South Australia: Key moments in Penal Culture 1970 - present

SECTION 1 – CHRONOLOGY OF KEY EVENTS

1969 –

* Suspended Sentences introduced (s4 Offenders Probation Act).

Suspended Sentences were introduced, and within a short time, half of all offenders on probation received suspended sentences, substantially reducing prisoner numbers.

* Parole Board established by Prisons Act Amendment Act (No 2) 1969

A Parole Board was established, with new parole procedures, and began operation in 1970. Previously, early release was an Executive Council decision, granted sparingly and attracting few applications. After introduction of the Board, the number of applications increased, with an increase in both report and supervision numbers. A new assessment system was also required, with the assignment of a probation officer to supervise each inmate sentenced to five years or more.

* Women’s Rehabilitation Centre opened 1969

This coincided with the first Female Prison Officers Course in South Australia. Further, by the late 1970s, a wing of the Women’s Rehabilitation Centre was remodelled to accommodate mothers and their infant children.

1970 –

* Remissions – Prisons (Sentences and Parole) Regulations 1970 Reg. 19

For all sentences of greater than 3 months, a prisoner became eligible for 10 days remission per month. Remissions were now a privilege, whereas previously they had been a right.

1973 –

* Prison facilities expanding

Along with the opening of Port Augusta prison, Northfield Security Hospital (E Division Yatala) was set up as the first purpose-built facility for those with psychiatric illnesses and disturbances or for those requiring psychiatric assessment and inquiry.
1975 –

First Mitchell Committee Report released (Criminal Law and Penal Methods Reform Committee of South Australia 1973-77)

This report was one of a series of four by the Committee, and represented the first review of the South Australian correctional system since Federation. Recommendations covered a range of topics - from sentencing, abolition of the Parole Board, prison work, ‘mentally ill offenders’, periodic detention, to renaming the Prisons Department ‘Department of Correctional Services’ and to prison infrastructure.

Royal Commission on Allegations Made By Prisoners at Yatala Labour Prison 1975 (Commissioner Johnstone)

This Commission concerned complaints about conditions at Yatala Labour Prison. The Commission’s report ultimately delivered a range of improvements to the routine and conditions at Yatala.

1976 –

The Hub opened and introduction of volunteer assistance more generally

A day centre - The Hub - was established for clients living in the community, teaching social and survival skills. This was an initiative of Probation and Parole Officers, and volunteers, under professional guidance, assisted with the delivery of programs. Volunteer assistance in a range of areas continues today within corrections.

New Classification System

All prisoners serving six months or more had their classifications undertaken by a ‘professional placement committee’, based at Adelaide Gaol. This was seen as ‘innovative’ at the time (Tefler 1999).

1978 -

Court Information Centre opened

The Court Information Centre opened, staffed by volunteers and managed through Corrective Services, to assist those attending court. This was later transferred to the Courts Administration Authority, and at the time of introduction, provided a much-needed service (Tefler 1999).
**1979 –**

*Prisoner and Prison Officer unrest*

Riots at Yatala Labour Prison were blamed on interstate prisoners. During the riots, there were demonstrations in prison yards and fires were lit. An industrial dispute by prison officers at this time made opening workshops difficult and restricted the movement of prisoners.

*Childrens Protection and Young Offenders Act 1979*

The Children's Protection and Young Offenders Act 1979 gave prominence to the welfare needs of the young person and required that issues of community protection and accountability be taken into consideration only ‘where appropriate’. It signalled a move away from a welfare approach to juvenile offending towards a justice-oriented approach – with South Australia the first state to do so.

**1980 –**

*Escapes at Yatala*

A series of break outs at around this time concentrated media and public attention on the issue, and led to a series of reviews (such as a Public Buildings Department study into security systems at the prison, the *Cassidy Review*, and *Hornibrook/Lenton Inquiry* (see below).

*Internal review of systems and policies by Public Service Board*

**1981 –**

*Hornibrook/Lenton Inquiry into Yatala Escape*

This inquiry sought to examine the circumstances of an escape by prisoner Tognolini from Yatala Labour Prison in June 1980 (having already escaped from Mount Gambier in 1978), and into security measures more generally.

*Clarkson Royal Commission*

This Commission considered a number of prisoner allegations relating to improper behaviour, corruption, assault and security/discipline of prisoners. Recommendations included closure of D Division at Yatala due to maltreatment of prisoners.

*Touche Ross Services Review of Department For Correctional Services -*
This Review consisted of a fairly wide-ranging examination of the Department itself. Major recommendations were set out in the report, including those relating to restructuring of the Department.

Community Service Orders introduced -

In June 1981, the Offenders Probation Act (SA) was amended to allow for Community Service Orders. There had been much interest within Corrections in introducing this option for some time, as similar legislative amendments had been passed in other jurisdictions.

1982 –

Further Inquiry into management structure at Yatala – Touche Ross –

The consultants recommended a range of changes to ensure better leadership (through an improved management structure); better security (through a better perimeter wall); and more programs for inmates. Staff required more effective training and accountability.

Correctional Services Act 1982

The South Australian Correctional Services Act was the first major piece of legislation dealing with the overall operation of the department for forty-nine years. It included sweeping reforms and changes to the administration of the department.

1983 –

Yatala unrest and riot at Adelaide Gaol

Poor morale amongst inmates at Yatala allegedly led to major prison riots at the Prison. There was also a full-scale riot at Adelaide Gaol in December of this year.

Prisons Act Amendment Act (No 2)

This legislation introduced changes to parole provisions, including entitlement to non-parole period for all serving 12 months or more. It resulted in a dramatic increase in the caseload of probation and parole officers.

Prisoner Assessment Committee

The Prisoner Assessment Committee was formed to create sentence plans for all prisoners serving six months or more. This initiative was introduced pursuant to s23 of Correctional Services Act 1982.
1984 –

*Cottage Accommodation at Northfield Prison Complex opened*

Northfield Prison Complex opened, containing the ‘Cottages’ (consisting of accommodation designed to aid in transition to release for 40 men, residing in self contained cottages). It was apparently ‘nothing like the State had seen before’ (Telfer 1999).

*Yatala escape*

A mass escape from Yatala in June 1984 involved six prisoners, with one prisoner being shot. This led to the installation of razor wire installed and an increase in patrols. A new Industries Complex was also opened at Yatala at this time, an initiative which, in part, was intended to improve prisoner morale and stem the tide of escaping prisoners.

*Public Intoxication Act passed*

This Act decriminalised drunkenness, introducing options for police officers in their dealings with intoxicated persons and diverting them from the criminal justice system. It has allegedly moved away, in application over time, from its original goal of treatment (Tunks).

1985 –

*Bail Act 1985*

This legislation consolidated and refined various existing bail provisions found in different pieces of legislation into one Act with the hope that it would reduce growing prison numbers in South Australia. Ultimately, this was not achieved (Gardner 1988).

1986 –

*Adelaide Remand Centre opens*

This was the first purpose-build remand facility in South Australia. It was designed to accommodate one hundred and sixty-five men and women on short-term stay.

*Home Detention introduced*

Home Detention as a pre-release administrative measure through the Department of Correctional Services was now permitted, with the hope that overcrowding would thereby be addressed.
First community correctional centre opens in Port Augusta

1987 –

Cannabis Expiation Notice initiative
This scheme was introduced by the Controlled Substances Amendment Act 1986, and allowed adults detected by police for ‘simple cannabis offences’ to be issued with an expiation notice. Under the scheme, where the prescribed fee set out on the notice is paid, no further action is taken in terms of prosecution.

Domestic Violence Council Report published
The Council Report was released by Government with an extensive list of recommendations spanning all key government agencies. It marked the early beginnings of domestic violence policy and legislation in South Australia.

1988 –

Criminal Law (Sentencing) Act 1988
This legislation introduced substantial changes to probation, community service and pre-sentence reports, specifically setting out a wider range of sentencing options (including the option of community work in lieu of payment of a fine).

1993 -

Interim Report of The Select Committee on The Penal System in South Australia -

Select Committee into the Juvenile Justice System and Young Offenders Act/Youth Court Act 1993
The work of the Select Committee led to a major revamping of the juvenile justice system. New legislation was introduced (Young Offenders Act; Youth Court Act), along with a new structure and realignment of the conceptual underpinnings of the system. It was motivated by community and media concern that youth offending was out of control due to a perceived ‘leniency’ of the justice system.

1994 -

Statutes Amendment (Truth in Sentencing) Act 1994
This Act abolished remission and set minimum terms.

*Domestic Violence Act 1994*

This was the first legislation introduced to tackle the issue of domestic violence – covering restraining orders, breaches of those orders, and, in 1996, prioritising cases of domestic violence in the courts.

*Formal review of parole officers roles conducted*

**1995 –**

*First domestic violence intervention program established at Elizabeth Magistrates Court (CVIP)*

The program, now expanded, works with both perpetrators and victims of domestic violence to address violence.

*Mount Gambier opened*

Mount Gambier was the last prison opened in the 20th Century in South Australia, and the first privately managed prison in the state.

*Mobile Work Camps initiative established*

Mobile Work Camps were introduced at Port Augusta for low security prisoners to undertake community work.

**1996 –**

*First Family Violence Court established at Elizabeth Magistrates Court (Northern metropolitan area).*

The goals of the court are to ensure that perpetrators of domestic violence are made aware that violence in the family home will not be tolerated; to ensure the safety of victims of domestic violence; and to seek to have perpetrators of domestic violence urgently address their violent behaviour.

**1997 –**

*Throughcare introduced*
**Community Service for Expiation of Offences**

The Department began supervising Community Service under the *Expiation of Offences Act 1996* from February 1997. The Act allows people to choose to undertake Community Service instead of paying the Expiation Notice. The Act is intended to divert people away from imprisonment for failure to pay Expiation Notices, including parking fines and speeding fines.

**1998 –**

**Ombudsman’s Investigation into prisons**

_Negotiated formal agreement with indigenous Elders in North of SA for supervision of community service orders_

**Case Management introduced**

As part of the Case Management system introduced at this time, all new prisoners were assessed at the start of their sentence, with further assessments undertaken progressively through the reception and induction processes. All prisoners, depending on sentence length, have an Individual Development Plan (IDP) as part of Case Management developed within six weeks of entry.

**1999 –**

_South Australian Nunga (Aboriginal) Court established at Port Adelaide Magistrates Court._

This Court assisted in the development of similar courts in Victoria and Queensland, and was ultimately extended to other South Australian locations.

**Aboriginal Justice Officers**

Aboriginal Justice Officers were introduced at Magistrates Courts to assist Aboriginal people with court processes and sentencing outcomes.
**Magistrates Court Diversion Program introduced (Mental Impairment)**

For those with mental illness, intellectual disabilities, *inter alia*, a diversionary program was established which involved referral of offenders (of minor indictable or summary offences) to relevant services and programs.

**2000 –**

**Drug Court Pilot Program commences**

This Program commenced in May at the Adelaide Magistrates Court, and aimed to prevent further offending by ensuring effective interventions and treatment for participants whose offending is linked with drug use.

**Corrective Services’ Declaration of Reconciliation**

This Declaration reflects the commitment of staff to providing support and services that recognise the diverse needs of Aboriginal and Torres Strait Islander people in the Department’s care and custody.

**State Collaborative Approach for the Prevention of Domestic Violence –**

The *Collaborative Approach* was introduced as the key strategic policy framework for domestic violence in South Australia

**2001 –**

**Victims of Crime Act -**

This legislation clarified and established rights for victims of crime.

**Police Drug Diversion Initiative introduced -**

This initiative introduced diversion of adults and juveniles (who might otherwise be charged for offences involving use and possession of small drug quantities) to counselling.

**Rekindling Family Relationships: Framework for Action**

Endorsed as the State strategic framework to address Indigenous family violence, signed by all members of Ministerial Forum on Domestic Violence and key Aboriginal Elders, the Framework outlines the State Government's commitment to work with ATSI families and communities to tackle violence through a community development approach.
2002 –

*Justice Portfolio’s Statement of Reconciliation*

The Justice Portfolio’s *Statement of Reconciliation* is a public statement of regret for the impact of past policies upon Aboriginal people. It also contains an acknowledgement of the Portfolio’s responsibility to redress the resultant over-representation of Aboriginal people as victims, and within the justice system more broadly.

2003 –

*Government review of parole by Chief Executive Officer of the Department of the Premier and Cabinet*—reviewed automatic parole for offenders sentenced for less than 5 years under s66 Correctional Services Act 1982. Led to *Correctional Services (Parole) Amendment Bill* 2003 (lapsed and reintroduced and passed in 2005) which inter alia reduced automatic parole to sentences less than 1 year, and increased restrictions on sex offenders.

2004 –

*Aboriginal Justice Strategic Directions 2004-2006*

The *Aboriginal Justice Strategic Directions 2004-2006* provided an overarching Government framework to ensure that justice agencies, Aboriginal communities and other Government agencies worked collaboratively to address Indigenous overrepresentation.

*Pilot adult restorative justice conferencing program at Adelaide Magistrates Court*

This program, introducing conferencing within the court system, was positively evaluated in 2005 (Goldsmith et als 2005) (see Cannon 2007: 3ff)

*Disability Action Plan (Corrections)*

2005-

*Statutes Amendment (Sentencing of Sex Offenders) Act 2005*

This Act reflected the Rann Government’s ‘tough on crime policy’, and imposed harsher penalties and control in relation to child sex offenders.

*Terrorism (Preventative Detention) Act 2005*

The Act introduced short-term detention to respond to (imminent) threats of a terrorist attacks, similar to legislative provisions introduced in other jurisdictions around this time.
Statutes Amendment (Intervention Programs and Sentencing Procedures) Amendment Act 2005

This Act provides formal statutory backing (by amending legislation such as the Bail Act) for the practice of directing defendants to undertake programs of intervention (also known as diversionary programs) and for the use of sentencing conferences in any court sentencing Aboriginal defendants.

Correctional Services (Parole) Amendment Act 2005

Introduced amendments which included restricting Home Detention and parole for prisoners convicted of sexual offences.

Select Committee Report – Youth Justice

The Report had a focus on Indigenous youth, diversion, case management, and prevention.

Report by De Cappo – juvenile justice – ‘To break the cycle’

Monsignor de Cappo was commissioned by the Rann Government to consider youth offending. De Cappo made a number of recommendations, which led to legislative changes (including children being tried as adults for certain offences) and a Youth Parole Board.

2006 –

The Department of Correctional Services’ Aboriginal Services Unit Business Plan (2006-2007)

This Business Plan sets out four specific goals, with an Indigenous focus, for 2006-07 - including to progress throughcare and deliver effective Indigenous custodial and community – based services.

Child Sex Offenders Registration Act 2006

The Act established a register of child sex offenders and prevented registered child sex offenders from engaging in child-related work, inter alia.

Summary Procedure (Paedophile Restraining Orders) Amendment Bill

The Bill sought to expand the court's power to make restraining orders against paedophiles, and works in tandem with the Child Sex Offenders Registration Act 2006
2007

*Criminal Law (Sentencing) (Dangerous Offenders) Amendment Bill, amending Criminal Law (Sentencing) Act 1988*

The Bill sought to impose a tougher regime for ‘dangerous offenders’, including through the introduction of minimum non-parole periods where a relevant offence has resulted in death or permanent incapacity of a victim.

*David Hicks transferred to South Australia from Guantanamo Bay*

Hicks, convicted of terrorism offences after detention in Guantanamo Bay for the same, was transferred to Yatala Correctional Facility in May to serve the nine months required of a seven year sentence. Some issues arose in relation to capacity to hold the alleged terrorist (in terms of security).

*2007 – Offender Risk Needs Inventory introduced*

The Offender Risk Needs Inventory– Revised (ORNI-R) was introduced to Corrections as a risk assessment tool.
**SECTION 2 – MAJOR THEMES DECADE BY DECADE**

**1970s**

**INCARcerATION RATES**

As at 30 June 1974, there were 844 men and 147 women on probation; 123 men and 9 women on parole; and 723 men and 29 women in prison. Of 991 men and women under probation supervision, 507 were on suspended sentences (Telfer 1999: 239).

Daily prisoner averages fell from around 1000 in 1969 to 700 in 1977, allegedly because of the initial popularity of suspended sentences, which reduced numbers by diversion (O’Toole 2006: 198; Telfer 1999: 232). By late 1970s, as was occurring in other jurisdictions, numbers rose again and many were spending time on short sentences of less than one month (Telfer 1999: 242).

Probation and Parole (within Prisons Department) services were increasing at this time. Twice the number of clients were being supervised in the community as were being detained in an institution. By 1990s, there would be at least six times as many in the community as in detention (Telfer 1999: 231).

**LEGISLATIVE CHANGES**

Department drafted its own *Treatment of Prisoners Act* – not introduced (Telfer 1999).

**1970 - Remissions – Prisons (Sentences and Parole) Regulations 1970**

For all sentences of greater than 3 months, a prisoner became eligible for 10 days remission per month. Remissions were now a privilege, whereas previously they had been a right.

**1979 – Childrens Protection and Young Offenders Act 1979**

Introduced more justice-oriented approach to juvenile justice in South Australia – the first state to do so. See *Children’s Aid Panels* below. No further information.

**MAJOR INQUIRIES**

**1975 –**

*First Mitchell Committee Report*
The Criminal Law and Penal Methods Reform Committee was established in 1971 by the Attorney-General to examine and make recommendations in relation to the criminal law. The Committee’s *First Report: Sentencing and Corrections* (1973) made a number of recommendations, including the following:

- abolition of the Parole Board to ensure that the judiciary made decisions about parole;
- a tripartite system of sentences of imprisonment (equal terms of imprisonment, parole and conditional release);
- rejection of indeterminate sentences;
- repeal of habitual criminal and persistent offender legislation;
- ensuring that courts had jurisdiction over offences against general law committed in prison, and disciplinary offences should be dealt with by a visiting magistrate or prison superintendent;
- prioritisation of prison work and educational programs as a ‘means of minimising the character-distorting effects of imprisonment’;
- greater involvement by Superintendents in classification decisions;
- introduction of ‘periodic detention’ (not weekend detention, but community service orders) as a non-custodial sentencing option;
- introduction of ‘pre-release employment’ to ease transition back into community;
- alteration of the structure of the Prisons Department (to be re-named ‘Department of Correctional Services’) – a Director General or Commissioner to head the Department, and work with a Director of Prisons, a Director of Community Services, and Chief Research Officer, along with an Advisory Council appointed by the Minister;
- greater professionalisation of correctional staff, through, for instance, development of a three year College of Advanced Education course leading to a Diploma of Correctional Science as a minimum qualification for certain higher level appointments;
- development of minimum standards to be applied throughout all prisons in South Australia;
- closure of Gladstone Prison and Cadell Training Centre;
- recognition of the (rising) Aboriginal prison population, and measures taken such as replacing widespread use of short-term imprisonment of Aboriginal offenders with the use of supervised probation; and
- abolition of the offence of public drunkenness.

The Committee subsequently published three further reports (on court procedure, criminal investigations and rape and sexual offences).

*Royal Commission on Allegations Made By Prisoners at Yatala Labour Prison*
Allegations of brutality in the Security Division, the January 1975 ‘water tower incident’, and prisoner allegations of ill treatment and physical abuse led to the Johnstone Royal Commission being established. Relevant investigations related to allegations concerning improper treatment and confinement of prisoners, assaults on prisoners, and the consequences of complaints by prisoners to a Visiting Justice.

The Commission found that separate confinement of certain prisoners in ‘D’ Division for three months (who had been locked in their cells for 23 hours per day) was ‘improper’. The lack of fresh air and natural light in the exercise area (a confined space with a polished cement floor) were also commented upon. It was found that prisoners were not harassed, though ‘required to run when emptying their toilet buckets’. The Report ultimately delivered a range of improvements to the routine and conditions experienced by Yatala prisoners (Telfer 1999)

MAJOR POLICY CHANGES

1970s – Professionalisation of workforce

A shortage of social workers led to an in-house course being developed in collaboration with the Department of Social Welfare. Recruitment started to emphasise appropriate tertiary qualifications, primarily in social work.

1974 – Industries Complex opened at Yatala

1976 –

Volunteers established in the Department to assist in providing services

This was an initiative of a number of Probation and Parole Officers, as was the community Day Centre – The Hub (closed in 1979). The Department currently still enjoys the services of more than 100 volunteers in metropolitan and country areas. These people provide a wide variety of assistance and support, from running libraries in prisons to providing support to a prisoner in stress, assisting their families and transporting visitors to prisons (http://www.corrections.sa.gov.au/welcome.htm).

1978 – Court Information Centre

The Court Information Centre opened, staffed by volunteers and managed through Corrective Services, to assist those attending court. This was later transferred to the Courts Administration Authority. Its objectives were to better inform individuals and families about the justice system and social welfare; to assist them to deal with the justice system and its impacts and consequences; and to feed back to the system information relating to relevant inadequacies and injustices.
DIVERSIONARY

*Children’s Aid Panels*

Under the *Children Protection and Young Offenders Act*, charges laid against youths were initially brought before a Screening Panel (comprised of members of the Police service and Family and Community Services), which decided whether the matter would go before a court or a Children’s Aid Panel.

Children’s Aid Panels comprised a senior police officer and a representative from the Department of Family and Community Services. They considered the reasons for appearances by children who admitted to less serious offences, and recommended action. Aid Panels could warn or counsel the child and/or parents, or request that the child and/or parents provide written undertakings that specific directions or programs would be followed/complied with. Aid Panels could arrange assistance for families from within the local community, and had to refer a matter to court if the child did not admit allegations or if undertakings were breached. These panels worked alongside Children’s Courts (which dealt with more serious offences, and could order up to two years detention in a Youth Training Centre – with South Australia being one of the first jurisdictions in the world to establish a separate Children’s Court) (Sutton).

VULNERABLE POPULATIONS

1969 - *Women’s Rehabilitation Centre opened 1969* – first purpose build women’s prison

**PRISON RIOTS/UNREST**

Throughout the 1970s, South Australian prisons experienced severe staff shortages and from 1977 a rising prison population. Repeated and prolonged industrial action was the result. The pressure on the department was increased with riots and high-profile escapes at Yatala (six prisoners in 1979, with sixty attempting to escape at that time) and the discovery of drugs in prison.

**1980s**

INCARCERATION RATES
In terms of Community Corrections, by 1980, there were 2864 people under supervision in the community, compared with a daily average of 705 in prison (94.2% completed their order or bond). At 30 June 1984, 4450 men and 912 women were under community supervision (one in three on suspended sentence; one in ten on parole; one in twelve community service). During the latter part of 1984-5, probation was a major program provided by Community Corrections, supervising over 1900 clients on probation alone. 4000 parolees were also supervised and 235 offenders were working on community service projects, with all achieving a high completion rate.

**MAJOR LEGISLATIVE CHANGES**

**1982 – Correctional Services Act**

This legislation finally came into force in August 1985, following amendments as a result of legal challenges and resourcing issues. It was seen as the first major alteration to the operation of the Department in 49 years. Amongst changes, it allowed JPs to enter all prisons to investigate complaints; overhauled much of the Regulations criticised in Royal Commissions; and established a Correctional Services Advisory Council.

**1983 – Prisons Act Amendment Act (No 2)**

In 1984, the Labor government sought to reduce the prison population by bringing into force legislative changes which resulted in parole becoming automatic, rather than based on the discretion of the parole board (for those serving 12 months or more). The result was a significant increase in prisoners released on parole, as a large number of people were immediately eligible for release (with 400 released between 20 December 1983 and 30 June 1984 alone). Throughout the 1960s and 1970s, parolees had been approximately 10-15 per cent of probation and parole officer caseloads. This rose to 25-30 per cent in the 1980s (Tullett n.d.: 126).

The relevant legislative provisions in the Amendment Act included the following:-

- Automatic parole on expiration of non-parole period;
- All sentences longer than 12mths to have non-parole period;
- Parole board to require interviews with life and indeterminate sentences and parole breachers;
- All lifers to be able to apply for non-parole period;
- Courts to have sole role in setting sentences; and
- Remissions were now entitled to 15 days for every month served – both more remissions and also a fixed date for release could be calculated.
1984 – Public Intoxication Act

The proclamation of the Public Intoxication Act 1984 represented the culmination of many years of attempts to decriminalise drunkenness in South Australia. The Act empowers police officers (or authorised persons) to apprehend persons so intoxicated by alcohol that they are unable to take proper care of themselves (s.7 (1)). There are then several options available to the police officer as to what they will do with the detainee. These are:

• to take the apprehended person home (s.7(3)(a))
• to take the apprehended person to a sobering-up centre (s.7(3)(d))
• to take the apprehended person to an approved place (s.7(3)(b))
• to take the apprehended person to a police station (s.7(3)(c))

The apprehending officer has a discretion as to which option to use. A person can be detained for a maximum of 18 hours. Of that, the person may be detained for up to 10 hours at a police station with a further 8 if transferred to a sobering-up centre. Where a person is detained by police in a police station there are other options for release - to discharge that person into the care of a solicitor relative, or friend (s.7(9)). Although originally treatment was the main goal of the Act, this has not been achieved, and ‘the greatest single impact of the legislation is that if one is apprehended in South Australia, there is no offence, little bureaucratic red-tape, no court appearance and most significantly, no criminal conviction’ (Tunks).

1985 – Bail Act

The South Australian Office of Crime Statistics (OSCAR) reviewed bail, together with the Attorney General, in 1983. Of particular note to researchers was South Australia's high rate of prisoners on remand. In 1983, the average national remand rate per 100,000 adult population was 8.4, but in South Australia during the same period it was 9.8 (Gardner 1988: 114).

The recommendations that emerged from this research indicated that, although South Australia did not compare unfavourably with the other states and territories in terms of process, nor was any systematic discrimination found, there were areas where improvements could be made. Basically, these recommendations were to improve the type of bail conditions offered to defendants, to be determined along the lines of the Australian Law Reform Commission recommendations (which played down the importance of monetary conditions in favour of unconditional release); to reduce the number of prisoners on remand who were there unnecessarily, hopefully by having more information about applications for bail made available for authorities to make informed decisions; and to reduce pre-sentence custody if the ultimate sentence did not involve a prison term. The central recommendation was for the creation of a Bail Act. This would bring together the diverse measures then contained in South Australian legislation that had evolved in a piecemeal basis over time.
Remand rates were re-examined in 1986, after introduction of the *Bail Act* in 1985, and, although there was a noticeable decline in the figures shortly after the introduction of the Act, the rates soon returned to their high level (Gardner 1988: 115).

**1988 -**

*Criminal Law (Sentencing) Act 1988 and fine default/options scheme*

Introduced substantial changes to probation, community service and pre-sentence reports, introducing a wider range of options in terms of sentencing, including a fine default/options scheme. Under the latter, community work may be completed in lieu of payment of a ‘pecuniary sum’. The criteria which determines whether or not a person should be permitted to do community service instead of paying in cash is if the latter would cause 'severe hardship'. What constitutes 'severe' hardship is not defined but is left to the discretion of individual clerks of court, who are designated under the legislation as the appropriate officers to make the decision. Once approval has been given for a person to 'work off' a pecuniary sum, which is usually a fine, they are referred to the Department of Correctional Services. If the appropriate officer is not satisfied that payment of a pecuniary sum would cause hardship, he must give the applicant notice in writing to the effect, which then allows the applicant to apply to the court for a review of the decision. The court may then reverse the appropriate officer's decision. Imprisonment was formally regarded as a ‘sentence of last resort’ with the introduction of this legislation (Richards 1988)

**MAJOR INQUIRIES**

**1980**

*Cassidy review of Yatala Prison escapes*

Cassidy, a former Superintendent of Yatala and former Assistant Director of the Department of Correctional Services, was appointed as consultant to examine a series of escapes from Yatala and to assist the Assistant Director in the preparation of a report regarding matters such as security standards and procedures. Allegations included apathy and hopelessness amongst prison officers, and officers overworked; inadequate security procedures; leniency towards ‘hardcore offenders’ by management and incompetency of Superintendent. Mr Cassidy reported in February 1980, and was apparently criticised thereafter by both Union members and prisoners’ counsel. Superintendent Hughes (Yatala) subsequently implemented 22 of the 33 recommendations made.

*Review of systems and policies by a member of Public Service Board*

**1981 –**

Tognolini escaped from B Division, Yatala Labour Prison, in June 1980. A number of men broke into the prison, preparing the line of escape for Tognolini and providing him with oxy-acetylene equipment to cut his bars to get out. The operation was skilfully planned, but also succeeded due to inadequacies in the security system at Yatala. Messrs Lenton and Hornibrook were subsequently appointed to consider the escape and effectiveness of security measures. Problems with security included inadequate manning of watchtowers; insufficient patrols; and poor lighting. Staffing levels, generally, were inadequate.

Royal Commission into Allegations In Relation To Prisons Under The Charge, Care And Direction Of The Director Of The Department of Correctional Services And Certain Related Matters (Clarkson Royal Commission)

The Clarkson Royal Commission was fairly wide-ranging, and covered a variety of issues, including improper use of prison labour, property and facilities (such as missing goods from the Yatala Canteen); corruption (such as inappropriate promotions); circumstances of deaths in custody and shortcomings of relevant procedures surrounding the same; hosing of inmates (substantiated); assaults upon prisoners by officers (some substantiated); inappropriate use of segregation for those charged with disciplinary offences; inter alia. The Commission also considered the large number of prison escapes (36 daily average in 1970-1; 35 in 1979-80).

The Commission ultimately noted that deprivation of liberty was itself a punishment, and any additional sanctions are not appropriate. Clarkson noted that no witness had said that the present system achieved any substantial degree of rehabilitation (77); and advocated segregation of those whose chances of recidivism could be reduced by preventing contact with more hardened criminals. He advocated a special scheme for dealing with ‘grey area’ prisoners – those with emotional and personality problems which did not equate to psychiatric illness itself; and establishment of a prison inspectorate, presided over, for instance, by the Ombudsman, to deal with prisoner complaints.

Touche Ross, Services Review Of the South Australian Department For Correctional Services

This inquiry was instigated by Government due to rising concerns in relation to the safety, security and effectiveness of the South Australian correctional system. It was carried out by an independent consultancy service – Touche Ross.

The relevant terms of reference covered security; head office organisation; prison industries; recruitment, training and succession planning; research and management information; as well as overall cost effectiveness. It set out, basically, to ‘deal with the underlying problems of the Department’. Among its findings, the Review uncovered
major deficiencies in Head Office management processes, in recruitment and training, and in the administration of prison industries. Major recommendations were made to alter the structure of senior management at head office; prison industries; and security. Two new positions were created – a Director, Operations (to oversee day to day management of prisons) and an Executive Director (Permanent Head of Department, to act as ‘focal point for the Department, to develop policy and planning, etc.').

1982 –


At a ‘low point’ in the life of the Yatala Prison (in terms of safety, security and operational effectiveness of the facility), the South Australian Government commissioned Touche Ross to develop a plan for the prison’s upgrade. It was noted that low staff morale, lack of leadership and direction, and poor public image and deterioration of conditions were all leading to difficulties. It was recommended that:

• a top and middle management structure should be developed to assure assignment of responsibility, authority and accountability (with a number of assistant directors; chief administrative officer; manager; and assistant managers);

• there ought to be a unit developed for staff deployment, to ensure that individual officers were knowledgeable, proficient, responsible and accountable in their work performance (through, for instance, establishing specific units within the prison along geographical and functional lines, and assigning particular officers to specific units to enable them to develop expertise/knowledge);

• whilst the perimeter security had to be upgraded to minimise escapes, work, education, cultural, social and recreational programs had to be introduced also to assist in establishing order and to ‘relieve institutional pressures’. This recommendation also indicated that minimum security prisoners ought to be relocated outside the perimeter walls (in the interests of those prisoners, but also to prevent excessive movement of prisoners through perimeter gates). Prison programs were limited or non-existent, staff did not recognise the importance of such programs, and workshops were frequently closed due to staff shortages. The new Industrial Complex needed to be commissioned as soon as possible.

More broadly, it was recommended that a new inmate visiting centre had to be built, with adequate space and furnishings to reduce stress during visits; that a new staff training facility was also required (with advanced and general courses available); that inmates ought to have rostered evenings out of their cells; that an incentive or privilege scheme was required, tied to preferred accommodation, additional earnings, discretionary time and possessions; that inmates also required improved access to family, friends and special visitors; and that a review ought to be conducted of staff recreational needs.
1987 – *Domestic Violence Council Report*

In 1985 the State Government commissioned a report into the various aspects of domestic violence within South Australia. A Domestic Violence Council was established to undertake this work. In 1987, the Domestic Violence Council Report was published and released by Government with an extensive list of recommendations spanning all key government agencies. In 1988 the Domestic Violence Prevention Unit was established within the Department for Family and Community Services as a specialist unit to oversee implementation of the Council’s Report. The Domestic Violence Prevention Committee was also established, with broad representation from key agencies and interest groups to assist the DVPU and to advise government (Golding 2002).

**MAJOR POLICY CHANGES**

1980 – *Selective Supervision trialled*

A trial Selective Supervision Scheme was introduced in the North East. Offenders who complied with conditions were relieved of having to report to Parole officers. The trial was expanded State-wide in 1983. (At the time, the average parole officer caseload was 58 (the Mitchell Committee had recommended in 1975 that it be a maximum of 45)).

1981 – *Community Service Orders introduced*

1983 –

*Contact visits were permitted at Adelaide Gaol* for the first time, the last prison to introduce them in South Australia.

*The Prisoner Assessment Committee commenced operation*

1984

A new *Industries Complex* was opened at Yatala

*Cottage Accommodation* commenced at Northfield Prison Complex

1985 - *Double bunking* introduced at Yatala and Adelaide as a temporary measure whilst awaiting the opening of Adelaide Remand Centre.

1986 - Promotional courses for correctional officers were well received.

1989 - G Division (segregation unit at Yatala) opened on 18 April

**DIVERSIONARY**
1981 – Community Service Orders introduced (see above)

1984 - Cottage Accommodation at Northfield Prison Complex

1986 – Home Detention introduced

With the introduction of home detention, through an amendment to the Correctional Services Act, it was hoped that prison numbers would be reduced. It was to be operated administratively, so that the Department could directly organise releases at its discretion, and, initially, was only available to those serving one month to 12 months. Later, in 1987, this was expanded to those in the latter months of their sentences. Electronic surveillance devices were used. Generally, and currently, prisoners who have been convicted of serious violent offences have not been granted home detention and it will rarely be granted for prisoners until they are in the last six months of their sentence. However, the Prisoner Assessment Committee, which has strong input from the police, community and victims besides Departmental representation, may in exceptional cases grant home detention for 12 months. In such a case the prisoner would have to have displayed outstanding behaviour in prison, have an extremely supportive family and have full time work. (http://www.corrections.sa.gov.au/welcome.htm).

Courts also have the power to place a remanded person on home detention bail. Strict supervisory conditions will generally apply in such cases. Legislation to introduce Home Detention as a supervised bail option was proclaimed in 1987. It was also introduced as a sentencing option in 2000 where an offender is frail, suffering ill health or with a disability, or for whom any imprisonment would be unduly harsh.

1986 – First community correctional centre opened in Port Augusta

1987 – Cannabis Expiation Notice scheme

The Cannabis Expiation Notice scheme was introduced in 1987 under the Controlled Substances Amendment Act 1986. The scheme allows adults detected by police for ‘simple cannabis offences’ to be issued with an expiation notice. By paying the prescribed expiation fee, the alleged offender may avoid court proceedings and a criminal conviction for the offence.

1988 – Fine default/options scheme (see above).

PRISONER/OTHER RESISTANCE

1980 – Escapes

Men broke into Yatala Prison on 28 June 1980 with oxy-acetylene torches and freed a high security prisoner (Tognolini). Media and government attention led the Public Buildings Department to undertake a study in relation to installing surveillance
equipment at Yatala and Adelaide Gaol. An enquiry was subsequently held (see above—also Hornibrook/Lenton Inquiry). There had been 8 other escapes that year. Escapes were considered in the Clarkson Royal Commission, Cassidy Review and Touche Ross reviews/plan (see above), indicating that it was a significant issue at this time for South Australia’s prisons.

1981 – Prison Officers strike

Officers went on strike for 19 days in May-June 1981 - the longest strike in the history of the Department of Correctional Services.

1983 –

Yatala unrest

Assaults on officers at in January; 22 March – riot, hostage taking and fire.
Fire guts A Division – never rebuilt. Fire guts C Division – Aug 1983 – never rebuilt. Problems identified – poor conditions; inadequate and insufficient programs; limited visiting for family and friends; uncertainty about release because of the parole system.
At Yatala, Sixty prisoners went on a rampage on 22 March 1983 and lit fires, destroying the roof of A division. The government saw this as an opportunity to restructure Yatala, rather than simply repairing the damage, and on 21 December announced that A division would be demolished. The former Enfield Council strongly objected due to the building’s historic value but demolition began in 1984.

Full scale riot at Adelaide Gaol in December

1983-84 – Series of prisoner sit-ins

1984 - Mass escape from Yatala in June 1984

1990s

INCARCERATION RATES

By 1980, 2864 were under supervision in the community, compared with an average daily number of 705 in prison (Telfer 1999: 251), with 94.2% completing their order or bond. Probation and Parole were supervising 77% of all offenders or clients.

For the past decade, the South Australian custodial remand rate, or the number of remand prisoners per 100,000 population, had been consistently higher than the average custodial

As some indication of this, 30% of existing single cells were converted to dual occupancy to deal with short-term bed shortages in 1998.

From 1976 to 1996 the number of people in prison doubled, and the imprisonment rate per 100,000 adult population in Australia rose from 90 to 122 (up 34%). In South Australia the rate grew from 76 to 130, an increase of 72%. In 1996, on any one day in South Australia, there were over 1400 people in prison. Each day there were 7466 people serving community supervision orders - about 5.3 for every person in prison. (Graycar 1997).

MAJOR LEGISLATIVE CHANGES

1993 – Young Offenders Act (and Select Committee into Juvenile Justice System)

In South Australia, there had been a growing perception that the Childrens Protection and Young Offenders Act 1979, considered innovative at the time of its introduction, was not 'keeping pace' with changing needs and circumstances of young offenders and community expectations. In August 1991, the Government responded by establishing a Parliamentary Select Committee to enquire into all aspects of juvenile justice processing in South Australia. Of greatest concern to the public was the perception that the system was not dealing effectively with the serious offender or long-term recidivist. Penalties handed down by the Children's Court were considered to be too lenient or lacking in relevance and, even where appropriate sanctions were imposed, in many cases these were not being adequately enforced. As a result, young people were not held accountable for their behaviour and the community was not receiving adequate protection. Other problems were also identified, including: long delays in processing, with some cases taking over six months to finalise; over-processing due to the absence of a street-based formal police cautioning system; the non-participatory role of the young offender who was often marginalised by the presence of lawyers, social workers and other professionals in the system; the almost total exclusion of the victim from the process; and the failure to include the young person's parents in the decision-making process, which not only undermined their authority but also absolved them from accepting any responsibility for the wrong-doings of their child.

The recommendations of the Select Committee gave rise to the Young Offenders Act, Youth Court Act and the Children’s Protection Act 1993. Whereas the Children's Protection and Young Offenders Act 1979 gave prominence to the welfare needs of the young person and required that issues of community protection and accountability be taken into consideration only ‘where appropriate’, the Young Offenders Act 1993 reversed this emphasis. Section 3 referred to holding the young person responsible for their behaviour and ensuring that the community is protected from that behaviour. It also noted that sanctions should be sufficiently severe to provide an appropriate level of
deterrence. The legislation does not entirely jettison all welfare concerns - it effectively relegates them to a position of secondary importance, while according primacy to the more traditional ‘justice’ concerns of accountability and just deserts. In addition to a shift in philosophy, the *Young Offenders Act* effects a substantial restructuring of the juvenile justice system itself. It borrows heavily from New Zealand in two key aspects: not only does it introduce family conferencing as a second-level diversionary mechanism, but it also adopts a modified version of that country's formal police cautioning system. In effect, it introduces a two-tiered system of diversion based on the first two levels of processing operating in New Zealand (Wundersitz 1998).

Thus, the legislation created a two-tiered system of court diversion for juvenile offenders – police cautioning for first time or minor offences and Family Conference for others (based on restorative justice principles), with police as gatekeepers in terms of decision – making as to whether youths would be diverted or prosecuted. If a youth commits a serious offence, is a repeat offender or fails to comply with a family conference undertaking, (s)he may be formally charged and sent to the youth court (if unable to be cautioned or attend conferencing as alternative, diversionary options). This court is presided over by a District Court status judge and it has the authority to hear all but a few major indictable offences. They Court may convict an offender and impose penalties such as fines, community service and obligations. It may also imprison an offender in a secure care facility for up to three years. Alternatively, the *Young Offender Act 1993* also permits home detention to be imposed.

1994 - *Statutes Amendment (Truth in Sentencing) Act 1994*

Amended the *Correctional Services Act 1982*, under which prisoners were entitled to instant release upon the expiry of their non-parole period, which was discounted further through a remissions system in jail. The law was changed so that prisoners now have to apply for release to the Parole Board, with public safety being a paramount consideration in the Board’s decision.

1994 - *Domestic Violence Act*

This was the first legislative statement relating to domestic violence in South Australia. Most of the prevention response to domestic violence throughout the 1970s, 80s and 90s, was through health, community and human services sectors. But in the late 1990s and 2000s, the criminal justice sector took on a stronger role in dealing with this issue (Golding 2002).

**MAJOR POLICY CHANGES**

1990s - SA Government *Criminal Justice Strategic Framework*

1995 – *Court-based Domestic Violence Intervention Program (VIP) and Domestic Violence (Family Violence Courts)*
Family Violence Courts are now held at Elizabeth and Adelaide Magistrates Courts one day per week, aiming to deal with protection order matters in a supportive and safe environment separate from mainstream courts, and to hear criminal charges against perpetrators of violence. Working closely with each Family Violence Court is a Violence Intervention Program (VIP), which is an interagency cooperative arrangement providing information, advocacy and support services to victims and their children and a ‘Stopping Violence’ group program for men. It began in 1995 at Elizabeth Magistrates Court, was extended in 1999 to Adelaide Magistrates Court, and has now grown into Central Violence Intervention Program (CVIP) that involves the courts, Salvation Army, police and the Department for Correctional Services. In the court, the Magistrate can refer male perpetrators of domestic violence to the VIP for an assessment and possible attendance at a 24 week ‘Stopping Violence’ group as part of a condition of bail or a bond. The Family Violence Court at Elizabeth is linked with the Northern Violence Intervention Program (NVIP), which combines community correctional officers who supervise male offenders, children and women’s advocates, and men’s workers, *inter alia*, and works with local police. The Adelaide Magistrates Court is linked with the Central Violence Intervention CVIP (see [http://www.courts.sa.gov.au/courts/magistrates/violence_intervention.html](http://www.courts.sa.gov.au/courts/magistrates/violence_intervention.html)). A CVIP Manual is available at [http://www.corrections.sa.gov.au/welcome.htm](http://www.corrections.sa.gov.au/welcome.htm).

**1997-8 – Case Management**

A significant change in the approach to managing offenders was implemented at this time across the Department (Corrections) in the form of Case Management. Case Management is defined as the ‘individualised and planned management of offenders based on assessed need, implementation of case plans and progress reviews’. It was formally introduced in prisons on 1 September 1997, following a successful pilot project conducted at the Adelaide Women's Prison and the Port Augusta Prison women's unit.

Case Management involves the following activities in both prisons and the Community Corrections settings:

* comprehensive assessment;
* the creation of suitable Individual Development Plans (IDPs);
* the creation of agreed offender programs and personal goals;
* continual monitoring of offender progress towards goals; and
* Throughcare procedures, as offenders move between prisons and the community - to provide continuity of knowledge of the offender, programs and other services.

An interim Implementation Review of Case Management, conducted in partnership with the University of South Australia, commenced in April 1998 following eight months of operation. This review was completed in June 1998. While highlighting areas requiring improvement, the results were ‘most encouraging’ (DCS *Annual Report 1997-8*).

**1998/99 –**

*Corrections programs*
During 1998/1999, the Department completed implementation of six standardised Core Programs for prisoners and offenders. These programs are:

- Anger Management;
- Reasoning and Rehabilitation Cognitive Skills Training;
- Victim Awareness;
- Domestic Violence;
- Alcohol and Other Drugs; and
- Literacy and Numeracy (DCS Annual Report 1998/99: 31; See also DCS 2002)

Probation/Parole

With the introduction of the Statutes Amendment and Repeal (Justice Portfolio) Act 1999, community corrections officers replaced probation/parole officers in the provision of supervision services to young and adult offenders in the community.

DCS Annual Report 2000: 45 reports that legislation introduced to increase revenue from fines, resulting in the demise of the Fine Option and Expiation Community Service initiatives.

**MAJOR INQUIRIES**

1993 – *Juvenile Justice system inquiry - Led to Young Offenders Act 1993* (see above)

The work of the Select Committee led to a major revamping of the juvenile justice system. New legislation was introduced (*Young Offenders Act; Youth Court Act*), along with a new structure and realignment of the conceptual underpinnings of the system. It was motivated by community and media concern that youth offending was out of control due to a perceived ‘leniency’ of the justice system.

The Select Committee into the Juvenile Justice System recommended a multi-tiered diversionary system, comprising formal and informal police cautions and family conferencing, which were intended to divert up to 90% of matters from court. Conferences were to be located under the Youth Court umbrella (in contrast to the Wagga Wagga model, where police had responsibility for conferencing). They created the Youth Court (from the Children’s Court), introduced tougher penalties (including three years detention and up to 500 hours of community service), made it easier to transfer serious repeat offenders to the Supreme Court to be dealt with as adults, and introduced greater parity with adult judicial processes and outcomes. They also separated child protection legislation from youth offending legislation (previously in South Australia, both were contained within one piece of legislation - *Children’s Protection and Young Offenders Act 1979*) (Wundersitz et als 2005).

1993 - *Interim Report of The Select Committee on The Penal System in South Australia*
1995 – Mobile Work Camps initiative established

In 1995, the Department for Correctional Services established a policy of using selected low security prisoners at Port Augusta to perform work on community and environmental projects in remote areas of the State under the supervision of Correctional Officers. Prisoners and supervisory staff work in isolated locations across the State on projects which may not have been able to be completed by the local communities for various reasons including cost, accessibility and magnitude. This program is still in operation (see below).

1998 – Ombudsman’s investigation into prisons

During 1996-1997, as a consequence of criticism from prisoners and members of the public regarding the Department’s shared cell accommodation policy, the Ombudsman conducted a comprehensive investigation of prisons in South Australia.

VULNERABLE POPULATIONS

1998 - Negotiated formal agreement with indigenous Elders in North of SA for supervision of community service orders

1999- see Magistrates Court Diversion Program (Mental Impairment) below

1997-8 – Indigenous programs

A Recidivism Open Learning Education project (ROLE) commenced, and delivered a basic literacy/art program to Indigenous prisoners in four prisons (DCS Annual Report 1997-8)

The Say No to Indigenous Offending Program, based at Port Augusta Prison, commenced at this time, targeting traditional Indigenous male prisoners, specifically focussed on those from communities in the Far West and Far North of the State. The program draws on the essential themes of the Department's Core Programs and attempts to present them in a culturally appropriate way, thus enhancing their relevance to the target group. It has two broad components. One involves trade or basic skill development, equipping participants with the skills relevant to remote community living such as basic welding, carpentry and small appliance handling. The second component deals with substance abuse, health management, relationships with police and parole officers, and domestic violence. Most sessions are presented by Indigenous trainers and, where possible, are conducted in the local language, with visits by men and women of standing in Aboriginal communities (DCS Annual Report 1997-8).

1999 –

Nunga Court established
Nunga Aboriginal Court in South Australia established in 1999 (Magistrate Chris Vass), and other jurisdictions followed thereafter. Initially, one day per fortnight was set aside at Port Adelaide Magistrates Court for sentencing of Indigenous offenders, and one day each month at Murray Bridge and Port Augusta Courts. It was eventually extended to Murray Bridge, Ceduna and Port Augusta, with a Youth Aboriginal Court established at Port Augusta in 2003. There is anecdotal evidence that it improved attendance rates and, overall, provide a more culturally appropriate justice system for Aboriginal people (Tomaino 2004).

Aboriginal Justice Officers (AJOs)

AJOs were introduced in 1999 at Port Adelaide Magistrates Court. They assisted Aboriginal people to comply with non-custodial sentencing options; educated Aboriginal communities about the criminal justice system; made contact with defendants prior to their court appearances; fostered links between Aboriginal communities and the court; educated court staff and the judiciary in relation to (local) Aboriginal issues; and assisted Aboriginal people to understand court outcomes and bail obligations (Tomaino).

DIVERSIONARY PROGRAMS

1992 - Completion of new cottages (for pre-release transition) at Northfield, Cadell and Port Augusta

1999 - Magistrates Court Diversion Program (Mental Impairment)

This Program focuses on those charged with summary or certain minor indictable offences who have a mental illness, intellectual disability, brain injury, neurological disorder or some personality disorder. The program involves specially designated Magistrates (who preside over the court), a program coordinator, clinical advisor and Mental Health Liaison Officer (who links offenders with treatment agencies). If an offender consents, in lieu of pleading guilty, their case is adjourned for an assessment and for completion of an intervention program. Access to this program is voluntary and before an offender is accepted into the program a Court assessment of their suitability to participate is made. At the final hearing the offender is required to appear before the Court for the Magistrate to make a determination of the matter, taking into account their performance and involvement in the program. It is open to the Magistrate to dismiss the matter or convict without penalty, depending on the circumstances of the case. The Diversion Program takes 6 months to complete. The aims of the Magistrates Court Diversion Program are to prevent further offending behaviour by providing offenders with services that address their mental health or disability needs and to assist the Court in the management of people with mental impairments in the Court system.

An evaluation in 2004 of the program indicated that the high proportion of participants who were not apprehended for offending in the 12 months following program completion, and the lower number of incidents charged against these individuals was (when compared with the number of incidents before they commenced the program) were
positive indicators that the program may be having some positive effect. Of the small group of fifteen participants who could be considered ‘high risk’ offenders prior to joining the program, moreover, twelve either did not offend at all post-program or were apprehended for fewer incidents than in the equivalent pre-program period (Skrzypiec et al 2004).

RIOTS/UNREST

1996 - Yatala

An eleven-hour siege took place at Yatala, involving more than one hundred armed guards, with prison officers taken hostage. The prisoners demanded equal treatment to be given to Special Protectee's in the prison (who were receiving special treatment).

Media: http://www.emergency.com/austriot.htm

1995 – Prison escapes were on the rise (DCS Annual Report 2000: 18)

2000

INCARCERATION RATES

• In 2000, numbers of sentenced male prisoners had decreased over the last three years. There were 1299 prisoners in State prisons as at 30 June 2000 – a 7% decrease from the same date in 1995. Numbers have been as high as 1489 during this period (June 1997). As at 30 June 1995, there were 9645 Community Correction Orders current in South Australia. This compares with 6897 Orders at 30 June 2000, which represents a decrease of 28% (DCS Annual Report 2000).

• At 30 June 2001, there were 1389 prisoners (a 7% increase from 2000).

• By September 2001 there was a spike in remand figures - a remand rate which then ran at 43.5/100,000 compared to the national average of 29.3/100,000. This was the second highest remand rate in the nation (DCS Annual Report 2002).

• In mid 2002, the downtrend in the average prison population appears had stabilised and prisoner numbers were again experiencing a period of growth. Prisoners held in custody on remand had contributed significantly to the recent increase. There were 1462 prisoners in South Australian prisons on 30 June 2002. This was a 5.3% increase from the same date in 2001 (DCS Annual Report 2002).
• The average prison population increased by 2.7% during 2004-2005, with an increase in both the numbers of prisoners serving a custodial sentence and prisoners held in custody on remand. Average prison numbers had increased from 1,321 in 2000-2001, to 1,510 in 2004-2005, representing an overall increase of 14.3% over five years (DCS Annual Report 2004-5).

• The average prison population continued to increase in 2005-2006, with increases in both the numbers of prisoners held in custody on remand and those serving a custodial prison sentence. During 2005-06, average prison numbers were 1548, compared with 1510 in 2004-05 and 1435 in 2001-02. This represented an overall increase of 8% over the last five years (DCS Annual Report 2005-06).

• During 2006-07, South Australia had an average prisoner population of 1686, of whom 109 were female and 1577 were male (cf 1548 in 2005-2006). In February 2007, overcrowding led to use of Adelaide City Watch House to temporarily accommodate prisoners who had been remanded in custody or sentenced to no more than 15 days (DCS Annual Report 2006/7). Overcrowding was so bad that up to three prisoners were accommodated in each cell.

• There was a commitment to spend $35 million to find 290 extra beds within existing prisons (DCS 2008-11 Strategic Plan).

Media:
Government statement in relation to increased funding due to increasing prisoner numbers, and to their ‘tough on crime’ stance and relevant legislative changes they have introduced

Home detention practices:

The idea behind home detention is to ease a prisoner back into the community and assist them to become stable within the community. Most prisoners granted home detention will be required to remain within the confines of their place of residence and have an electronic bracelet or anklet attached to them. The Department now has electronic means by which random telephone calls are made to this residence which has a device attached to the telephone. When the call comes, at any hour of the day, the prisoner must place the wristlet into the device to signify they are at home. More lately, a state-of-the-art system is radio based. A miniature radio transmitter is attached to the offender and a receiver placed in their home. Each receiver has a set alert distance which, if breached, will alert a supervisor. This system also has a drive-by facility. A supervisor can simply drive past a place where an offender on home detention is supposed to be attending and the radio transmitter will be picked up, indicating that the person is there. Officers can also attend the residence at any time and also make personal telephone calls to the prisoner to make sure he or she remains there.
Home detainees are required to remain drug and alcohol free and other conditions can be set. If these conditions are found to be breached, the prisoner will be returned to prison. Over time, if the prisoner displays success in living back in society, the supervision level may start to reduce. The prisoner may also be relieved of the electronic system if appropriate, according to the Department. Prisoners in this category are permitted to attend work or education daily and they may also be allowed to venture into the community as long as they first apply for permission from their home detention officer. Once the home detention period is over, the person will either be on parole or have completed their sentence (http://www.corrections.sa.gov.au/welcome.htm).

**MAJOR LEGISLATIVE CHANGES**

**2001- Victims of Crime Act**

This legislation sets out relevant principles (in terms of how victims of crime ought to be treated in the justice system); provisions relating to victims compensation (repealing the Criminal Injuries Compensation Act 1978); and establishes a victims of crime advisory committee. (see http://www.voc.sa.gov.au/)


**2005 –**

*Statutes Amendment (Intervention Programs and Sentencing Procedures) Amendment Act 2005*

The Act amended legislation (and therefore procedure) to take account of intervention programs; for instance, s. 19B of the Criminal Law (Sentencing) Act 1988 (SA) was introduced to ensure that sentences could be deferred in order that a defendant might participate in an intervention program. It also inserted s 9C in the Sentencing Act, indicating that where an Aboriginal defendant is being sentenced, a court may convene, with the assistance of an AJO, a sentencing conference (with a consenting victim; Aboriginal elders; and others present).

*Statutes Amendment (Sentencing of Sex Offenders) Act 2005*

This Act (amending the Criminal Law (Sentencing) Act 1988 and the Criminal Law Consolidation Act 1935) sought to establish deterrence as a `primary policy of the criminal law' for the purpose of sentencing child sex offenders; to apply higher maximum penalties for sex offences committed against children aged 12 or 13; to enable a court to declare a child sex offender to be a `serious repeat offender' after two (rather than three) convictions for sexual offences against a person under 14 years; to subject a sex offender to indefinite detention if a court finds he is `unwilling' to control his sexual instincts; and to reverse the effect of the recent decision of the Court of Criminal Appeal in R v Kench 2005, SASC 85 (in which the defendant’s sentence was reduced because the Court of Criminal Appeal ruled that sentencing policy enunciated in R v D (1997) 69 SASR 413
did not apply to his case. In other words the defendant was sentenced based on the penalty applicable at the time of his offences, and not based on the current penalties which reflect current community opinion regarding the sentencing of paedophiles. As a result, the defendant received a lesser sentence in \( R \ v \ D \).

**Correctional Services (Parole) Amendment Act 2005**

This Act amends the *Correctional Services Act 1982* to implement the recommendations of the review conducted by the government in 2003 into aspects of the parole system (?), including the functions of the Parole Board and its guidelines. The aim in commissioning the review was to ensure that community safety and community interests are priorities in parole decisions. The amendments included expanding the involvement of victims and their families in the parole process by establishing a victims register and specifically requiring the Parole Board to consider the impact that the release on parole of a prisoner is likely to have on a registered victim and/or the registered victim's family; and removing the mechanism of automatic release for prisoners serving any part of a sentence of imprisonment for a sexual offence.

**Terrorism (Preventative Detention) Act 2005**

Similar to legislation introduced in other jurisdictions, the Act provides for detention (for a short period of time) in order to prevent an imminent terrorist act or to preserve evidence of such an act (s. 2).

**2005-6 - Correctional Services Miscellaneous (Amendment) Bill 2005**

This legislation introduced amendments to the *Correctional Services Act 1982*, with major amendments as follows;

- changes to the conditions of Home Detention that restrict the program to the last 12 months of a prisoner’s sentence;
- changes to the criteria for prisoners convicted of sexual offences being released on parole when their sentence is 5 years or less to restrict them from being eligible for automatic release;
- changes to the department’s visitor search procedures, to enable the department to focus these on the areas of greatest need; and
- procedures to allow prisoners to be transferred across interstate borders for administrative purposes.

**2006**

**Child Sex Offenders Registration Act 2006**

Child-offender registration legislation requires some types of offender, known as ‘registrable offenders’, who have been convicted of serious offences against children (generally sex offences and offences of violence with a sexual element) to register with
and provide certain personal information to the police upon their release from prison or upon conviction if no custodial sentence is imposed. ‘Registrable offenders’ are then required to report to police and to keep police informed about any changes to the required information. Failure to report to police or update information as required are themselves further offences. Penalties for breaches of the legislation include imprisonment. The length of time a registrable offender must remain registered depends upon the nature and seriousness of the offence with which the offender has been convicted, but can be for life in the most serious of cases. The purpose of a child offender register is to assist police to monitor the whereabouts and activities of registrable offenders who, because of their record of serious offending, are thought to pose a sexual threat to children. Access to the information on the register is strictly controlled, and is limited to police and other law enforcement authorities for monitoring and law enforcement purposes.

Media Release:

Summary Procedure (Paedophile Restraining Orders) Amendment Bill

This Bill works with the Child Sex Offenders Registration Act 2006, in that when a paedophile is being sentenced for offences that will see him or her entered on the child sex offenders registry, the police or the Director of Public Prosecutions may lay a complaint to obtain a restraining order, if loitering around children or internet use was a factor of the relevant offending. If a judge or magistrate is satisfied that there is merit in banning an offender from using the internet - or, indeed, some parts of it - the judge or magistrate can make such an order. This bill also creates power for the police to enter the premises of the offender once a year, to ensure compliance with the law. Police may seize computer equipment, with return of that machine within a reasonable time frame, to forensically examine its contents to ensure compliance with the order.


This bill introduces a number of amendments, and:-

• requires sentencing courts to give primary consideration to the need to protect the public from an offender's criminal acts;
• introduces minimum non-parole periods for major indictable offences resulting in the death or total permanent incapacity of the victim; and
• proposes the detention of dangerous sexual and violent prisoners in custody by removing non-parole periods for prisoners sentenced to life where there is little prospect of rehabilitation and where the protection of the public requires their continued incarceration.

Media:
This legislation appears to relate to the conviction of Dundovic for an offence of causing death by dangerous driving whilst on parole in 2007 (whilst on methamphetamine), which led to public outrage and a very public tough stance to be taken by Government Media:

2007 - Statutes Amendment (Young Offenders Act 2007)

Legislation introduced after De Cappo’s To Break the Cycle report (2006) – in part, responding to recommendations in De Cappo’s report indicating that serious repeat (young) offenders were responsible for much of youth crime. The legislation gives the Director of Public Prosecutions the authority to refer a major indictable offence alleged to have been committed by a serious repeat youth offender directly to the Magistrates Court where the youth would be tried as an adult. In such a case the offender will face the far harsher penalties that can be handed down by an adult court. It also permits a court to consider an offence as an aggravated offence where an adult aids, abets, counsels, conspires or procures a child to commit a crime, or commits a crime in the company of a child. An aggravated offence carries a substantially harsher penalty; for example a robbery committed in the company of a child has a potential maximum penalty of life as an aggravated offence. It also establishes a Youth Parole Board, which will review a young offenders progress while in detention and only then, after taking into account matters such as public safety and the impact the release might have on a registered victim or registered victim’s family, set conditions for release.

Media:

2008 Truth in Sentencing

Re-affirmed, and perceived loopholes closed in July 2008

MAJOR CASES

2005 - R v Kench –

This case involved a child sexual assault offender. It led to harsher regime for child sex offenders set out in Statutes Amendment (Sentencing of Sex Offenders) Act 2005 (see above).

2007 –
Dundovic – offending on parole (see above)

Hicks transferred to Yatala from Guantanamo Bay

Media:
http://news.bbc.co.uk/2/hi/asia-pacific/6515903.stm

2008

Andrews

In 2008, it was confirmed, by a full bench of the Supreme Court, that this legislation applied to prisoners retrospectively – regardless of when they were originally sentenced. Convicted murderer Shane Andrews claimed that he had a right to ‘automatic parole’ because he was sentenced before Truth in Sentencing laws took effect in 1994. Andrews was convicted in 1991 of the shooting murder of Brian Lyden outside the Aberfoyle Park Primary School. He was sentenced to life in jail with a non-parole period of 23 years.

See media release, where Government states that it ‘has always believed the Truth in Sentencing laws were water-tight and would not allow unrepentant and potentially dangerous prisoners such as Andrews to walk free’ - http://www.ministers.sa.gov.au/news.php?id=3618

MAJOR POLICY CHANGES


In 2000, the Ministerial Forum for the Prevention of Domestic Violence (SA) endorsed the State Collaborative Approach for the Prevention of Domestic Violence as the strategic policy framework for South Australia. A key aim was to support and encourage collaboration and coordination across government and between government and non-government agencies in their efforts to develop prevention approaches. While in many ways there was nothing new about this direction at the front-line service level, it was new for this to be endorsed broadly at a whole-of-government level (Golding 2002).

See also Women’s Safety Strategy, Office for Women (2005), and achievements to date, including those of Correctional Services (including relevant programs for offenders, for instance): http://www.officeforwomen.sa.gov.au/index.php?section=970).

2004 – Intensive programs introduced for violent, sexual and Aboriginal offenders

Corrections established a specialist programs branch to implement and deliver these programs, and to increase program delivery to Aboriginal offenders and prisoners.
2004-5 - Disability Action Plan (Corrections)

RISK RELATED DEVELOPMENTS

2007 – Offender Risk Needs Inventory introduced

The Offender Risk Needs Inventory– Revised (ORNI-R) was introduced at this time. This risk assessment tool is used to ‘better inform the management and rehabilitation of prisoners and offenders entering the correctional system’ (DCS Annual Report 2006/7).

MAJOR INQUIRIES

2003 – Government Review of Parole? No further information

This review led to Correctional Services (Parole) Amendment Act 2005 (see above).

2005 – Select Committee on Youth Justice System -

The Select Committee’s Report indicated that there needed to be better use of diversionary practice, particularly for Indigenous youth, and focus on early intervention for ‘at risk’ youth; intensive intervention in family contexts; victims of youth offending; and improvements to the Youth Justice programmes. It recommended the use of Parental Responsibility Orders; the employment of Aboriginal Youth Justice Officers to assist participants in the court process; establishment of Youth Drug Court program; that the Magill Training Centre be closed; that Transitional Plans be provided to all youth as part of case management; that a Regional Supervised Bail Programme be piloted; and that accommodation options (for those on remand or on bail) be expanded.

2007 - To break the cycle: prevention and rehabilitation responses to serious repeat offending by young people (Cappo) – Juvenile Justice

Monsignor David de Cappo was asked by the Rann Government to consider offending which was the focus of a South Australian Police project – Operation Mandrake. After looking into underlying factors contributing to offending, including within the Aboriginal community, de Cappo suggested that a very small number of offenders were responsible for the bulk of juvenile offences coming to light under the Police project. It was recommended that community safety ought to be a larger consideration in sentencing decisions; that a ‘joined-up’ approach by agencies was necessary to tackle the issues; that better therapeutic programs ought to be available to youth involved; that repeat offenders should be tried as adults in certain circumstances; that better services are available to youth in secure care (detention); that victim conferencing be utilised more frequently in the youth justice system; and that more be done in terms of prevention. These recommendations were taken up by Government (see above: Statutes Amendment (Young Offenders Act 2007).
Media (Government’s statement on progress (2008)):  

2007 - Domestic Violence Act

Independent review of Domestic Violence laws by Maurine Pyke Q.C. Final report unreleased


VULNERABLE POPULATIONS

Indigenous prisoner numbers have continued to increase, with Indigenous prisoners up from 16.8% of all prisoners in June 2003, to 21.9% in June 2007. Since 1990, there have been 75 deaths in custody (16% Indigenous – (12 deaths)), with 2 deaths in 2006-07. Indigenous community based orders have increased from 10% of all orders in June 2003 to 15% in June 2007 (DCS Annual Report 2006-07 & 2005-06).

An Aboriginal Sentencing Conference program is also in development, and is modelled on restorative justice approaches to criminal offending (Cannon 2007 – status unclear).

2001 –

Corrective Services’ Declaration of Reconciliation

In their Declaration of Reconciliation (2001), Correctional Services commits to improving the health and well-being of Aboriginal people whose lives are touched by the criminal justice system. There is an undertaking to provide, as far as possible, services and support which recognise diverse cultural needs of, and address the accumulated trauma suffered by, Aboriginal people. More specifically, there is a commitment to the following:

• reducing the disproportionate number of Aboriginal people on remand and in prison;
• embodying the substance and spirit of the RCIADIC;
• increasing Aboriginal employment within the Department;
• consulting with Aboriginal people within the Department and communities to ensure that their needs and aspirations are explicitly reflected in service planning and delivery;
• providing leadership and training to eliminate racism in the workplace; and
• increasing knowledge and understanding of Aboriginal heritage and contemporary culture amongst Departmental staff

Rekindling Family Relationships: Framework for Action

2002 - Justice Portfolio’s Statement of Reconciliation
The Justice Portfolio’s *Statement of Reconciliation* is a public statement of regret for the impact of past policies upon Aboriginal people. It also contains an acknowledgement of the Portfolio’s responsibility to redress the resultant overrepresentation of Aboriginal people as victims, and within the justice system more broadly. The Portfolio undertakes to achieve reconciliation by the following with respect to Aboriginal people and communities:

- enhancing the safety of communities
- building confidence in the justice processes
- reducing crime and its social and economic impacts
- embodying the substance and spirit of the RCIADIC across the Portfolio
- promoting access to justice
- strengthening sustainable partnerships
- fostering an inclusive, respectful and responsive portfolio

**2004 – Aboriginal Justice Strategic Directions**

The *Aboriginal Justice Strategic Directions* 2004-2006 provided an overarching Government framework to ensure that justice agencies, Aboriginal communities and other Government agencies worked collaboratively to address Indigenous overrepresentation. *Strategic Directions* established the Aboriginal Justice Strategy and Community Development Unit within the Attorney General’s Department, which included Community Development Officers to work with four local communities to facilitate the process for establishing local community justice groups.

The initiative was directed towards ensuring agencies do the following:
- encourage local ownership and build community capacity
- develop a justice system that enables participation by Aboriginal victims, families and communities
- develop culturally appropriate strategies in partnership with Aboriginal families and communities to reduce overrepresentation of Aboriginal youth in the juvenile justice system.

It had three broad strategic directions (with specific key focus areas), including to work in partnership with Aboriginal communities to improve the justice system’s understanding of Indigenous issues by improving access to bail and enhancing the understanding of court processes and sentencing outcomes; promoting health and wellbeing of Aboriginal people in prison and post-release; establishing rehabilitation programs to specifically address the needs of Aboriginal people; and continuing to develop more culturally inclusive dispute resolution and court processes (including for youth). Focus areas directed to preventing entry and re-entry into the justice system included ensuring that Aboriginal people have access to appropriate legal services and improving access to diversionary programs within and beyond the justice system.
2005 – Statutory backing to Aboriginal sentencing conferences - Statutes Amendment (Intervention Programs and Sentencing Procedures) Amendment Act 2005 (see above)

2006 –

The Department of Correctional Services’ Aboriginal Services Unit Business Plan (2006-2007)

The Department of Correctional Services’ Aboriginal Services Unit’s Business Plan set out four specific goals for 2006-2007. Those goals, with relevant strategies and tasks, ‘deliverables/milestones’, and listing of officer responsible for corporate reporting, are as follows:

(a) Progress Throughcare
• contribute to homelessness initiatives, including through provision of ALO services if required, and through improving housing outcomes for Aboriginal prisoners and offenders.
• contribution to the Chronic Young Offenders Project (Breaking the Cycle) through provision of advice and consultancy
• monitoring implementation of the RCIADIC recommendations through an audit of relevant institutions, and through delivery of regular forums about these recommendations in South Australia

(b) Effective delivery of custodial services
• maintain prisoner art and music programs with a focus on incorporating them into rehabilitation programs
• formalise the involvement of ALOs in induction screening process
• progress implementation of outstanding RCIADIC recommendations

(c) Effective delivery of community based services
• develop outreach services to Aboriginal communities, including allied

Aboriginal Workers in the Criminal Justice System – An Information Resource (n.d.)

Aboriginal Workers in the Criminal Justice System – An Information Resource was prepared by the Department of Correctional Services (n.d), providing details of Aboriginal people working within the criminal justice system. It sets out contact details and other relevant information concerning the role of such workers (including Aboriginal contacts within Correctional Services, Court Administration Authority, Police, and legal services, for example).

Annual Reports – Indigenous initiatives

• In the 2005-06 Annual Report for Correctional Services, the Department indicated that during this reporting period, they involved Elders in the delivery of a Violence Prevention Program, introduced the Aboriginal Ending Offending Program, and
Aboriginal prisoner art exhibitions were run as part of the Fringe Festival (as part of Aboriginal art program). A casual pool of Aboriginal Liaison Officers was implemented in prisons and partnerships were enhanced with Aboriginal health services. Senior Aboriginal Programs Officers (SAPOs) were appointed, who are developing a cultural competence framework to enable the Department to be more responsive to Aboriginal needs. The Aboriginal Rehabilitation Team has provided programs to Aboriginal prisoners and offender (Aboriginal Ending Offending, Alcohol and other drugs, Sexual Offender, Anger Management, Violence Prevention Program, Victim Awareness). Work with Aboriginal Prisoner and Offender Support Services (APOSS) has included the creation of a Housing Information and Referral Officer position for Aboriginal offenders and prisoners. The Aboriginal Services Unit continues to coordinate the Prevention of Aboriginal Deaths in Custody Forum. This Forum provides Aboriginal prisoners with an opportunity to raise concerns and for the Department to respond.

• In its 2006-07 Annual Report, the Justice Portfolio (SA) notes that Correctional Services has established a Remote Areas Program to address family violence and other offending in remote Aboriginal communities in Central Australia. It is a cross border initiative involving South Australia, the Northern Territory and Western Australia, jointly funded by these jurisdictions and the Commonwealth.

• The 2006-07 Annual Report for Correctional Services, there is further reference to the ‘Remote Areas – Family Violence Program’ on APY Lands as a cross border initiative with the Northern Territory and Western Australia. The Department indicates that it also secured resources from TAFE to deliver education to Aboriginal prisoners, and that one of the Department’s key principles is to progress reconciliation with ATSI communities and to provide culturally appropriate services. In 2006-07, the Department provided services to Aboriginal people with mental health, domestic violence, drug and alcohol issues. The Rehabilitation Programs Branch now employs 4 SAPOs to work with Indigenous offenders in relation to the sex offender and violent offender programs, and also provide programs specifically for Aboriginal prisoners (Anger Management, Victims Awareness, Ending Offending). The Aboriginal Services Unit services the needs of Aboriginal prisoners, and monitors the implementation of the RCIADIC recommendations. It assists in the development of culturally appropriate programs and services, and with the development of partnerships with and support for Aboriginal community organisations and other Government departments. In 2006-07, the Unit supported Elders in the development of a Substance Misuse Community Resilience Program, provided mental health first aid training to all Aboriginal staff and continued to enhance the Department’s partnership with a relevant Aboriginal Health Service to provide culturally appropriate services to Aboriginal prisoners. It is also working with APOSS by providing specialist support for high risk, high needs offenders in the community, and collaborates with the Throughcare Unit to participate in interagency and interdisciplinary case conferences. The Department signed an MOU with DEFEEST to transfer responsibility for Aboriginal education to the Department, and this has seen an increase in Aboriginal prisoners enrolled in vocational and educational programs in 2007.

DIVERSIONARY PROGRAMS
2000 - *Drug Court*

An OSCAR Evaluation in 2005 indicated that the Drug Court appeared to be having positive effects. A number of individuals were not apprehended post-program, and of those who continued to offend, the majority were charged with fewer and/or less serious offences than those they had been charged with prior to the program (Corlett et al. 2005).

2001 - *Police Drug Diversion Initiative (PDDI)*

Directed to reducing number of illicit drug users through diverting users into appropriate treatment and support services and away from courts for prosecution for offences of use and possession of small quantities of drugs. It also has a specific focus on encouraging Indigenous participation in diversion schemes. Those detected by police for a simple possession drug offence are offered assessment by an accredited health worker. If the individual attends the appointment which is set up, no further action is taken. If they do not, police are notified and may commence the regular prosecution process. There is no police discretion, unlike in other jurisdictions. All offenders must be diverted, and there is no limit to the number of times that an individual may be diverted (but juveniles are only eligible for three assessments).

According to an OSCAR evaluation of PDDI, there were no significant differences between the pre- and post-level of offending amongst individuals referred for assessment. However, excluding those with 10+ criminal events pre-referral, a higher proportion of those who presented for assessment had the same or less offending in the post-referral period (O’Brien 2008).

2004 - *Pilot adult restorative justice conferencing program at Adelaide Magistrates Court*

*Cannabis Expiation Notice scheme*

The Cannabis Expiation Notice scheme was introduced in 1987 under the *Controlled Substances Amendment Act 1986*. The scheme allows adults detected by police for ‘simple cannabis offences’ to be issued with an expiation notice. By paying the prescribed expiation fee, the alleged offender may avoid court proceedings and a criminal conviction for the offence.

The scheme has been criticised for its ‘net-widening effect’, and, initially, for its low expiation rates. To attempt to improve the expiation rate, the *Expiation of Offences Act (1996)* was introduced, and set out a range of options for the payment of fees (including instalments and community service). A 2001 review of expiation rates conducted by the Office of Crime Statistics (OSCAR) found that rates continued to decline, but suggested that this may be due, in part, to a reduction in policing of cannabis offences (Hunter 2001).

PRISON RIOT

2008 – Prison Standoff

About forty prisoners took over a cell block in October at Port Augusta, allegedly complaining about overcrowding. The Government Opposition called for an inquiry into prisons as a result.

Media:
SECTION 3 – PRISON FACILITIES

The following detail has been sourced from the Department of Corrective Services website at http://www.corrections.sa.gov.au/.

CURRENT FACILITIES

There are nine prisons located throughout the State, four of which are located in the Adelaide metropolitan area.

South Australia provides a graduated prison regime for both male and female prisoners. On entering the system, most male remandees are placed in either the Adelaide Remand Centre or Yatala Labour Prison. The majority of female remandees are accommodated in the Adelaide Women’s Prison. Most female prisoners will serve their sentence at the Adelaide Women’s Prison. However, a small number may serve part of their sentence at Port Augusta Prison. Most high security male prisoners are accommodated at Yatala Labour Prison and Port Augusta Prison. These prisons also currently accommodate medium and low security prisoners. Port Lincoln and Mobilong Prisons have a mixed security regime and accommodate medium and low security male prisoners. Mount Gambier Prison predominantly accommodates medium security male prisoners, whilst Cadell Training Centre and the Adelaide Pre-release Centre have been designated low security male prisons.

Offenders who are sentenced to terms of imprisonment which exceed six months are assessed by the Prisoner Assessment Committee. Offenders sentenced to a term of imprisonment of six months or less are reviewed and their security rating set by local prison management. In addition to health and safety issues, this assessment establishes when and where prisoners will be placed within the prison system and identifies programs that they must undertake to address their offending behaviour.

The South Australian prison system is designed such that prisoners progress from high to medium to low security prisons as they complete incentive based programs, targeted at addressing their offending behaviour. The Prisoner Assessment Committee, in conjunction with prison management, regularly assesses prisoner security classifications. (DCS Annual Report 2006-2007: 61)

Adelaide Remand Centre

The Remand Centre, a high security facility, is located in Currie Street, Adelaide, is capable of accommodating up to 267 male people who have been remanded in custody by the courts. About 60% of these people are released on bail or don’t receive a custodial sentence.
While in the Remand Centre, offenders are able to receive visits regularly and where possible special visits can and are arranged. Apart from exercise yards, remandees do not have any access to the outside. Their cells are in several accommodation units in which they take their meals and associate for most of the time. Remandees can chose to go to exercise yards or the recreation centre which has weight lifting equipment, a squash court, multi-purpose courts for volleyball etc, and an education centre where computer technology is taught. The Centre has its own fully equipped infirmary.

Males who are initially remanded in custody in Adelaide will spend the remand period in the Remand Centre unless there is a need for them to be transferred to Yatala Labour Prison, which can be the case for long-term remandees. Sentenced male prisoners are initially accommodated in the assessment unit of Yatala Labour Prison for a sentence or case plan to be compiled. This plan will determine the immediate and perhaps long-term needs of the prisoner.

Offenders are transported from the Adelaide Remand Centre to the courts daily. Due to continued high remand rates, the Adelaide Remand Centre operated at maximum capacity throughout the year. (DCS Annual Report 2006/7)

**Yatala Labour Prison**

Yatala is a high to medium security institution but it also accommodates low security prisoners who are in transit to another prison. Yatala can accommodate up to 468 prisoners. The entire prison is separated into distinctive units (B-Division; E-Division; F-Division; and G-Division).

B-Division accommodates high and medium security prisoners and protectees. Protectees are prisoners who need protection from the general prison population because of their crime or they are known to be an informant; or close supervision for their own safety. Extreme cases are accommodated in G-Division. E-Division is the assessment and induction unit. All male prisoners are initially accommodated here, where they will be interviewed by experienced staff in relation to their needs (such as health and education or their potential to work). E-Division also has a small wing to which fine default prisoners are allocated. F-Division is the working division of Yatala. The unit is in close proximity to the main industry facilities of Yatala, which are the largest in the SA prison system. G-Division is the highest security section of the entire prison system. It accommodates the most notorious and dangerous prisoners and those protectees who are considered in need of constant supervision.

Yatala also is the base of the Prisoner Assessment Committee, which sets case plans and adjudicates on all prisoner movements regarding accommodation. This committee also sets security ratings for prisoners.

Yatala is the State’s primary induction and reception prison for male sentenced prisoners. During 2006-07 a significant number of remandees were again accommodated in the prison. On 30 June 2007, 168, or 42% of the 404 prisoners held in Yatala Labour Prison were remandees. (DCS Annual Report 2006/7)
Adelaide Women's Prison

The Adelaide Women’s Prison has two main sections - mainstream, which accommodates high, medium and low security and remand prisoners, and the Living Skills Unit for low security women. They are distinctly separated areas which in total can accommodate 148 women.

Mainstream has cellblock accommodation, while the LSU is for women who are close to release and who are given opportunities to develop skills through special programming. This may consist of education or work programs available outside the prison and special development programs that are run inside the prison. These women live in transportable units each containing their own kitchen, toilets and bathroom. Women accommodated here are responsible for all their own domestic needs, using stores supplied by the prison. There are four of these units available for use by nursing mothers. These special units consist of a bedroom for the mother, a nursery for her baby and a living area which includes a kitchen/dining room. Prisoners in the LSU also have an industries facility available for work. This includes a manufacturing line producing items for private industry. It is from the Living Skills Unit that most women will be released. The Mainstream unit also has one nursery cell available similar to that in the LSU. Mainstream prisoners are eligible for vocational training programs held within the prison and education programs are also available. All female remand prisoners come here and are housed in the high security section.

Cadell Training Centre

Cadell Training Centre is located approximately 180 km north-east of Adelaide and is situated on the River Murray 10 km from Morgan. Cadell accommodates up to 145 low security male prisoners in various styles of accommodation including a cellblock, cottages and a dormitory. Cadell does not have a secure parameter fence. Cadell promotes a drug free environment for prisoners, with over fifty percent of its prison population housed in Drug Free Cottage accommodation. Prisoners living in these independent living areas develop life skills and have extra privileges available to them. Selected prisoners are able to join the Community Work Unit.

A significant focus for Cadell Training Centre is in the area of Restorative Justice. Prisoners undertake and have completed many community work projects, including local cemetery upgrades, painting and restoring Scout Hall, RSL Hall, Football Club Rooms and development of the new Cadell Oval Building Upgrade and Campground Construction in association with the Cadell Community & Tourist Association.

At Cadell Training Centre prisoners take part in a structured day. All prisoners work either on the prison farm (where the focus is dairy production and packaging, citrus and the new development area of olives) or in the prison service areas (where prisoners can participate in maintenance, kitchen, laundry, grounds or servery work). Cadell Training Centre’s newest focus is REACHOUT, a program that targets and addresses young
offenders with drug and alcohol problems. The program is partnered with Offenders Aid and Rehabilitation Service (OARS) SA and is expected to run for two years.

**Port Lincoln Prison**

Port Lincoln Prison is situated 650 kms west of Adelaide and can accommodate 90 medium to low security prisoners. The prison property totals just over 200ha, of which approximately 150ha is dedicated to crop farming each year. Sheep and cattle are also raised on the property and low security prisoners are an integral part of the workforce involved in running the agricultural areas of the prison. Recently, the farm also began producing both hydroponic and naturally grown vegetables. The majority of this produce is supplied to local businesses within Port Lincoln and the surrounding areas. Port Lincoln also runs a wood work shop, where medium security prisoners are currently constructing outdoor settings for the National Parks and Wildlife Service, as well as creating nesting boxes for a local chicken farm.

Restorative justice programs also operate from Port Lincoln. Low security prisoners have been involved in many projects, including restoration of damaged jetties, the Aleppo pine eradication project, volunteering with the Country Fire Service during the recent Tulka fires and various National Parks and Wildlife projects.

**Mobilong Prison**

Mobilong Prison at Murray Bridge, about 75km east of Adelaide, is also a low to medium security prison with accommodation for 286 males. Prison industries at Mobilong involve education and bakery products, and Mobilong products are widely used in the prison system. The campus style prison consists of cellblock units each having their own meal area and personal facilities. Work programs outside the prison are included in daily activities for low security prisoners.

**Port Augusta Prison**

Port Augusta Prison is a multi-purpose facility providing accommodation for up to 363 high, medium and low security prisoners including protectees and special needs prisoners. Of this 363-bed capacity, up to 8 beds are utilised for women prisoners. The prison is one of only two facilities in the State that provides specific accommodation for female prisoners and the only prison to provide regular accommodation for both male and female prisoners.

The Department’s Mobile Outback Work Camps (MOWCamps) operate from this prison. The program works in National Parks at Balcoona, Danggali, and the Coorong and the Gawler Ranges. The prison has a MOU with the Corporation City of Port Augusta to facilitate community service projects. These projects are undertaken by a work gang, which operates from the low security cottages, and include various work (undertaking
graffiti removal, park construction and maintenance and general clean up of the foreshore area). This community service has also extended to other community organisations.

**Mount Gambier Prison**

The Mount Gambier Prison is the newest institution in SA and it is the first to be privately managed. The European-based international corporation, Group 4, was awarded the contract in April 1995. Group 4 has since merged with Falk to become the second largest security organisation in the world and, as a result, the Australian operations have undergone a name change to GSL. Whilst GSL conducts the day to day running of the prison, because of legislative requirements the Department maintains a General Manager and 2 supervisory staff.

Mount Gambier is capable of accommodating 139 prisoners in both cottage and cellblock units. All prisoners are placed on an incentive-based contract, which specify the level of privileges available to that individual. Breaches of these conditions result in the prisoner being reduced in contract level and that in turn affects the level of privileges available.

**Adelaide Pre Release Centre**

The Adelaide Pre-Release Centre runs programs and day leave schemes enabling prisoners to attend education, work and some rehabilitative programs outside the prison prior to release. The pre-release centre has a capacity for 60 male prisoners in cottage-style accommodation.

Prisoners are, as quickly as possible, up-skilled through either education or work programs. A system of family leaves is also available to select prisoners which may begin with leave for a short time accompanied by a prison officer, to unaccompanied leave for a short period, and then for longer periods such as a weekend. Prisoners living at the Centre are responsible for all their own domestic tasks.

The Department also has the ability to place prisoners in James Nash House, a high security unit for psychologically disturbed people. This institution can take 30 people, both men and women.

**FUTURE FACILITIES**

*New Prisons and Secure Facilities Project*


This project was announced in 2007 and in 2008 a shortlist of three bidding consortia were announced. It involves the development of five new facilities:
• A New Men’s and Women’s Prison (NMWP) sharing a single secure perimeter with a number of units shared between the two (eg a single gatehouse, medical centre, etc) managed by DCS, comprising a 760 cell Men's Prison expandable to 940 cells during the life of the contract, and a 150 cell Women's Prison expandable to 200 cells during the life of the contract.

• An 80 bed Pre-Release Centre at Cavan (60 men’s beds and 20 women’s beds) in a single secure perimeter with each unit separated with secure perimeter fences, expandable to 100 beds (70 men and 30 women) during the life of the contract.

• A 90 bed Secure Youth Training Centre (SYTC) at Cavan replacing the existing 80 beds at Magill and Cavan, managed by Department of Families and Communities.

• A $40 million, 40 bed Forensic Mental Health Centre (FMHC) at Mobilong replacing the existing 30 bed James Nash House at Oakden, managed by Department of Health.

The private sector partner will design, finance, build and maintain the facilities. Core services will be delivered by the public sector.

Media (the impact of the global financial crisis may be to delay spending on the new prison):

New Work Camps

A new work camp is planned for the mid-west to bring number in the State to eight. It is to be attached to Greenough Regional Prison, but it appears that it could be located in any regional shire nearby. Work camps are either used as transitions from prison or for minimum security detention.

Media:

COMMUNITY CORRECTIONS

While prisons handle approximately 5000 people annually, about 20,000 pass through sixteen community corrections centres.

The State is divided into five regions for the operation of these centres. The regions are:

• Northern Country Region based at Port Augusta (which covers the Eyre Peninsula, The Far North and part of the Mid North of South Australia);

• Southern Country Region based at Murray Bridge (which covers the eastern part of the State from the Riverland down to the Murray Lands and the South East)
• Southern Metropolitan Region based in Adelaide (which covers the eastern and southern metropolitan area and the Fleurieu Peninsula to Cape Jervis and around to Victor Harbour);
• Northern Metropolitan Region centred on the Adelaide suburb of Holden Hill (covering the area of northern and north eastern suburbs and most of Yorke Peninsula); and
• Western Metropolitan Region (which takes in the Adelaide coastal suburbs and inner western area and up to Port Adelaide).

Community Correctional Centres are located at the following locations:

• Adelaide (Flinders Street regional office)
• Noarlunga
• Elizabeth
• Holden Hill (Northern regional office)
• Port Adelaide
• Clarence Gardens (including the Western Metropolitan Region office)
• Port Augusta (including Northern Country Regional office)
• Port Lincoln
• Ceduna
• Whyalla
• Marla
• Port Pirie
• Coober Pedy
• Murray Bridge (Southern Country Region)
• Mount Gambier
• Berri

Not only are these an administration centre for community corrections, but most have a work base attached or close by for the supervision of offenders in community service work programs. It is from these centres that such offenders are organised into work crews for individual projects. These centres are staffed by community corrections officers, some of whom are social workers or former prison officers, psychologists and staff required to supervise community service work. They supervise offenders on bail or home detention bail, home detention, parole and probationary bonds, and community service as a result of a sentence or a fine handed down by a court. Staff administer programs aimed at resocialisation and rehabilitation and become involved in supporting and advising offenders on a wide range of issues.

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