator from the ranks of hospital managers. The Q.C.S.C. can decide after discussions with the Health Department.

### 33.5 Communicable and Contagious Diseases

Homosexual practices and intravenous drug use are common in prisons. Steps need to be taken to control and protect staff and prisoners and to assist generally with the control of A.I.D.S. and Hepatitis B.

At present, prisoners who have been diagnosed as suffering Acquired Immune Deficiency Syndrome of various categories are housed in a makeshift area in Wacol "B" Division.

Wacol B Division is in reality the unused lower section of the Security Patients Hospital, now under the control of the Superintendent H.M. Prison Wacol. I accept the principles put to me by staff that:

- every effort should be made to establish within the Prison system an area for Prisoners who are carriers of A.I.D.S. and Hepatitis B viruses;
- education programs for prisoners and staff with general emphasis directed towards "homosexuals" and intravenous drug users should be provided; and
- staff selected for such units should be volunteers and should receive the appropriate training.

Apart from the continuation of the existing unit at Wacol Prison, no detailed reference to A.I.D.S. or Hepatitis B sufferers or their confinement appears in the Department's submission to the Commission of Review.

Until a suitable facility is established, Wacol B will need to continue in its present role.



### ***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 61 • Funds be provided to the Department of Health for the construction of a prison hospital at Wacol;
  - The hospital be operated by the Department of Health under the control of a hospital board;
  - The hospital be available by 1990 before closure of Brisbane Prison; and
  - The hospital provide outpatient services for Wacol prison.
- 62 • The Health Department take over the provision of psychiatric counselling; but
  - The Q.C.S.C. retain the overall responsibility for the provision of basic 'general practice' health services; and
  - The Q.C.S.C. create a position of Manager, Medical and Health Services to develop and manage the interaction between the Commission and the Health Department.

### 34. PRISONER COUNSELLING AND WELFARE

In this section I will look at the spiritual counselling and psychological welfare of prisoners, their needs and, particularly, how the Q.C.S.C. can be organised to best use the available resources.

#### 34.1 Role of Welfare Officers

There is considerable confusion about the function of the welfare officer:

- prisoners see Welfare Officers as a facilitator of telephone calls, a person who can extract details of release dates from files, or as a source of advice on compiling various applications;
- Prison Officers tend to regard them as unnecessary, or a person to whom prisoners should be referred to answer queries or make phone calls.

Some Welfare Officers see themselves as counsellors, some as general welfare practitioners dealing with prisoner welfare ills, and others as co-ordinators of services. However, they perceive that they play an important role in the prison service.

Many prisoners' submissions complained of delays in getting to see the Welfare Officer, which is indicative that Welfare Officers are doing something considered worthwhile by prisoners.

"The Welfare problem at Brisbane is the same as the doctor and dental services. If they ignore you for a few days, then hopefully your problem will go away and you'll stop bothering them with your no doubt trivial request."

"It takes days, if you're lucky, to see the Welfare Officer, sometimes at least a week or longer."

(Prisoners' submissions)

These delays may be caused by insufficient staff because the individual Welfare Officer who sees his role in counselling, tends to concentrate on his group and individual counselling which is time-consuming and is left with little time to devote to the bulk of the prisoners who are not being counselled.

However, I suspect the main work of Welfare Officers relates to a few tasks they are doing now, including especially:

- phone calls to prisoners' family/friends regarding relocation,
- requests to family/friends for more money,
- information regarding status of private cash accounts/stored property,
- phone calls to family/friends regarding visits,
- witnessing legal documents, and
- listing inmates for solicitors' visits.

The fact is that prisoners make numerous bids for telephone calls, and they are referred to the Welfare Officer by custodial staff.

"Many phone calls put into the Welfare Office are totally unnecessary. The inmate should, without any difficulty, be able to make that phone call at any time that is convenient to all parties, from any prison phone, if need be under supervision of a prison officer".

(Submission from prisoner)

I agree with the proposal that Prison Officers should take part in routine interaction with prisoners such as arranging and supervising phone calls, checking and advising important dates for prisoners and helping compile applications. This is entirely consistent with my recommendations to separate security services and make Prison Officers into Correctional Officers responsible for the overall supervision of prisoners.

Welfare Officers, once relieved of these routine functions, can then concentrate on counselling, which I think is their most appropriate contribution. They are professionals recruited for their skills in this field.

The role of the Counsellor under this arrangement will be to:

- assist Correctional Officers with prisoners having family and emotional problems;
- be a contact for prisoners' families within the system;
- develop contact with external support agencies; and
- provide programs such as living skills and anger control to help prisoners.

#### 34.2 Role of Churches and Community Groups

There is an important role for community and church agencies in providing for the welfare and spiritual needs of prisoners. Such groups, rather than be given *ad hoc* approval and support, must be acknowledged as making a necessary and complementary contribution to the welfare of prisoners. They need to be encouraged to develop this role.

The Prisons Department has, under the guidance of Assistant Comptroller-General, Prisoner Programmes, Mr Bruce Lane, developed the State Chaplaincy Board to oversee the visits to prisons. There seems to be widespread agreement that this concept has worked well, but supervising religious and counselling visits still places excessive demands upon the Department. I have received submissions from staff, chaplains and the Chaplaincy Board, hinting at perhaps excessively zealous involvement by representatives of a few denominations.

Community and religious counsellors have an essential role in a modern prison system. On the other hand, some proper administrative controls are required.

The State Chaplaincy Board recommended:

"that the equivalent of one salary be set aside for each prison to assist those churches delivering team chaplaincy services to that prison. I figure anything in the vicinity of \$30,000 (\$24,000 and \$6,000 on-costs) per prison could be shared by those making up the team, and paid to each organisation as a grant. In that way they would continue to be employed by their own church, and such questions as stipend, rate, long-service leave, seniority, independence of service etc., would not become issues."

(Submission from the State Chaplaincy Board)

The Board said also that:

"Duty chaplains at Brisbane Prison are suffering accommodation problems as provision was never made for chaplain's office, counselling rooms and chapel. For the system to be effective, it requires properly resourcing over and above grants and salaries. It is recommended provision be made in all prisons for permanent chaplains."

(Submission from the State Chaplaincy Board)

I fully support the thrust of their submission. I believe, however, that the Department must come to grips with the administration of chaplaincy services in a more systemic way. My recommendation is that each major prison in the State should have, as a full-time member of its program staff, an official chaplain. The position could be created at about the same level of salary as other program staff. I would expect the position to come under the direct supervision of the Manager for Programs in each prison. Sir David Longland made a similar recommendation that was never implemented.

I have given a lot of thought to whether it would be possible from this position to usefully act as a religious counsellor to the staff as well. I would not envisage this being the core of the duties, but the opportunity would exist if staff wished to take it up.

Applications for a full-time chaplain should be sought as for any other position. There is the difficulty of knowing what is an appropriate religious qualification for such a position, but this is overcome in a great many organisations such as the defence forces. I know a number of denominations also run chaplaincy services in industrial enterprises. The chaplaincy service for the prisons could well be modelled on these. I also debated whether the position ought not to wear the uniform of a Prison Officer of senior rank. I now feel that if this person is going to form an integral part of the programme's team in each prison, then a uniform appropriate to the denomination from which the appointed person comes, would be most satisfactory.

The Chaplain should have a properly equipped office and a car to enable him to visit prisoner's families. Under the redesigned welfare role in the prisons, I would expect a considerable amount of welfare and religious counselling to devolve upon this person.

Proper guidelines for the job, along with duty statements, role definition and a proper organisational structure, are all required. I feel official Chaplains should be replaced after five years in the job.

### ***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 63 • The position of Welfare Officers be abolished;
  - The present role and duties of Welfare Officers be taken up by Supervisory Correctional Officers; and
  - The position held by Welfare Officers be used to create a position of Correctional Counsellor.
- 64 • The Q.C.S.C. establish a position of chaplain in each major prison;
  - The position be on a non-renewable maximum five-year contract;
  - The position receive a salary equivalent to a professional programmes staff member;
  - Proper offices and resources be made available;
  - Policy and procedures manuals be designed to accommodate the establishment of this position; and
  - The chaplain be appointed as a Correctional Officer in the meaning of the Corrective Services Act and the Administration of Corrective Services Act.

## 35. THE FAMILIES AND FRIENDS OF PRISONERS

### 35.1 Needs of Prisoner's Families

I have taken the view that the needs of prisoners' families can best be addressed by a more comprehensive and flexible approach to the offender. My recommendations on community corrections, improved family visits, leave of absence, prisoner welfare and family involvement all directly or indirectly meet the needs of prisoners' families, as does the Government's attitude of opening up the system to greater public scrutiny.

I do not envisage the Q.C.S.C. becoming a welfare agency for prisoner's families. The resources are not available. Federal and State agencies provide services to families in crisis. Prisoners' families are like other families going through difficult times. I believe however the Commission should establish stronger links with these agencies to ensure that the needs of prisoners and their families are represented to policy makers. The Q.C.S.C. needs to be involved in this area as family problems can significantly influence prisoners' behaviour and attitude and the corrective process. A more caring approach to providing information to families of prisoners is called for, particularly when a prisoner is ill or transferred. The Commission has a clear obligation to provide information to the public and the families of offenders. The lack of information on services, transport, rules and visiting times has caused hardship to families in the past. A key area of the new Commission should be the production and distribution of information to the community, and each Community Corrections Centre should have a prison information service telephone number with properly trained and informed staff.

Home Detention is an evolving area that impacts greatly on a prisoner's family, and needs sensitive and careful supervision and management. Prison designs need to take into account adequate family visiting areas.

Generally the over-riding principle for corrective staff is that the families of prisoners are not being punished by the Crown for any crime and are entitled to be treated courteously and efficiently, and to be provided with any information they are entitled to receive. The denial of family visiting rights should rarely, if ever, be used.

The quantity of letters sent and received should not be restricted. Similarly, I have recommended a policy which would enable telephone calls under supervision from low security prisoners to their families.

### 35.2 Need for Family Involvement in Corrections

If we are serious about rehabilitation and corrections, then the place of the family and close friends in that process needs reinforcing. Nearly all prisoners return to society and families. We need to involve, and use, the family unit as part of the corrective services mechanism, both in the prisons and in the evolving community corrections area. We need to keep families informed about what is required. We need to encourage them to help prisoners return to society as better people. There are two approaches that will work. The first is family visits. The second is to work with families and involve them in the process of release to community supervision. Submissions from the Aboriginal community argued strongly that a family and community involvement with prisoners was important.

It is in society's best interests to encourage and facilitate continuing contact between prisoners and their families. Several Church submissions commented on this. Family ties represent the most powerful influence for good behaviour for many prisoners. Family support and understanding and the sense of belonging family units provide are the single most important influence for corrected behaviour and may help explain why there are significantly fewer people over 30 years of age in prisons. Family visits should be particularly encouraged.

### 35.3 Visits

Visits under the Queensland prison system are very restricted and often considered a nuisance by the prison administrators. Despite improvements in recent years and the introduction of contact visits, I have had submission after submission from families, and from prisoners, which point out that, making full utilisation of all possible allowable visiting time, the sum total of contact between a prisoner and his family is about twenty-six hours a year.

"Half an hour per week does not give anyone enough time to discuss family related matters, and to keep long standing friendships alive".

(Prisoner, Brisbane Prison)

There also seems to be an underlying feeling of hostility between the prison system and the visitors. I can understand, but do not agree with this attitude. Prison officers are fed up with an

archaic system. They bear the brunt of it. Many officers believe prisoners are there for punishment. They see visitors as not being in accord with the punishment role and the crime of the offender. Many officers detest prisoners and this attitude carries over to prisoners' families and friends.

The Q.C.S.C. must work at involving the families in corrections. There needs to be a careful balance between security of the prison during visits and the needs of the families. At the moment neither need is well met. The very first change needed is a significant expansion in the times for visits. I wrote to the Minister early in the Review recommending to him that he give specific instructions that visiting times be extended to *at least* one hour whenever this was feasible. This needs to be established and reinforced. This is a short term measure. In the longer term there needs to be a re-think about how the visiting areas operate in order to provide a high level of family contact. The system must positively encourage and welcome visits. Staff need to be specially selected and trained to operate in this area. On the prison side of the visiting area, security must be utmost to prevent drugs entering. Careful security measures must be built into the visiting procedures. On the public side, staff need to be able to deal with the needs of families for information and advice.

#### 35.4 Design of Visiting Areas

Some prisons have quite good visiting areas. The situation at farms is pleasant. But, in high security and old prisons facilities are very poor. The area at Boggo Road just cannot cope with what is required. Those at Townsville are just antiquated. The re-building at both these prisons will assist. However, I want a team of programs staff, security staff and architects to have a rethink of what is required and how visits can be organised to both extend the time of visits, improve the environment in which they are conducted and establish guidelines and training needs. Visiting areas need to be friendly places where children can be accommodated in a family group contact.

#### 35.5 Conjugal Visits

Prisoners know what is happening interstate and overseas. Many submissions argued that they should have conjugal visiting rights. One prisoner even wanted "convivial rights"!

A number of submissions from reform groups also recommended the introduction of conjugal visits.

I even had to respond to a journalist asking whether I would agree that "tension, homosexual acts and violence would drop if prostitutes were allowed in for sex".

I received a number of letters from angry prisoners' wives. Women were angry at having been deprived of their marital rights and felt they were being punished.

But people have to realise that the consequences of breaking the law are not always pleasant and are part and parcel of the punishment.

I am totally opposed to allowing prostitutes into jails, and as far as conjugal visits by wives or girlfriends, or husbands or boyfriends, in a special area for mating purposes are concerned—I will not be recommending it.

This proposal, i.e. conjugal visits, in effect, requires setting up a special motel type area in the prisons. I accept that this is seen as a solution by some to a legitimate problem, the maintenance of marital relationships, but I think it is the wrong solution.

I do not believe that the community nor, indeed, many wives of prisoners, would accept an institutionalized, timetabled, rostered approach to sexual intercourse within the prisons.

The only real solution lies in maintaining marital contact through greater use of community corrections such as home detention and possibly the careful use of leave of absence where a prisoner earns it by his behaviour and progress.

#### 35.6 Leave of Absence

The provision for leave of absence has been detailed earlier in this report. It is intended to provide for attendance at legitimate programs, particularly education. It is also to be used for compassionate reasons. The majority of situations described in submissions on family contact related to compassionate family situations where leave would be appropriate. It may also be an ideal substitute for the present early parole for special, compassionate reasons in certain circumstances.

The proposed legislation provides for leave of absence. This can and should be used to maintain family contact. Its use is strictly controlled in the legislation—the Commission itself will have to approve leave for periods longer than seven days, and shorter periods of leave will have to be reported to the Board and justified. This lack of delegation is essential to retain the credibility of leave of absence.

Leave of absence, therefore, will become a carefully controlled management tool, a reward for prisoners nearing their period of community supervision who have demonstrated they merit increased trust.

### 35.7 Mail and Telephone Contacts

I have received many submissions that have either suggested changes to the current system or have complained about its restrictions.

I also received submissions from police and senior prison staff pointing out that even the present restricted and controlled system is too generous and dangerous. I accept:

- The needs of the prisoner and his family or lawyer to communicate;
- The needs for imprisonment to punish and actually deprive offenders of liberties taken for granted by others;
- The possibility of security problems, intimidation and illegal activity from unlimited communications.

On balance, I believe the present system should be subject to strict guidelines.

The period of imprisonment, particularly in maximum security prisons, should be strict and subject to tight discipline. It should not be a holiday camp. If prisoners behave, they can pass on to lower security prisons and community corrections. But while in prison, supervision should be strict. This provides a basis for a suitable telephone policy and I recommend that subject to monitoring, lower security prisoners be allowed access to telephones.

### 35.8 Information for Families

It is important that families become part of the correctional setting. The better use of leave of absence is one positive approach. The increased emphasis on community based corrections is another.

However, it is important that families become committed to and involved in this new approach. They have to take some responsibility for the offender and provide support for this approach. Full time Chaplains, Community Corrections Units in Prisons and local Community Corrections Officers must take a positive role in maintaining the family unit. They must enrol the co-operation of the family in the placement of offenders back in the community. There needs to be better information, better points of contact, a more positive approach to establishing a link between corrections and the community. Information booklets, telephone numbers, advice about visiting hours, liaison regarding the sentence plan for offenders are all needed.

## ***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 65 • The Q.C.S.C. develop an advisory service for families regarding visits, welfare referral, prison conditions, sentence plans, transfers of prisoners and progress towards community corrections,
  - a special telephone service should be available in each Correctional Centre.
- 66 • Phone calls for prisoners in minimum and medium security institutions should be available for prisoners at their cost, but subject to monitoring,
  - the Q.C.S.C. should retain the right to monitor any prisoner's phone calls it feels necessary on security grounds;
- Telephone calls from high security institutions should be restricted and subject to specific approval,
  - all calls would be monitored by an Officer;
- Telephone calls from Pre-Trial Centres and for remand prisoners should be unrestricted;
- Mail should be unrestricted regarding volume, but should be at the prisoner's expense;
- All mail except to specified destinations, such as the Ombudsman, should be subjected to search for contraband;
- Mail from certain prisoners should be able to be read by security staff,
  - subject to specific approval by a General Manager,
  - where approved by the Commission, some mail could be withheld;
- All incoming mail should be searched for contraband,
  - except for mail from certain official sources such as the Ombudsman.
- 67 • Visits be immediately extended wherever possible to a minimum of 1 hour per week.

- 68 • The Q.C.S.C. establish a task force to look at the design and operation of visiting areas in order to increase both security and the quality of visits. The team to consist of:
  - A Manager, Programs,
  - A Manager, Security Services,
  - An Architect, and
  - An Officer from the visiting area;
  - The task force should advise on the management of visits, the preparation of guidelines, design of visiting areas, and preparation of training modules for staff.
- 69 • The concept of conjugal visits in Queensland prisons be totally rejected.
- 70 • Leave of absence provisions be utilised as a means of maintaining family contact for prisoners receiving their period of community supervision and who have demonstrated they merit increased trust; with weekend visits and leave of absence generally to replace parole on compassionate grounds.
- 71 • The Q.C.S.C. must take a positive role in maintaining a link between corrections, the community, the family and the offender;
  - information must be provided to families;
  - families must become part of the decisions regarding the placement of the offender into a community program such as Parole, Release to Work or Home Detention.



## 36. OPPORTUNITIES FOR EDUCATION, TRAINING, WORK, RECREATION AND SELF IMPROVEMENT

### 36.1 Education

I think that we are getting the wrong message across with education. It is treated as a program along with other activities such as running around the oval and getting some counselling. Really, it is not like this. Education is a basic necessity for living in today's world. Prisons are full of people whom society and the education system have failed. I think that about 25% of all people in prison have trouble just reading or writing. If we are genuine about providing corrective services, this is an area crying out for action. We need schools within the prisons. Such schools need to concentrate on basic skills such as reading and writing.

The Prisons Department does not have the resources to provide a well-equipped education system to meet the needs of its clients. However, it should not try to employ its own teachers. Teachers need to be part of a wider professional network. The Education Department is the agency of Government with the responsibility in this area. It should set up and staff schools in prisons.

One of the essential changes to the management of prisons that this Report will be recommending is the segregation of offenders by age, risk, and by their behaviour in the system. Violent prisoners should be kept separate from the rest. We cannot run education programmes in the very high security areas of the prison system. That would doom it to failure even before it has started. We need a system where the educators can come in without worrying about double escorts and security, where they can work within a secure perimeter in their normal professional mode.

I have had discussions regarding this proposal with Mr Ian Matheson, the Director-General of the Department of Education, and Dr Colin Brennan, the Under-Secretary. They totally support my approach. To properly do this requires a recasting of the operations of the prisons. I have recommended the demolition of Boggo Road, and this has been agreed. We now need to rethink how we are going to utilise the available facilities. It is clear in my mind, and I have covered this elsewhere in the report, that the old Security Patients Hospital needs some changes to become a high security prison where those who repeatedly do not respond to the correctional system can be contained. Borallan and the Centenary Correctional Centres would be appropriate places to start such a program.

The last thing the new Commission needs is a long detailed menu telling it how it should be setting up an appropriate set of educational programmes. The expertise lies within the Education Department. I have had discussions with them. They are most co-operative and helpful. We now need to get the ball rolling. The Q.C.S.C. must set up an appropriate task force to work closely between the Corrective Services Commission and senior management of the Department of Education to develop, not strategies, but a real action plan for implementation for the education of prisoners.

### 36.2 TAFE Operations

I have discussed with Mr Barry Reid, Head of TAFE Operations, the need for prisons to get access to basic trade orientated programs. He intimated strong agreement that this was required. We made a commitment that the Implementation Committee should contact Mr Stan Sielaff to assist develop a strategy. The Implementation Committee should seek the secondment of an education officer to work with TAFE Operations.

In South Australia, I saw an excellent approach. At Mobilong, which I visited, the atmosphere was relaxed. There were no escorts. There were few guards. Prisoners just do not want to become involved with heavies and trouble-makers. The local TAFE had a mandate to work closely with their nearest prison. Prisoners who wanted to participate in the system, to genuinely participate in correctional services as opposed to imprisonment, are positively encouraged to become involved. They are placed in special medium security institutions.

If heavies and intractables are mixed up with those who really do want to participate in the programmes which are available, then a corrective approach fails. The heavies label them as dogs, they stand over them, they seek favours, they run the system. They must be placed elsewhere. Tool and work shops are not suitable for maximum security prisons for security reasons. Those who want to come out better than they went in, must be given the opportunity to improve and gain useful skills.

In South Australia, at Mobilong Prison, courses in welding, motor mechanics, plastic extrusion and carpentry were booked out and fully and enthusiastically attended.

I have reached a definite position on the provision of education programs for prisoners. The Q.C.S.C. should provide a range of trade training programs and should seek an appropriate budget for that purpose.

### 36.3 Work for Prisoners

If society is serious about corrections, then it has to take seriously the provision of real work for prisoners. Breaking rocks and similar approaches to occupy prisoners' time went out last century.

The Prison Department submission noted:

"A major difficulty in developing a planned approach (to work) is the fact that industries can not be seen to compete with private enterprise."

Many submissions discussed the matter of work for prisoners. Work was seen as an important component of imprisonment.

The Prison Service stated:

"Lack of work is a major cause of dissatisfaction within the prison, and contributes towards security problems."

A prisoner, F. Price, says:

"It is a sad fact of life in prison that there is not enough work to have everyone gainfully employed."

Work, or lack of it, and token, relatively meaningless jobs, and ridiculous wages—.30c to \$1.20 per day, were recurring themes throughout submissions.

The traditional idea of "hard labour" with its punitive inference should be completely discarded and replaced with a meaningful approach to work in prisons.

An important correctional aspect of all this is that prisoners in a controlled environment can be supervised into developing meaningful work habits—perhaps, for some, the first real opportunity or attempt at genuinely doing so.

I am told prison workshops have been restricted in output, the variety of goods manufactured, and eligible customers by a former cabinet decision that prisons should not be allowed to compete with private enterprise. I question that view. Throughout the world, prison industries provide useful occupation for prisoners, help reduce costs of imprisonment, and develop skills for living and working that reduce recidivism. Prison industries should be allowed to develop and compete subject to reasonable guidelines that are not so restrictive as to kill them off. After all, if we agree that private enterprise can operate some prison services, then prisons should be allowed to compete for contracts.

Education is to be seen in the same light as work. Both are important in opening a door for prisoners to a better life in the community on release. They are both important to the management and smooth running of a prison. I see no reason why private enterprise, especially if we ever have private enterprise run prisons, should not be running industries and paying prisoners reasonable wages to encourage them to work well. Private enterprise could be allowed to rent space inside parts of the prison system and build industries. I see no reason why they could not advertise for vacancies on the door of the workshop, the same as any other business would. A market can operate inside the prison as well as outside. I am sure that any business offering decent wages for a decent day's work inside the prison system would be overwhelmed with prisoners seeking employment. The current maximum payment of \$1.20 a day for working prisoners would ensure this happens. It is a basic right to work. It is good to work. I know in Australia, with the high unemployment rates of the last decade, that this right seems to have been undermined, but it is one we should encourage.

### 36.4 Recreation

Recreation opportunities are poorly developed in our prisons. They are an important part of the physical and mental wellbeing of prisoners.

The Queensland Recreation Council made a very detailed submission. They advised that, following the inquiry and a recommendation by Sir David Longland, the Council had provided a detailed report on recreation requirements. It had never been implemented. I quote from their submission about what is required:

"There is no access to recreation programs to allow prisoners to learn how to make better use of their 'free time', particularly for those on short sentences or imminently due for release.

There is no balance or clear identifiable distinction between work and free time, such as is evident at Wacol Prison. Prison programs at H.M. Prison, Brisbane, serve to create and foster anti-social accepted behaviour in what can be described as an 'abnormal' society. Prisoners are not regarded as 'citizens' living in a prison and there is little evidence of them being exposed to any form of normal social pattern.

There appears to be some antagonism towards the more creative aspects of recreation, by some staff of the prison and prisoners, regarding it as a 'soft option'. There are currently few options for prisoners to participate in some form of creative activity and little awareness that such pursuits can be useful as a content orientated activity which has the potential for communicating ideas. Therein lies the possible reason for not offering cultural activities and the fact that prison officers regard these as an extra burden on their custodial duties.

Remand prisoners are not regarded as prisoners in the eyes of those sentenced and therefore recreation programs should cater for these on a separate basis.

Classification is based only on security needs. It is suggested that prisoners be classified 'totally' which would include a recreation assessment.

There are no monitoring procedures to ascertain prisoners' progress in recreation programs. It is important to monitor participation level and type of activity. A 'recreation assessment' based on the individual's goals, participation and the importance of the activity to the individual, could be considered in the overall classification of a prisoner.

An individual assessment of a prisoner's recreation needs does not exist. This would seem important for 'program prescription' during the term of their stay and this may assist in their re-entry into society.

There are no trained recreation personnel who could assist prisoners to plan and follow a program of activities during their prison term. Overcoming this deficiency would be essential in the cases of prisoners on release, probation, parole and in the processes of classification.

Current facilities for sport, recreation and cultural activities are totally inadequate to cater for meaningful participation with the prison.

There are no facilities for 'wet weather' recreation activities.

Weight training facilities within the prison are not provided for. This activity rated high, both with prisoners and prison officers, in terms of facility requirements.

Personal fitness programs are currently popular with prisoners. Provision could be made to establish a "flexi-pave" measured running track around the perimeter of the sports oval.

The exercise yards need to be redesigned to allow for maximum utilisation.

The sports oval is not floodlit and therefore reduces the potential usage of same.

There is no control or regulation over sports and recreation equipment resources within the prison."

(Submission from Queensland Recreation Council)

I was impressed with their proposal. A taskforce should be set up to liaise with that Council in an agency role to develop maximum participation in the recreation opportunities that are available.

### ***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 72 • The Q.C.S.C. set up Task Forces with,
  - the Department of Education to establish a properly set up and funded school within prison walls for prisoners seeking remedial education,
  - TAFE Operations to develop a comprehensive range of work skills and vocational skills programs inside the prisons;
- 73 • Cabinet rescind earlier Decisions to restrict the Prisons Department's tendering for work contracts.
- 74 • The Q.C.S.C. contact the Queensland Recreation Council to develop a program of recreation activities to meet the needs of prisoners.

## 37. SPECIAL NEEDS OF ABORIGINAL AND ISLANDER PRISONERS

### 37.1 The Issues

There are two interconnected issues that relate to Aboriginal imprisonment. The *first* is the status of Aboriginals in Australian society two hundred years after white settlement of this country. I do not believe that I should attempt to make a contribution to that debate in this review. The *second* issue is that of the relative status of Aboriginals within Queensland Prisons. This issue has been a major priority in the conduct of the review. The term "Aboriginals and Islanders" covers a broad and diverse group of people with many obvious and not so obvious differences. There are tribal Aboriginals and Islanders. There are urbanized Aboriginals and Islanders. There are full and part blood, educated and uneducated, high ranking and low ranking, the list goes on. Some respect their Elders, some do not. Some are communal, some are not. One cannot put them all into one basket. They are culturally diverse.

Aboriginals and Islanders form a disproportionate percentage of the occupants of Queensland Prisons. They come from many different cultures. In Townsville, many still speak their tribal languages, and they bear their tribal initiation scars and if in prison they relate to their tribal social structure. This is unusual in Brisbane. The problems they face are complex and poorly understood.

In writing this section of the Report, I am cognizant of the fact that the Muirhead Royal Commission into Deaths of Aboriginals in Custody has started its hearings in Queensland. This Royal Commission has far more explicit terms of reference on the subject of Aboriginals than does my brief. To a considerable extent, it would be more appropriate for the Queensland Corrective Services to await the publication of the Muirhead Report before making any final determination and recommendations. Nevertheless, we have made a major effort to seek the views of the Aboriginal community in this State.

Mr Don Davidson, who is President of the Aboriginal and Torres Strait Islanders Legal Service, is on the Committee appointed to assist me. He has travelled extensively throughout Queensland as a member of the Committee, and has visited each prison on several occasions to talk to Aboriginal inmates. His comments have been valuable in achieving a general consensus of the Committee about the issues of Aboriginals.

From the widespread consultations with leaders of the Aboriginal community, my lengthy discussions with Aboriginal groups in prisons, Mr Don Davidson's contributions, as well as a great many submissions, a number of recommendations can be made at this stage. They can be supplemented, perhaps even amended, if necessary, by the findings and recommendations of the Muirhead Royal Commission.

We should recognise Aboriginals and Islanders have special needs. An essential element in the need to come to terms with the problems is the inclusion of Aborigines and Islanders in the supervision of corrections. I would welcome an Aboriginal or Islander on the Board of the Q.C.S.C. and on Community Corrections Boards and have drafted the legislation to allow this to occur.

In the discussions and recommendations that follow, it will be clear that I have quoted extensively from submissions by Aboriginal people. It is not for me to speak for Aboriginal prisoners—it is best that they be heard speaking for themselves.

"Statistics ought to be kept for Aboriginal and Islander prisoners as such statistics would be relevant to assist the Minister for prisons to adequately consider issues which are raised with him from time to time. Such statistics would be important to assist State and Federal Governments to formulate policies to reduce high ratios of Aboriginal and Islander prisoners."

(Submission from Aboriginal and Torres Strait Islanders Legal Service)

First, let me say that, given the now widespread recognition of the problems facing Aboriginals in custody, I am surprised that the system is not able to supply me with reasonable statistics relating to Aboriginals in the Queensland system. I was encouraged by the views of the Premier and the Minister for Corrective Services and Administrative Services put to me at a recent meeting. They said that the days of keeping prisons closed to the community are over, and they should be open to public scrutiny. The need for good data about Aboriginals is essential if public scrutiny of prisons is to be informed and valid.

I am pleased that a recent Cabinet Decision has allowed the collection of data on Aboriginal and Islander people in custody. This decision allowed the 1987 Australian Institute of Criminology Census to include the number of Aboriginal and Islander prisoners. This is a start. However more information about the size and situation of the Aboriginal and Islander population in prison is needed if we are to plan for and respond to this need.

### 37.2 Standards of Accommodation

A major issue of concern in my Interim Report, and one that weighed heavily on my decision to recommend the demolition of the older part of Townsville Prison was the dormitory for Aborigines. I commented on the situation there, and also quoted at some length comments by Mr Don Davidson.

I was not surprised to find some of the comments in my Interim Report became a matter for press debate. Particularly, an article in the *Courier-Mail* seemed to indicate that Aborigines really wanted to live in the dormitory, and the journalist concerned could not see what the fuss was about. I would like to say that I have had similar views put to me by other people in the Prison System. The difficulty in a review, of course, is to get behind the problem and the facade of the simple solution. In fact, Aborigines put to me quite a different picture. Clearly they want—indeed need—the support of their community, the retention of their cultural background, and greater understanding by the white community. They really are a complex diverse group. Some comments from submissions:

“Aborigines should be located in parts of the prison where other Aboriginal people are allocated.”

“Aboriginal prisoners should have the right to choose occupancy of a single cell, rooms or dormitory. They should not be separated from one another.”

(Submission from E. Watson and E. McEvoy, representing Aborigines in Custody [Brisbane])

“Segregated accommodation such as ‘the dorm’ should be eliminated. There should be full integration in all areas.”

(Submission from Paul Pini, Positive Communications Group [Townsville Prisoners])

“Aborigines and Islanders coming from reserves around the Gulf and Cape York, and having never left their homes before, prefer to live with other indigenous people in the dorm and work in the laundry.”

(Submission from R. A. Murray, Prisoner, Townsville)

But, when given a choice, Aborigines will do the same as any other person in Australia and opt for clean surroundings with some degree of privacy, adequate food, shelter and recreation. My Interim Report said this. The facilities provided for many Aborigines in Queensland prisons are below the appropriate standards. Members of my Secretariat and Committee, including Don Davidson, when visiting prisons and discussing needs with Aboriginal groups, were pointed to what was viewed as discrimination in the way they were treated. They said that they always had the less pleasant cells, the worst or no jobs, fewer opportunities to go to farms. Many of the Aboriginal leaders in prisons were angry about this. Leaders in the community outside were aware of their views, and also made them known to me.

I believe that those people who argue for retaining the dormitory in Townsville prison have interpreted the desire for strong social attachments to be a preference for sub-standard accommodation.

It is entirely appropriate to enable Aborigines from the same communities, with strong tribal ties, to associate together at work, at recreation, and at meals, as a response to the now obvious terrors that imprisonment may hold. It is now obvious that this should not be done in substandard facilities. I do not have all the answers but I am sure that the attitude that Aborigines and Islanders in prison should receive exactly the same treatment and facilities as others is wrong. There is a need to recognize that they are in many ways different.

### 37.3 Parole for Aborigines

My comments about the disadvantages imposed upon the Aboriginal community extend to my consideration of the impact of the parole system on the Aboriginal community. Many Aborigines and Islanders do not meet the normal criteria for parole. Many do not have the kinds of homes that most whites live in; many come from distant parts of the State; many do not have the kind of job opportunities that whites applying for parole can instance in their applications. The opportunities for parole for an Aboriginal from Palm Island or from the far west of Queensland or some of the Cape York communities are quite honestly just not as good as those for the white community. Characteristically, they find supervision and reporting difficult, and breach parole. Alcohol and unemployment create problems. It is a problem we, as a community, must confront—not ignore. The same problems may arise with home detention schemes.

The Parole Board recognised the problems faced by Aborigines applying for parole in its submission. I am certain the changes in use of community corrections I have recommended will provide a basis to explore with the Aboriginal and Islander communities suitable forms of community corrections.

In the section of this Report on Parole, I recommended the inclusion of an Aboriginal or Islander on the Community Corrections Boards to be established.

### 37.4 Provision of Special Facilities for Aborigines

I have given long and very careful consideration to the idea of providing special facilities for Aborigines within the prison system. As is apparent from my comments above, I have rejected the notion of Aboriginal and Islander dormitories. This was based upon the submissions made to me. Many Aborigines argued strongly that they should be given their own prison within a prison. I would see such a step as very retrograde. It smacks of Apartheid and would, in my view, not address some of the real problems.

What I believe should happen is that the prisons, and certainly the new prisons, be capable of operating as a number of communities. There are all sorts of communities in prisons. There are groups formed as a necessary part of the classification system. For instance, remandees are separated from sentenced prisoners, young boys are separated from old men, very violent prisoners are separated from the rest of the gaol population. These are the formal segregations. There are also the informal segregations. People form friendships; they like living in particular blocks. They dislike being in other blocks, they have particular work skills and so on; and as a result, as in any social system, there tends to be a grouping of people who, one way or another, are compatible. I believe this compatibility can, and should, be an important part of the accommodation of Aborigines in the prison system. The new prisons especially facilitate the formation of communities within the prison system. They are designed to socialize the prison and to provide some opportunity for corrective services to be provided. Hence, rather than setting aside formally parts of the prison system to be Aboriginal prisons, I believe the needs of Aborigines to socialize and live near each other, be able to access elders and people of influence, should be recognized. If Aborigines wish to live in a particular block of a prison, there is no reason why, *voluntarily*, they should not be given the opportunity to join an Aboriginal community that was formed there. They would then have the best of both worlds. They would have decent facilities, access to decent beds, decent food, privacy when needed, and yet be able to communicate with each other and to live, to some extent, as they do in the outside world. I would see no reason why white people who might wish to participate in such a group should be excluded.

### 37.5 Need for an Aboriginal Liaison Officer

It is obvious to anyone visiting prisons that the Aboriginal presence in the prison system is very substantial. The importance of communal ties are obvious to all prison managers, and yet, inside the system, there is almost no-one capable of providing advice on such matters. There is a great deal of policy work to be done in this field. The findings and recommendations of the Muirhead Royal Commission are undoubtedly going to require a fairly major response by the corrective services system of this State. Aborigines are apparently, in many cases, needlessly imprisoned because they have not got the ability to apply successfully for bail or probation or parole, or because the communities they come from are not well adapted to receive parolees.

There will be a need for advice, policy development and communication between the Q.C.S.C. and the Aboriginal and Islander Communities, both within and without the corrective services system. The system needs the capacity to develop these links.

"A liaison committee needs to be established, which would allow senior representatives of the Aboriginal community to assist the prison authorities on issues relating to Aboriginal prisoners."

(Submission from Aboriginal and Torres Strait Islanders Legal Service)

"An Aboriginal and Islander Welfare Officer should be employed in the prison. Some Aborigines and Islanders are afraid or shy, and won't talk to a white person. Indigenous people are more likely to express their thoughts and feelings to one of their own."

(Paul Pini, Positive Communications Group, Townsville Prisons)

"An Aboriginal or Island person should be employed in the prison to handle the legal or welfare affairs of indigenous prisoners. One has to be an Aboriginal to understand an Aboriginal. Some Aborigines from the Gulf Country have lived on missions or reserves most of their lives and have had no dealings with whites and there is lack of understanding on both sides."

(G. Ketchup, Prisoner, Townsville)

"Although the Department has encouraged liaison with Aboriginal/Islander legal and cultural groups, their participation in program development remains low. A recent initiative involving Aboriginal legal Services and the program team at Rockhampton Prison provides a better model for service delivery. The Aboriginal Legal Service is negotiating for a full-time

counselling position through Commonwealth funding. This person will be funded for a two year period and will form part of the prison program team. This type of co-operative program development should be encouraged."

(Submission from Prisons Department)

If, as I am recommending, some parts of the prison system evolve into centres of strong Aboriginal culture and identity, then undoubtedly it could be of great value for officers involved in their operation to have a good understanding of their culture. Prison managers also ought to be informed of the policy issues arising from the strong presence of Aboriginals. The most senior Managers in the Department need on-hand advice on how to respond to issues as they arise. There is clearly a great deal of misinformation about. There is the need for an expert from the Corrective Services to have the capacity to represent the Department in the Aboriginal and Islander communities and to advise the Department on policy.

Aboriginal communities need to be made aware of what prison is about; they need to understand and have information about visits, and about their relatives inside. Surely an important part of having prisons as part of the community is having people well aware of what they do, how they work etc. The co-operation of the Aboriginal Legal Services in Rockhampton in providing a counsellor to work in prison should be supported. If this can be expanded through Commonwealth Funding then it would establish strong links with Aboriginal agencies. The Aboriginal community, perhaps more so than any other part of our Queensland society, is over-represented in prison and, while it may well have more first-hand experience than any other sector of society, has less access to the policy-makers than most others. I am recommending, therefore, the appointment immediately the Q.C.S.C. is established, of an Aboriginal and Islander Policy and Liaison Officer. This officer will need a good understanding of the community, good interpersonal skills, to be sympathetic to the problems facing the Aboriginals and Islanders, and to have a good acceptance with those communities. This person would need to be articulate, caring, and hard-working.

This officer's role should include:

- advice on the effect of new policy on Aboriginal and Islander peoples;
- policy development in services to Aboriginal and Islander prisoners and probationers;
- advice to senior management on the needs of indigenous people in custody;
- liaison and co-ordination with Aboriginal and Islander agencies and community groups;
- advice on training for prison officers.

### 37.6 Work for Aborigines

From my visits to the prisons, it is obvious that Aborigines can be—and are—very industrious workers. The laundry at Townsville is a major industrial enterprise at that prison and, in fact, makes a deal of money. It is largely run by Aborigines. The system needs to give Aborigines every opportunity to participate in meaningful work, and there seems to be good reason for allowing Aboriginal prisoners to work together.

### 37.7 Aboriginal Seminars

The Commission of Review, its staff and Committee, have, I think, been so far successful in building a good line of communication with the Aboriginal and Islander community in Queensland. It is very important that this development continue with the Q.C.S.C. We have only touched the surface of the issues. The Muirhead Royal Commission recommendations will need to be accommodated by the Queensland Prison Service. It is important, as part of the thrust of having the Corrective Services in this State seen to be part of the community, that the community include Aborigines and Islanders. I mentioned in the interim report that I felt it important that the Q.C.S.C. carry out a series of seminars and workshops in Brisbane, Rockhampton and Townsville, and perhaps some other locations.

These workshops and seminars should provide a means for the community to provide input, directions and policies to the new Commission. The Aboriginal and Islander Policy and Liaison Officer I have recommended above will be an essential link in organising these. I believe this is so important that one of the few recommendations I feel I should lock the Q.C.S.C. into is to carry these out.

The workshops and forums should be designed in such a way as to provide a forum for widespread exploration of the views of the community. An attempt should be made to achieve some consensus regarding the issues and, as far as is possible with these very complex issues, a consensus should be attempted. Any output from these seminars should then provide a basis for sound policy making in this area.

### ***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 75 • The Queensland Corrective Services Commission develop a comprehensive database relating to the situation of Aboriginals in custody in Queensland;
  - The Commission immediately appoint an Aboriginal and Islander Policy and Liaison Officer; and
  - The Commission carry out a series of workshops and seminars, to *inter alia*
    - closely involve the Aboriginal community,
    - address the problems facing Aborigines in prisons, and
    - address the problems of Aboriginal communities in their interaction with Corrective Services in this State.
- 76 • The Q.C.S.C. allow Correctional Centres to develop areas or sections which can become strong centres for the Aboriginal and Islander culture and communities with accommodation in these areas to be totally voluntary.



## 38. SOME OTHER SPECIAL NEEDS

### 38.1 Intellectually Handicapped Prisoners

Intellectually disabled people and socially inadequate people seem over-represented in the prison population. It was clear from all submissions relating to the intellectually disabled that the prisons system:

- "1. does not systematically aim to identify whether a prisoner is, or is not, intellectually disabled;
2. given point 1, the prison system cannot provide a service to prisoners who are intellectually disabled which in the least restrictive way supports them in the manner recognised appropriate by the Intellectually Handicapped Citizens Act."

(Submission by Intellectually Handicapped Citizens Advisory Council of Queensland)

Early detection of this disability is critical not only to establish suitable programs but to determine the vulnerability of these persons and decide how they can be best accommodated without unnecessary segregation.

I know the Prisons Department and Intellectually Handicapped Services have established a Prison Liaison Group to assist in developing assessment and service referral. The Q.C.S.C. should continue this approach.

### 38.2 Drug and Alcohol Dependent Prisoners

The Prison Service needs to provide drug and alcohol counsellors at each major Correctional Centre. This would be an appropriate program to deal with a major contribution to offending. It would be a genuine start at "corrective services".

A more comprehensive approach can be achieved by better assessment on admission and the establishment of specific programs and in some cases, units, within each major prison. Given the acknowledged role that substance abuse plays in 80% of offending it is critical that the Commission develop a service-wide approach to providing different levels of program intervention to prisoners.

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## ***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 77 • The Q.C.S.C. develop drug and alcohol counselling services at each major Correctional Centre;
- The Q.C.S.C. continue to work closely with the Intellectually Handicapped Citizen's Advisory Council to develop programs within the corrective services system for intellectually disabled and socially inadequate offenders.

### 39. RIGHTS OF PRISONERS

I received many submissions from prisoners, lawyers, human rights and religious movements, and professionals working in the corrections field, discussing prisoner rights.

In the climate of a more liberal society, prisoners are claiming increasing rights. Some, with support from sympathetic organisations in the community, have mounted legal challenges to prisoner administration's use of regulations, claiming denial of "rights".

Predictably, prisoners' submissions suggested rights aligned to improving their situation. Submissions from some community bodies some times suggested rights that were hardly compatible with security operations in prisons.

The Australian and New Zealand Journal of Criminology quotes Professor Gordon Hawkins as stating:

"Prisoners have very few rights, if any, over and above those which apply to all persons in the community, and even then, those rights are necessarily restricted by the fact of imprisonment."

A submission from the Queensland Prison Service stated:

"This issue (rights of prisoners) has been periodically raised at Ministerial level. The Prisons Department was clearly informed that there was to be no discussion of prisoner rights—the view against preparation of a Departmental document on prisoner rights was strongly held."

To issue an official statement of prisoner's "rights" would result, in my view, in any overly legalistic environment for the resolution of grievances. This is not to suggest that prisoners have no entitlements.

A member of my Committee, Mr Col Bevan had a major hand in early drafts of a set of minimum standards for corrections. I have asked Mr Col Bevan, a former Assistant Director of the Australian Institute of Criminology, to examine the latest version, and I sought his advice as well as that of the rest of the Committee regarding preparation of formal rights. We are agreed that the procedures set in place in the legislation, and to adopt and meet set standards, is preferable to legally defined "rights".

With the adoption of the Minimum Standard Guidelines for Corrections in Australia and New Zealand and the development of Commission Policy and Procedures Manual, prisoner entitlements will be clear and subject to external monitoring.

My recommendations regarding "Official Visitors" and an internal operational audit function will adequately safeguard against abuses in the system. Official visitors will deal with most of the complaints from prisoners. The Board of the Q.C.S.C. will have a Lawyer/Civil Liberties and a Church and Welfare Representative to ensure fair and equitable and humane treatment of prisoners. This is a significant step for prisoners.

A number of Acts provide for the rights of all citizens, including prisoners. The Prison Act and regulations details entitlements, privileges—and constraints on freedom.

The Corrective Services Commission will be an open organisation, accountable to the public, and open to scrutiny. In administering its affairs, the Commission will be mindful of its responsibility to ensure particular rights specified in the various Acts. It will also endorse the Minimum Standards Guidelines for Corrections in Australia and New Zealand.

This will ensure human dignity and the appropriate rights are afforded to prisoners.

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### *RECOMMENDATIONS ARISING FROM THIS SECTION*

It is recommended that:

- 78 • The Q.C.S.C. endorse minimum standard guidelines for prisoners.

#### 40. DISCIPLINE OF PRISONERS

My Terms of Reference did not explicitly ask me to look at the disciplinary measures against prisoners who breach the rules. But, I could not avoid considering the issues:

- I received hundreds of submissions complaining about the present system, including submissions from lawyers such as the Legal Aid Office;
- drafting of Corrective Services Commission legislation has required consideration of whether the existing ones are appropriate and incorporation of suitable changes.

There are two major areas of concern with the present legislation.

*Section 32 of the Act:*

This relates to basic internal disciplines. It provides for charges against a prisoner to be heard by the Superintendent or by a Visiting Justice.

The punishments still include some archaic measures that have been discontinued in practice, such as:

- bread and water,
- half rations,
- and solitary confinement.

The major complaint against Section 32 relates to the need to put additional safeguards in to ensure justice is done and seen to be done. Superintendents are seen to be judge, jury and prosecutor. The Visiting Justice system is seen to be too close to the prison system.

The Department of Corrective Services and Administrative Services was intending to amend the Prisons Act in this area. I have adopted their recommendations for change. The draft Bill has provisions for a system of discipline which:

- enables charges to be heard by any ranking officer with appeals to the General Manager;
- restricts punishment to loss of privileges; and
- allows separate confinement for up to seven days.

The punishments in the draft Bill are far more attuned to a system of internal discipline. The intention is to ensure major punishment and offences and crimes are only treated in outside Courts.

*Regulation 367:*

Regulation 367 allows for prisoners to be segregated from other prisoners indefinitely, for administrative purposes. Submissions allege that it is being used most inappropriately as a punishment. I am certain there is substance to the allegations.

Again, the Department was making changes in this area. I have adopted the Department's recommendations.

There is a clause of the Draft Bill which enables special treatment to be applied as a form of segregation for administrative purposes, such as:

- continued unruly and unmanageable behaviour where prisoners are disrupting the system; and
- protection from other prisoners.

It is not supposed to be a punishment. To prevent it becoming a punishment, there is no loss of privileges except where absolutely necessary. For instance the prisoner may not be able to participate in a sporting event. Moreover, very specific responsibilities for scrutiny and review have been placed upon the Official Visitors. They must:

- make a recommendation to the Commission if such treatment is to continue for more than two days;
- inspect conditions; and
- hear any complaints by the prisoners.

I believe this will solve the basis for the complaints I have received.

***RECOMMENDATIONS ARISING FROM THIS SECTION***

It is recommended that:

- 79 • The present system of discipline by Visiting Justices be abolished;
- Breaches of discipline be dealt with by officers within the system; but
- The system of discipline be made open to review by Official Visitors;
- Punishments consist only of loss of privileges; and that
- Regulation 367 be abolished:
  - and replaced by a system of segregation for administrative purposes only, and not for punishment,
  - all decisions for separate treatment be open to review by the Commission and the Official Visitors.

## 41. PRISONER GRIEVANCE PROCEDURES

Inmate complaints are a feature of all correctional systems. It is a natural outcome of lack of liberty.

Prisoners in fact have many avenues of complaint. They may complain to a Prison Officer, have direct access to the superintendent, and the visiting justice, write to the Comptroller-General, ombudsman, various politicians and human rights organisations. They can have private solicitors intervene on their behalf, and soon they can complain to official visitors or board members. In serious complaints prisoners can seek a police investigation.

I suspect a real problem exists in having complaints receive proper, prompt and thorough investigation. I have recommended procedures to attend to many of the problems. In particular the Police Prison Liaison Unit will improve the timely investigations of allegations of criminal behaviour.

However, it does need to be recognised that avenues for communication and consultation with prisoners should be developed as this will assist the better management of the system. All good prison superintendents do this informally already.

The Prisons Department advised of its attempts to formalise this process:

"Senior staff in the Department have sat in on numbers of Superintendent's request meetings. They were brusque and brief affairs where, unless the prisoner's concern was a straightforward request, satisfaction was not likely to be obtained. Complaints about staff treatment or prison conditions were barely countenanced."

(Prisons Department Submission)

I then had discussions with senior staff regarding what is required. If not handled correctly, any grievance procedure has the potential to break down, be open to manipulation, and be regarded by prisoners as unfair.

I do not agree with some submissions that various committees of prisoners should be formed to present, or discuss, grievances. This can only lead to some degree of *de facto* control by prisoners, with no guarantee that a particular individual's problem will be aired. We do not want "Prisoners' Unions". Prisoners should be dealt with as individuals—not as a group.

For the same reason, I do not agree with the practice in some prisons of utilizing individual prisoners ("heavies") to act as prisoner spokesmen.

Mr David Biles, Deputy Director of the Australian Institute of Criminology, stated:

"An acceptable grievance procedure would be one which provides for any prisoner to be allowed to lodge a complaint with the superintendent, and if dissatisfied, to be permitted to take that complaint to either a prison visitor, or to the Ombudsman."

I agree with this. But I would like the system to be more responsive to complaints and to communicate better with prisoners.

Prison management must see the grievance procedure for prisoners as a legitimate process and an important component of management. Administration of the procedure should reflect that belief. Communications between prisoners and the Board and its members should be positively encouraged.

### RECOMMENDATIONS ARISING FROM THIS SECTION

It is recommended that:

- 80 • Formal grievance procedures for prisoners be developed,
  - The procedures be carefully documented in the Manual of Policy and Procedures for Correctional Officers;
  - Guidelines be laid down in a hand book for prisoners to be available to all prisoners;
  - The Q.C.S.C. vigorously ensure that the guidelines for communications it sets out are adhered to; and
  - Correspondence between Board Members and prisoners be treated as privileged and not opened.

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S. R. Hampson, Government Printer, Queensland—1988