Tasmania: Key moments in Penal Culture 1970 - present

SECTION 1 – CHRONOLOGY OF KEY EVENTS

Historical Overview

Risdon’s prison history shows that like the rest of the western world, Tasmania broke with nineteenth century penal practices. In the late twentieth century, it became clear that a one-size fits all method of discipline could not work in a prison serving a society where the moral and social hierarchies are increasingly diffuse and people have to form their own values. Individually tailored programs are more suited to modern society. Perhaps Risdon’s tragedy is that such policies were implemented in the nineties, appeared to work, and were lost through overcrowding, the change in the inmates’ profile and funding cuts. As the Ombudsman’s and Coroners reports show, the consequences were devastating. The hope lies in the government’s commitment to new ideas like sentence planning, case management, and programmes designed to deal with inmates’ problems. Risdon’s aspirations are symbolized by the reconstructed building. Perhaps, more importantly, the majority of officers, other workers at Risdon, and community groups are determined to persevere with cultural change (Evans 2004: 103).

1970s

Opening/closing of prisons

1974 - Ron Barwick Medium Security Prison

Increasing prisoner numbers through the 1960s gave rise to investigations into a new prison site in the north of the State. Public opposition resulted in the deferral of a northern prison in favour of adding 36 cells in a low security unit at Risdon. This unit was later named the Ron Barwick Medium Security Prison, was occupied in 1974, but declining prison numbers resulted in its closure in 1981. It was re-opened in 1991, but closed in 1997 on economic grounds (See ABS 1301.6, 2000).

1978 - Risdon Prison Hospital

In 1978, a 28 bed hospital was added to the eastern end of Risdon Prison. Proclaimed as a special institution under the Mental Health Act, it housed persons suffering mental illness who were subject to the criminal justice system. The hospital provided medical treatment for prisoners requiring in-patient care as well as out-patient services for Risdon Prison inmates (ABS 1301.6, 2000: 3). Hospital staff included a part-time locum Doctor who was also on call, a charge nurse and six deputy charge nurses, all male (Evans 2004: 66). The hospital got off to a shaky start, with four nurses resigning by December 1978.
An unintended feature of the building’s architecture was a suspended ceiling, which provided an ideal space for hiding things (Evans 2004).

**Changes in Legislation**

The first State law in Tasmania to control the operation of prisons was the Prison Act 1868. Its provisions very much reflected community standards of the day with a strong influence from the convict system. A significant change occurred with amendments in 1908, which introduced a system of parole. Under this enactment, the Controller of Prisons could recommend to the State Governor, acting alone (that is, not with the advice of the Executive Council) to grant a prisoner a licence to be at large (ABS 1301.6, 2000).

The Indeterminate Sentences Act 1921 gave courts the power to declare persons who committed a similar offence three times to be declared an habitual criminal to be detained in prison at the (State) Governor’s pleasure. A board of five members determined when an habitual criminal might be released on licence (ABS 1301.6, 2000).

The three Acts became increasingly out of step with modern penological practices but remained in force with only minor amendment until the Parole Act 1975 established a Parole Board and repealed the Indeterminate Sentences Act 1921 and the Prison Act 1908 (ABS 1301.6, 2000).

By the 1970s, Tasmania’s correctional system was encumbered by a range of legislation that was quite out of date (O’Toole 2006 : 177).

**Saturday Work Orders (1972)**

Legislation introducing Saturday Work Orders [the first in Australia] as an alternative to imprisonment was enacted in 1972, followed by amendments in legislation in 1975, which resulted in a steadily declining prison population throughout the 1980s (ABS 1301.6, 2000). The Orders allowed courts to sentence an offender for up to 25 Saturdays community service in lieu of imprisonment (Evans 2004 : 42).

**Parole Act 1975**

The Parole Act 1975 established a Parole Board and repealed the Prison Act 1908 and the Indeterminate Sentences Act 1921 (ABS 1301.6, 2000). Under The Prison Act 1908, the Controller of Prisons could recommend to the State Governor, acting alone, (i.e. without the advice of the Executive Council), to grant a prisoner a license to be at large (ABS 1301.6, 2000). The Indeterminate Sentences Act 1921 previously gave courts the power to declare anyone who had committed a similar offence three times, a habitual criminal. A Board of five members determined when a habitual criminal might be released on license. (ABS 1301.6, 2000).

**Prison Act 1977**
The Prison Act 1977 finally repealed the Prison Act 1868 (ABS 1301.6, 2000). At the time the Act was the country’s oldest prisons legislation O’Toole 2006 : 177). The Act ushered in a number of new initiatives in relation to inmate conditions including the right to good food, exercise in fresh air, adequate medical care, and paid work within their capacity. It was also instrumental in introducing a more humane approach to the officer/prisoner relationship, an independent grievance process with access to the monthly prison visitor or Ombudsman, and a new pay scale for inmates of 15, 25 or 50 cents per day, with a system of reward linked to good behaviour.

Inquiries

The Grubb Inquiry – 1976

On 25 June 1976, the Labour Government announced the Grubb Inquiry. Roy Grubb, a South Australian Magistrate, was appointed to conduct the Prisons Administration Inquiry, the outcome of which became known as The Grubb Report (Evans 2004). The inquiry was commissioned to inquire into the administration of prisons in Tasmania and what improvements might reasonably be made to improve conditions for prison officers and prisoners. The decision to commission the inquiry was precipitated by allegations of rape in the maximum security prison, as well as disturbances, media panic, pressure from the opposition and a public debate about the management of prisons (Evans 2004 : 45). Grubb and his assistant interviewed 200 inmates, as well as taking oral and written statements from prison Management, representatives of the Tasmanian Prison Officers Association, and some Prison Officers (Evans 2004 : 57).

Major Governmental agency policy papers

No papers located for this period.

Law reform Commission Publications

The Tasmanian Law Reform Commission was abolished in 1987, leaving a single Commissioner responsible for Law reform until the late 1990s. In 2001, an agreement between the Tasmanian Government, the University of Tasmania and the Law Society of Tasmania established the Tasmanian Law Reform Institute, which is based on the Alberta Law Institute.

For links to papers produced by the Tasmanian Law Reform Institute since its inception, please see the section of this report for the 2000s

Community Corrections Initiatives

The Tasmanian Community Corrections site provides only limited information. Two good sources of information on what’s happening in Community Corrections are:
- Department of Justice Annual Reports, Section 9 – Corrective Services. Current online availability includes Reports for the 2000s. A special request to the Tasmanian Justice Department may provide access to earlier reports if they are available. Website: http://www.justice.tas.gov.au/justice/publications

- Report on Government Services, Section 9, Corrective Services. These reports are available online from 1995. Website: http://www.pc.gov.au/gsp/reports/rogs

- A direct approach to Pavlina Matt, Senior Policy Officer, Community Corrections, Department of Justice may be useful to gain further information in this regard (Tel 03-6233 9567)

Royal Commissions
None found for this period.

Monash University Library has a site for Federal Royal Commissions and Commissioners of Inquiry from 1902 – 2004. This can be accessed at:

Royal Commissions and Commissions of Inquiry, 1902-2004 includes all Royal Commissions and Commissions of Inquiry (the nomenclature varies) appointed by the Australian Government from 1902, under the provisions of the Royal Commissions Act 1902. It does not include Royal Commissions appointed by Australian state or territory governments, unless the Australian Government was also involved. Website: http://www.aph.gov.au/library/INTGUIDE/LAW/royalcommissions.htm
1980s

Only a limited amount of information located for this era.

Opening/closing of prisons

Risdon Prison Complex

During the 1980s, the medium security unit at Risdon closed because it was considered that ‘unit management principles worked best in small custom built prisons’ (Evans 2004 : 84).

Changes in Legislation
No significant changes in legislation noted during the 1980s.

Inquiries


Established by the Federal Government, the Inquiry was conducted throughout Australia between October 1987 and November 1990 by the barrister Elliot Johnston, QC. Some recommendations related to the maintenance of family and community connections, while others were designed to improve the quality of prison life for Aborigines. At Risdon, the inquiry had two important effects. One was to bring public attention to the numbers of Aboriginal inmates at Risdon. No census of them was taken until after the inquiry. The other was to slowly introduce respect for Aboriginal culture, to enable Aborigines to fulfill cultural obligations through day releases and to have access to their community, including lawyers and other workers from it (Evans 2004 : 81)

Although the 1979 death of a young indigenous man found hanging at Risdon was not investigated by the Inquiry, and neither of the Tasmanian deaths which the inquiry investigated occurred at Risdon, the inquiry’s findings were to be an important factor in a major effort to reform prisons culture during the nineties (Evans 2004 : 75)

Major Governmental agency policy papers
None found.

Law reform Commission Publications
Refer Note above.

Community Corrections Initiatives

- Department of Justice Annual Reports, Section 9 – Corrective Services. Current online availability includes Reports for the 2000s. A special request to the
Tasmanian Justice Department may provide access to earlier reports if they are available

- Report on Government Services, Section 9, Corrective Services. These reports are available online from 1995

- A direct approach to Pavlina Matt, Senior Policy Officer, Community Corrections, Department of Justice may be useful to gain further information in this regard (Tel 03-6233 9567)

**Royal Commissions**
None found for this period.
1990s

Opening/closing of prisons

Risdon Prison

In 1992, two divisions at Risdon were closed to save money, reducing the prison’s capacity to 230 (Evans 2004: 94). A Report commissioned by the Department of Construction in the early nineties had found that Risdon was ‘inadequately maintained’ and needed ‘an immediate and substantial restoration and upgrade’, [however] at the time, the low prison population meant the prison was not a funding priority; when numbers rose again, the situation had worsened (Evans 2004: 98). A 1998-99 Report on Government Services notes that ‘the ageing buildings forming the Risdon Prison complex had been kept in use, although some sections had been taken out of commission to reduce costs’ (SCGRSP 1998-99). By 1999, the building at Risdon was considered to be both outmoded and deteriorating.

Ron Barwick Medium Security Prison

On 28 February 1997 Ron Barwick closed because of funding cuts, with a loss of six jobs, although two officers were redeployed to other areas. Some inmates relocated to Hayes Prison Farm and the remainder to a new medium security prison built inside the walls using cells enclosed from A Division (Evans 2004). The medium security facility was re-opened in April 1991 and named after Prison Officer, Ron Barwick. The unit accommodated 36 medium or minimum security inmates and Officers volunteered to work there. In 1999, Ron Barwick was used as a Youth Detention Centre (Evans 2004: 85) and was briefly re-opened in 2001 as a medium security unit. It was subsequently demolished in 2004 to make way for the new prison. In 2006, the old HM Risdon Prison was re-named the Ron Barwick Minimum Security prison.

The Hobart Remand Centre

The Hobart Remand Centre opened in January 1999. Connected on one side to the Hobart Police Station and on the other to the Courts of Petty Sessions, the facility greatly reduced prisoner movement (ABS 1301.6, 2000:4). The Centre occupied five floors containing 40 single occupancy cells for those awaiting trial, plus 10 cells for police watch-house cases. (ABS 1301.6, 2000:3) Cells were centrally heated and fitted with a shower, toilet and hand-basin. An outdoor recreation space was provided in a secure area on the roof.
Changes in Legislation

During the 1990s, to simplify the existing legislation, Neasey recommended the amalgamation of the *Prison Act*, the *Probation of Offenders Act*, and the *Parole Act*, into a *Corrections Act*. This was subsequently proclaimed in 1998 (Evans 2004 : 83). The Corrections Act 1997, which repealed the Prison Act and Probation of Offenders Act, is now the enabling legislation, together with the Sentencing Act 1997, which together set the course for treatment of offenders in the State of Tasmania (ABS 1301.6, 2000)

The 1977 *Prison Act* had made provision for leave and during the 1990s a scheme was introduced that allowed inmates to regularly leave the prison to attend TAFE, University and College years 11 and 12 (Evans 2004 : 83)

On 17 March 1994, legislation was enacted to allow drug testing and the Government tried to get tough – to little avail (Evans 2004 : 95)

**Please Note:** The following information is abbreviated version of the information provided in Simpson and Griffith (1999), *Law and Order Legislation in the Australian States and Territories, 1995-1998: a comparative survey*. Briefing Paper No. 7/99, NSW Parliamentary Library Research Service. The information on changes in legislation in Section 2, expands on this.

**Bail Amendment Act 1995**

This Act empowers police officers to impose bail conditions on police bail, and a number of procedural safeguards in relation to the imposition of unreasonable conditions by police. The Act also empowers police to arrest persons released on bail who have contravened, or are about to contravene, police imposed bail conditions

**Corrections Act 1997**

This Act, which repeals a number of major pieces of legislation dealing with prisons, probation and parole (including the *Parole Act* 1975, the *Prison Act* 1977 and the *Probation of Offenders Act* 1973) consolidates and amends this area of the law. It deals with the administration of Corrective Services, the establishment and control of prisons, custody and treatment of prisoners and detainees, transfers and other matters, interstate leave of absence for prisoners, matters relevant to prison discipline, parole criteria and provision for a three-person Parole Board (Simpson & Griffith 1999)

**Sentencing Act 1997**

This Act amended and consolidated Tasmania’s sentencing law. The legislation sets out the principles of sentencing as these relate to deterrence, rehabilitation and punishment. However, in a strict sense the legislation is not a codification of the law of sentencing. As the Second Reading Speech noted, no mention is made in it of the general common law sentencing principles, including the principle of proportionality. The Act will, therefore,
operate alongside and in addition to the common law. By way of consolidation, the Act repealed section 392 of the *Criminal Code Act 1924* (the ‘dangerous criminals’ provision) and substituted in its place a substantially similar regime under sections 19-23 of the present Act.

*Youth Justice Act 1997* (and the *Children, Young Persons and their Families Act 1997*)

As part of the overhaul of the youth justice system in Tasmania these two Acts are designed to replace the *Child Welfare Act 1960*. However, it should be noted that neither of the 1997 Acts have been proclaimed to commence as yet and are not due to be in force before mid-1999. At present, therefore, the system is still operating under the *Child Welfare Act 1960*. It is said that the new model under the 1997 Acts represents a shift from the ‘welfare model’ to a ‘restorative justice model’ in which there is greater emphasis on children being held accountable for their actions. At the same time the Act is designed to divert young people charged with minor offences, including first offenders, from the court process where appropriate. For young people who are repeat offenders the *Youth Justice Act 1997* provides a greater range of sentencing options for the court, including the introduction of a community service order for offenders over the age of 13.

Before the *Youth Justice Act 1997* can be proclaimed to commence five new programs must have been established

- a police cautioning/conferencing program;
- a community service order program;
- non-custodial community placement services for young offenders;
- a community conferencing program; and the completion of the Youth Justice Information System.

The *Children, Young Persons and their Families Act 1997*

This Act incorporates an emphasis on supporting young people to maintain contact with their family and involving families in making decisions about the ongoing safety and wellbeing of their children. Indeed, the first principle upon which the administration of the Act is based is that ‘the primary responsibility for a child’s care and protection lies with the child’s family’ (section 8). Under Part 5 of the Act, family group conferences are provided for where a child is ‘at risk’ and, further to an advisory panel report, such a conference is considered to be a suitable way of determining what arrangements should be made ‘to secure the child’s care and protection’

*Magistrates Court (Children’s Division) Act 1998*

As part of the overhaul of the youth justice system associated with the *Youth Justice Act 1997 and the Children, Young Persons and their Families Act 1997*, this Act establishes a new Court, the Magistrates Court (Children’s Division), which replaces the old Children’s Court. This new Court will not deal with the determination of offences, but
with protection orders and related welfare matters. The Court’s procedures and powers will in fact be similar to the old Children’s Court. Its proceedings will not be open to the general public. Note that this Act will commence on the day the Children, Young Persons and their Families Act 1997 commences.

Please Note: The following extracts have been taken directly from Drabsch (2003)


This Act provides that children’s courts and courts of summary jurisdiction who deal with young offenders continue to exercise certain sentencing powers pending the commencement of the Youth Justice Act 1997. It also provides for the enforcement of certain sentences imposed before the commencement of the Youth Justice Act 1997.

Criminal Justice (Mental Impairment) Act 1999

Various procedures contained in this Act that enable a court to deal with persons unfit to stand trial or not guilty of the offence with which they are charged, by reason of insanity. The Act provides that a person is presumed fit to stand trial, unless shown otherwise. If the defendant is found unfit, the court must subsequently determine whether the defendant is likely to become fit in the next 12 months, in which case the trial will be adjourned. However, if the defendant is unlikely to become fit, the court is required to proceed to a special hearing. A person found not guilty by reason of insanity is liable to a supervision order. The court must subsequently make a community treatment order, a continuing care order, or release the defendant unconditionally or on certain conditions.

Criminal Law (Detention and Interrogation) Amendment Act 1999:

Under this Act, Section 15 of the Criminal Law (Detention and Interrogation) Amendment Act is amended to provide that the requirements regarding the recording of information in respect of persons in custody do not apply to those whom it is not proposed to question or investigate.

Sentencing Amendment Act 1999

The Sentencing Act 1997 is amended to provide, inter alia, that a court must take into account any period of time the offender was held in custody in relation to the proceedings. Accordingly, the court may order that the sentence of imprisonment may commence on a day earlier than that on which it was imposed.
Inquiries

Aboriginal Deaths in Custody: Response by the Tasmanian Government to the Royal Commission

This report is the Tasmanian Government’s response to the final report of the Royal Commission and its recommendations. An outline is given of Government initiatives relevant to each recommendation which is applicable to Tasmania. Five priority issues which will guide future action are also identified:

- lessening Aboriginal-police contact
- diversion from custody
- care in custody
- rehabilitation and self-determination (Garfoot undated).

Aboriginal Deaths in Custody Tasmanian Government Progress Report on Implementation


The Department’s June 1997 report is the final under a five-year agreement on the implementation of the recommendations of the Royal Commission. However, the Tasmanian Government remains committed to implementing the relevant recommendations. The 1995 and 1997 reports move away from a format where each recommendation is examined individually. Rather, the reports are compiled within the framework of the “national commitment” to improved outcomes in the delivery of programs and services for Aboriginal people and Torres Strait Islanders. Initiatives, programs, policies and services are fully described in context, as well as against specific Royal Commission recommendations (Garfoot undated).

Tasmanian Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody. Tasmanian Aboriginal Centre – 1997

This report is critical of both the Tasmanian Government and the Federal Government records on implementing the recommendations of the Royal Commission, claiming that many recommendations have been implemented ineffectively or not at all. Many of the most fundamental and the most easily adopted recommendations have not been taken up in Tasmania. Furthermore, many of the monitoring bodies across Australia have done little to evaluate the effectiveness of initiatives which have been reported to them.

The Centre identifies the major issues for Tasmania as being:

- reducing the number of Aborigines in custody
- decriminalising minor offences
- using imprisonment as a last resort
- developing community alternatives to detention and custody
- enhancing the future of young Aborigines; and
- achieving the recognition of Aboriginal rights in law and practice

This report also includes the results of a survey of Aboriginal views about the implementation of the Royal Commission recommendations.

Legislative Council Select Committee – *Correctional Services and Sentencing in Tasmania 1997*

On 14 October 1997, The Select Committee was appointed by the Legislative Council “to inquire into and report upon the operation of Correctional Services and Sentencing in Tasmania. After being disbanded twice, the Committee re-formed on 6 October 1998.


**Major Governmental agency policy papers**

None located for this period.

**Law reform Commission Publications**

See notes above.

**Community Corrections Initiatives**

- Department of Justice Annual Reports, Section 9 – Corrective Services. Current online availability includes Reports for the 2000s. A special request to the Tasmanian Justice Department may provide access to earlier reports if they are available
  

- Report on Government Services, Section 9, Corrective Services. These reports are available online from 1995
  

- A direct approach to Pavlina Matt, Senior Policy Officer, Community Corrections, Department of Justice may be useful to gain further information in this regard (Tel 03-6233 9567)

**Royal Commissions**

None located for this period.
2000’s

Opening/Closing of Prisons

Ashley Youth Detention Centre - 2000

In February 2000, Ashley was gazetted as a Youth Detention Centre under the Youth Justice Act and is Tasmania’s only youth custodial facility. The facility is administered by the Department of Health and Human Services. Ashley provides secure care and custody for young mean and women aged 10 to 17 years, who are remanded or sentenced by the courts. Rehabilitative programs are provided in accordance with the principles of the *Youth Justice Act 1997*. The facility’s vision is ‘working together to enhance a young person’s return to the community’ (Smith & Douglas 2006)

Ron Barwick Medium Security Prison - 2001

In 2001, the *Ron Barwick Medium Security Prison* was re-opened briefly as a medium security unit at Risdon (Evans 2004 : 85) and in 2004 was demolished to make way for the new Risdon prison.

Risdon Prison Complex - 2006

On 28 August 2006, the new *Risdon Prison complex* opened. The complex comprises the *Mary Hutchison Women’s Prison* which was opened in May 2006 as well as a new men’s maximum/medium security facility. The refurbished medium security prison for male inmates has been named *Ron Barwick Minimum Security Prison*. The special needs of Aboriginal inmates, female inmates, older inmates, prisoners with disabilities, prisoners requiring protection, and younger inmates were taken into consideration in the new design

Please see link to *Risdon Prison – business case* for more information on the planning/building of the new prison.

Wilfred Lopes Centre for Forensic Mental Health – 2006

On 17 February 2006, the *Wilfred Lopes Centre for Forensic Mental Health* was officially opened (Fairbrother 2007). From early 2006, inpatient mental health services for offenders in Tasmania have been provided within [this] Secure Mental Health Unit, instead of at the Risdon Prison Hospital. Although the centre is located within the Risdon Prison environs, it is owned and managed by the Department of Health and Human Services (DHHS 2008). The centre accommodates people with acute mental illness who require specialist mental health inpatient treatment. Patients may include prisoners, people appearing in, or remanded from, Magistrate and Supreme Courts, and those found
Not Guilty by Reason of Insanity (NGRI) or Unfit to Plead and placed on a Forensic Order (DHHS 2008)

Changes in Legislation

According to Roth (2006), ‘between 1 January 2003 and 31 July 2006, there were over 230 major changes to law and order legislation in Australian states and territories.’

Please Note: The following extracts have been sourced from Drabsch (2003)

Criminal Law (Aggravated Burglary and Repeat Offenders) Act 2000

The Criminal Code offence of aggravated burglary is amended by removing the element of being in the company of another person at the time of the offence. The Act also amends the Sentencing Act 1997 by increasing the maximum term of imprisonment that may be imposed by a court of petty sessions for a crime triable summarily from three to five years.

Forensic Procedures Act 2000

This Act provides for the carrying out of forensic procedures on persons arrested for, or suspected of committing, certain offences, for the purpose of including that information on the national DNA database. Various sections of the Act set out provisions relating to the carrying out of forensic procedures, forensic procedures in regard to volunteers, who may carry out the procedure and who is to be present at the time. The Act also makes provision for the admissibility of evidence, the destruction of forensic material and the DNA database system.

Justice (Amendment of Custody Legislation) Act 2002

Amongst other things, this Act amends the Criminal Justice (Mental Impairment) Act 1999 to enable a court to issue a warrant for the arrest of a person subject to a continuing care order who has escaped from the hospital and to provide for his or her return to that hospital. It also provides for the interstate transfer of patients who have absconded.

Sentencing Amendment Act 2002

The purpose of this Act is to amend the Sentencing Act 1997 and the Corrections Act 1997 to provide for non-parole periods in respect of sentences of imprisonment. The Sentencing Act is amended to require the court to provide its reasons for making an order that a life prisoner is not eligible for parole, or is not eligible for parole for a specified period. Amendments to the Corrections Act 1997 provide that in the event of a prisoner being considered for release on parole, the victims’ register is to be searched and any victim is to be notified of the possibility of a parole order. The victim may subsequently submit within 30 days a written statement of the effect of any injury, loss or damage suffered by him or her in respect of the offence.
Please Note: The following information has been sourced from Roth (2006).

*Misuse of Drugs Act 2001* (Tas) and see also *Misuse of Drugs Amendment Act 2003* (Tas);

In 1998, the Model Criminal Code Officers Committee published its report on model serious drug offences. Several jurisdictions have since enacted legislation to implement the model offences: Tasmania (2001)


In 2003, Tasmania abolished the partial defence of provocation on the basis that it was outdated and that provocation could be taken into account in sentencing

*Forensic Procedures Amendment Act 2003* (Tas).

In 2003, NSW, Queensland and Tasmania enacted reforms to their forensic procedures laws to facilitate their participation in the national DNA database.

*Justice and Related Legislation (Miscellaneous Amendments) Act 2005* (Tas)

In 2005, Tasmania enacted an amendment to allow the court to accept a victim impact statement made by another person on the victim’s behalf, where it considers it appropriate to do so. This may be appropriate if the victim is a child, a person with a disability, or where the making of a statement by the victim is not recommended on medical grounds.

*Family Violence Act – 2004*

Following public consultation, the Tasmanian Government has developed its whole of government *Safe at Home* policy, to deal with domestic violence. The Government has implemented a range of measures under this policy including enacting the *Family Violence Act 2004*.

*Mental Health Amendment (Secure Mental Health Unit) Act 2005* (Tas)

In 2005, Tasmania enacted laws to enable offenders with a serious mental illness to be detained in a secure mental health unit outside the prison system. Currently Tasmania and New South Wales are the only States in Australia where forensic mental health facilities are located inside the prison system and administered along custodial lines.
Inquiries

Inquiry into Risdon Prison and Forensic Mental Health Services - 2001

In June 2001, an investigation was initiated as an own motion inquiry by the then Ombudsman following discussions with the Minister for Justice, Hon Dr Peter Patmore, in response to a number of tragic inmate deaths and a series of adverse incidents, including escapes and riot situations at Risdon Prison. (O’Grady 2001 : 3) The scope of the investigation included security and surveillance provisions; inmate health and safety; drugs; discipline; training and aspects of operational management in the prison.

The findings and recommendations of the Coronial Inquest into five deaths in custody, and an Inquiry into Risdon Prison and Forensic Mental Health Services were handed down in early 2001. Implementation of these findings and recommendations continued during 2004-05’ (DOJ 2004-05 : 43)

Deaths in Custody Inquest – 2001

- Link to Findings of the Inquest :

Indigenous Deaths in Custody Inquiry - 2001

A recommendation of the Indigenous Deaths in Custody Inquiry was that Aboriginal inmates should not be placed in cells alone (Evans 2004 : 101).

Inquiry into Risdon Prison and Forensic Mental Health Services - 2001

In June 2001, an investigation was initiated as an own motion inquiry by the then Ombudsman following discussions with the Minister for Justice, Hon Dr Peter Patmore, in response to a number of tragic inmate deaths and a series of adverse incidents, including escapes and riot situations at Risdon Prison. (O’Grady 2001 : 3) The scope of the investigation included security and surveillance provisions; inmate health and safety; drugs; discipline; training and aspects of operational management in the prison. One of the recommendations of the Ombudsman’s Report (2001) was the establishment of a secure Forensic Psychiatric Unit, independent of Corrective Services and not located in the prison (Evans 2004 : 101)

- There are two volumes to this Inquiry. A link to Volume 1 can be found at http://www.ombudsman.tas.gov.au/__data/assets/pdf_file/0017/50552/Prison_Hospital_Report.pdf. A hard copy of the report will be forwarded under separate cover
Legislative Council Select Committee – 2001

In 2001, the Committee found the workshops were under-utilised and ‘large numbers of prisoners seemed to be wandering around the cell blocks with little to do’; that machinery in the workshops was in poor condition because of inadequate funding and more staff were required to maintain vocational training (Evans 2004).

Review of Operations Risdon prison - 2005

‘On 25 May 2005, Luppo Prins, former Tasmania Police Assistant Commissioner, was appointed to conduct a review of the operational response by the Prison Service prior to, during and after the hostage incident. Although the review found “the initial response to the incident and the internal cooperation of the specialist areas of the Prison Service was excellent’, [it] ‘also identified several areas of improvement and made 34 recommendations…” (DOJ 2004-05 : 44). Strategies implemented to reduce the risk of assaults included ‘changed prisoner movement arrangements, increased staffing in vulnerable areas and increased numbers of CCTV cameras’ (DOJ 2004-05 : 44) ‘In addition to improvements to physical infrastructure and operations, a significant training effort was also made including training custodial staff in motivational interactions and incident management and visits by custodial staff to other jurisdictions to gain an insight into various approaches to prisoners management’ (DOJ 2004-05 : 44-45)

Major Governmental agency policy papers


A review of the Act was commissioned by the Tasmanian Department of Justice and a final Report tabled in the Tasmanian Parliament on 13 March 2008. The Review is the first stage of a broader Review of the Safe at Home program. It is intended that the outcomes of Stage 1 of the Review will inform both Stage 2 and future developments of the Safe at Home program including the Family Violence Act 2004 (DOJ 2007).


Law reform Commission Publications

The following relevant papers are available for downloading from the Tasmania Law Reform Institute website at http://www.law.utas.edu.au/reform/reports_publications.htm

Consolidation of Arrest Laws in Tasmania
Completed Law Reform Projects: **Sentencing**

- **Final Report no.11 (pdf - 3.74MB)** - released 10 June 2008
- **media release (pdf -41kb)**
- **Issues Paper no.2 (pdf - 838Kb)** - released August 2002

**Offending while on bail**

- **media release**

**Custody, Arrest and Police Bail**

- **Final Report no.1 (pdf - 250kb)** - released March 2003:
- **media release**
- **Issues Paper no.1 (pdf - 423Kb)**

**Community Corrections Initiatives**

During the 2000s programs offered by Community Corrections programs focused on reducing offending. Examples include:

**Offending is not the only choice (OINTOC)**

The program targets thinking and behaviour that lead to offending. Once selected for participation, offenders must attend the program as a condition of their order with Community Corrections.

**Parole awareness**

The program aims to provide information about how to apply for parole, how the Parole Board makes its decisions, and the expectations if a Parole Order is made. Any prisoner is able to volunteer to attend the program, whether due for parole or not

**Family Violence Offender Intervention Program**

Part of the Tasmanian Government’s *Safe at Home* initiative which commenced in 2004. Key feature of the program include:

- Individual offence mapping to identify key triggers that result in offending (violent and abusive behaviour);
- Skill building regarding offending thinking patterns, mood regulation, feedback processes and managing conflict;
o Learning non-violent and non-abusive skills to manage conflict and prevent violent and abusive behaviour towards others (re-offending);
o Building and maintaining motivation to change violent and abusive (offending) behaviour; and
o Completing a step-by-step program workbook during the program.

In 2007-07, ‘Community Corrections maintains a strategy of ongoing improvement of the consistency and quality of offender management practice [and] as part of this, in 2006-07 Community Corrections:

• continued to work on the review of the statewide policy and procedures manual, and the enhancement of the quality and consistency of reports produced for the Courts and the Parole Board
• carried out extensive planning to integrate the Family Violence Offender Intervention Program (FVOIP) into Community Corrections in 2007-08
• provided training to staff to allow the delivery of a regular series of the Offending is Not the Only Choice Program across the state
• was awarded the tender for provision of the Case Management of adult offenders for the Court Mandated Diversion program, and worked extensively with the project team regarding implementation of this program.

Community Corrections [also] continued to work closely with the Tasmania Prison Service [including] development of programs aimed at ensuring continuity for offenders across Corrective Services in Tasmania, and the collation and publication of statistics on the provision of Corrective Services in Tasmania (SCGRSP 2007-2008)

Royal Commissions

None located for this period.
SECTION 2 – MAJOR THEMES DECADE BY DECADE

1970s

Rates of incarceration

<table>
<thead>
<tr>
<th>Prisoners in Tasmania compared to Australian average</th>
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</table>

In 1970-71, Tasmania’s prison population peaked, with a daily average of 385. ‘During that year the highest ever prisoner population since transportation ended was recorded 414, with only one empty cell left vacant in the state’ (O’Toole 2006 : 177). In the year ending 1975, the majority of inmates received into Risdon were aged between 16 and 24 (Evans 2004: 43)

Major legislative changes

By the 1970s, Tasmania’s correctional system was encumbered by a range of legislation that was quite out of date (O’Toole 2006 : 177). At the time it was eventually repealed in 1977, the Tasmanian Prison Act 1868 was the country’s oldest prisons legislation’ (O’Toole 2006 : 177)

Saturday Work Orders (1972)

During the 1970s, ‘as a means of reducing prison overcrowding two initiatives were introduced – remission of sentences from one quarter to one third as an incentive for good behaviour and Saturday Work Orders (Evans 2004 : 42). Legislation introducing Saturday Work Orders (the first in Australia), as an alternative to imprisonment, was enacted in 1972, followed by amendments in legislation in 1975, which resulted in a steadily declining prison population throughout the 1980s (ABS 1301.6, 2000). Saturday Work Orders were offered to an offender only if the sentence would otherwise have been imprisonment. ‘In the verdict the offender was given the choice between a prison sentence of unknown length and a Saturday work order which could not exceed 25 Saturdays on any one charge’ (Varne 1976).
Parole Act 1975

The Parole Act 1975 established a Parole Board and repealed the Prison Act 1908 and the Indeterminate Sentences Act 1921. The Prison Act 1908 had introduced a system of parole, under which the Controller of Prisons could recommend to the State Governor, acting alone, (i.e. without the advice of the Executive Council), to grant a prisoner a license to be at large. The Indeterminate Sentences Act 1921 previously gave courts the power to declare anyone who had committed a similar offence three times, a habitual criminal. A Board of five members determined when a habitual criminal might be released on license. (ABS 1301.6, 2000).

Prison Act 1977

The Prison Act 1977 finally repealed the Prison Act 1868 (ABS 1301.6, 2000). At the time it was eventually repealed in 1977, the Tasmanian Prison Act 1868 was the country’s oldest prisons legislation (O’Toole 2006 : 177). Until 1977, “a gaoler” could sentence a prisoner who breached prison regulations or used “profane language” to up to three days in solitary confinement on bread and water and, if a male, to be placed in chains’ (ABS 1301.6, 2000)

The Prison Act 1977 ushered in a number of new initiatives in relation to inmate conditions.

- The Act gave inmates the right to good food, exercise in fresh air, adequate medical care, and paid work that was within their capacity (Evans 2004 : 10)
- The regulations stressed that officers must be ‘firm but temperate, shall avoid the use of harsh or irritating language or gestures and shall not resort to force unless it is reasonably necessary to do so’ (Evans 2004 : 64)
- Under the Act those with grievances could speak to the monthly prison visitor or the Ombudsman, whereas prior to this they had been forced to complain to a member of the prison hierarchy (Evans 2004 : 64)
- The regulations also introduced a new pay scale for inmates of 15, 25 or 50 cents per day, with new inmates beginning on the lowest rate and progressing to the next level after a period of six months. The pay was credited on a daily basis, provided the inmate’s conduct and industry was good (Evans 2004 : 71)
- The Prison Act 1977 also made provision for prisoner leave (Evans 2004)
Tipping Points in Penal Culture Shift

During the 1970s, significant over-crowding occurred at Risdon. A particular difficulty was the high proportion of prisoners under 24 years, with a significant proportion of those under 20 years, a trend which had begun in the 1950s. (Evans 2004 : 40)

In the decade 1978-1988, ‘a few tentative steps were taken to soften approaches to inmates, despite the misgivings of a number of prison officers’ (Evans 2004 : 74).

During the 1970s, a Mayne Nickless Security Company report, argued that the prison system had become lenient at the expense of security (Evans 2004 : 55)

At the same time as the Grubb Inquiry (1976) was occurring, ‘a philosophical debate about reformation developed amongst academics, social workers and activists, its tone [reflecting] the temper of the seventies, an idealistic era when many people campaigned for social change’ (Evans 2004 : 54). ‘Although many of Grubb’s recommendations were not followed, the conciliatory tone of his report, in conjunction with other influences, including the temper of the times, was to contribute to a somewhat gentler approach to inmates at Risdon in the late seventies and eighties’ (Evans 2004 : 59).

In 1977 a new Classification Committee was set up under the new regulations, which resulted in a shift of emphasis from behaviour to the effective management and rehabilitative needs of the inmates (Evans 2004 : 64). By this time inmates were divided into three security classifications - maximum, medium and minimum. (Evans 2004 : 65).

Major policy changes

Recruitment & Training of Prison Staff

During the 1970s ‘recruitment policies changed to demand higher educational standards for officers and in 1972 in-service training was introduced for senior officers, to raise academic and practical standards’(Evans 2004 : 28).

In 1979, 25 new officers were appointed (Evans 2004 : 64) at Risdon.

Professionalisation/bureaucratisation of prisons

During the 1970s two Justices of the Peace visited the prison once a month to investigate conditions, but were not obliged to speak to inmates, and at the time there were no external mechanisms for prisoners to make complaints (Evans 2004).
Educational/work/health programs in prison

Education

During the 1970s, education continued to be a focus ‘with courses in accountancy, farm management, bread making and motor maintenance’ (Evans 2004 : 45). Reading was encouraged and ‘in 1972 the prison library held 5,000 books’ (Evans 2004 : 33).

In 1975 an officer was seconded from the Education Department to restore classes in reading, English expression, social studies and arithmetic (Evans 2004 : 45).

Work

By 1970, 60% of inmates were engaged in firmly directed work and the workshop and industries were again operational (Evans 2004 : 32).

Health & Wellbeing

By 1970 there was an ‘impressive range’ of options for men’s hobbies and in 1973 this was expanded to include a music group and a monthly prison magazine, Verbal. (Evans 2004).

The arts were a feature of prison life during the 1970s:

In 1977 an auction run by the Red Cross sold 150 works of art by inmates including paintings, sketches, silk screen painting, pottery and metal ware. The $2,200 raised was distributed amongst the Red Cross, the Prison Hobbies Fund, and a trust account for each prisoner (Evans 2004: 46).

In 1979 a Recreation and Amenities Officer was appointed which resulted in some new activities (Evans 2004).

Probation and Parole/Post-Release Support

The 1970s built on a long-standing commitment to post-release support, which began in 1946 with the establishment of the Probation Service and the appointment of an officer to assist newly released inmates. This philosophy was extended to inmate’s families in October 1973, when ‘a welfare officer was appointed to help inmates with their domestic and personal problems and to co-ordinate the various welfare organizations who provided material assistance to [inmates’] wives and children’ (Evans 2004 : 47). The Welfare Officer also assisted newly released inmates to find accommodation and purchase clothing. (Evans 2004 : 47).
In 1973 inmates who had served more than seven days became entitled to a special benefit of $36 a week on release and appointments were made, a fortnight before discharge, with the Commonwealth Employment Service (Evans 2004: 47).

In 1976, ’60 newly-released inmates found work within two or three weeks’ (Evans 2004: 47).

**Key leaders/figures driving change**

Mike Hornibrook was appointed Controller of Prisons in 1961.

‘Hornibrook accepted the retributive nature of imprisonment, believing also that imposing discipline was the only way to teach it – reform, if at all possible, could come only from a tough regime (Evans 2004: 62).

**Community Relationships**

In 1974, when the boilers in the laundry at Mount St Canice exploded, the Risdon laundry operated 10 hours a day, seven days a week, processing 1,225 tonnes of laundry between June 1974 and June 1976 (Evans 2004: 48).

**Major cases**

None located for this era.

**Major inquiries**

**Prisons Administration Inquiry - 1976**

On 25 June 1976, the Labour Government announced the Grubb Inquiry. Roy Grubb, a South Australian Magistrate, was appointed to conduct the *Prisons Administration Inquiry*, the outcome of which became known as *The Grubb Report*. ‘This decision was precipitated by allegations of rape in the maximum security prison, as well as disturbances, media panic, pressure from the opposition and a public debate about the management of prisons’ (Evans 2004: 45).

Grubb and his assistant interviewed 200 inmates, as well as taking oral and written statements from prison Management, representatives of the Tasmanian Prison Officers Association, and some Prison Officers. Grubb praised Hornibrook’s administration but recommended he give Jamieson autonomy to run the prison; attributed most of the problems confronting the Prison Administration and the comfort of prison officers and inmates to the defects of a badly designed building, particularly noting the unfortunate siting of the cell blocks and divisional yards, and on the credit side, noted the fact that Risdon was the only prison in Australia at the time with single sewered cells. Grubb found no evidence of ill-discipline among officers or that inmates were afraid of physical assault or
rape, although he did find that ‘stand-over’ tactics by inmates were exacerbated by the design and use of the building because segregation according to group, age and classification was not achievable (Evans 2004 : 57)

Grubb was particularly concerned about the plight of inmates as young as 16 and 17 years old committed to the maximum security section of the prison for their own protection (Evans 2004 : 57)

In the light of an ongoing program of reconstruction and refurbishing during the 1970s, Grubb may have concluded that the problems of prison design could not be satisfactorily resolved. Instead he recommended greater numbers of better qualified and trained officers; raising the minimum qualification (then Grade 6) for eligibility as a Custodial Officer; and increasing the pay for senior officers as an incentive to seek promotion. He also expressed disapproval at the practice of locking officers in alone with inmates in the divisional dining rooms during meal times.

Given that improvements in inmates’ conditions had been given priority, Grubb considered a corresponding emphasis was warranted on officers’ welfare, social and recreational activities’ (Evans 2004 : 57)

Regarding the management of inmates, Grubb recommended defects in segregation be met by employing at least two officers in each division. A senior officer was to be responsible for particular divisions. This recommendation was never followed. Harvey said that it would have ‘cost a fortune’ and been ineffective since two staff occupy each other and ignore the prisoners (Evans 2004 : 57)

Vulnerable populations

Inmates with mental illness

In June 1974, a full-time Mental Health Officer was appointed to set up a limited mental health service (Evans 2004 : 48)

Inmates in solitary confinement

Three solitary confinement cells located in Risdon Prison were in use until the mid 1970s when the Attorney-General ordered that solitary confinement be discontinued (abs 1301.6, 2000)

‘Risk’ related developments

Throughout the 1970s ‘…tensions increased at Risdon prison, exposing the building’s inadequate segregation arrangements (Evans 2004 : 40). S Division was closed, following the building of a new segregated cell block, known as N Division.
In 1979 ‘a closed circuit TV surveillance system was installed’ (Evans 2004 : 66) at Risdon.

**Diversionary programs**

None located during this era.

**Prisoner/Other resistance**

Throughout the 1970s’s there were a series of serious incidents, disturbances and riots at Risdon.

In June 1971 a 16 foot perimeter fence was erected, with seven inmates making their escape not long after completion (Evans 2004 : 55).

On Sunday 22 October 1972 a riot broke out in A Division, involving about 150 inmates. By Wednesday 25 October, six inmates had ‘smashed’ their way out of their cells using the heating plates from their walls as battering rams and were subsequently stopped by the police riot squad using teargas and firing shotgun blasts over their heads. By Thursday 26 October the riot was over. The *Launceston Examiner* described prisoner’s demands as ‘better food, higher wages and more access to television’. The prison was subsequently opened up to the media so they could view the damage for themselves. Following the riot, 100 inmates were charged in a special sitting before Justice Wood. (Evans 2004 : 49-50)

On 4 February 1974, another disturbance arose in A Division, which was settled with teargas released into the cells of two or three inmates, with a warning shot being fired by Governor Ian Jamieson, into another cell (Evans 2004 : 51).

In April 1975 there was a mass rape at Risdon prison, which led to the conviction of three inmates in the Hobart Criminal Court, some 18 months later (Evans 2004). E.M. Neasey, the Judge hearing the case attributed the cause to poor segregation and discipline (Evans 2004).

In April 1975, 62 inmates staged a non-violent refusal to work, alleging a change in prison routine threatened hygiene. At the time Controller of Prisons, Mike Hornibrook, said the inmates claims were ‘groundless’ and that such protests were merely opportunities to create trouble. In an interview with the *Saturday Evening Mercury*, at the time, an ex-inmate claimed the disturbances were the result of ‘an outdated and overcrowded building, friction in senior administration, and prison officers’ discontent’ (Evans 2004 : 53)

On 23 May 1976 a further inmate alleged he had been raped, although police could find no evidence to support the allegation. (Evans 2004)
By 1977, ‘the disturbances at Risdon prison had been defused by measures that reduced overcrowding, and by making some minor improvements to segregation with the opening of medium security (Evans 2004 : 59).

In 1979 a young indigenous man was found hanging at Risdon, with demands by the Tasmanian Aboriginal Centre’s lawyer, for the death to be investigated by the Indigenous Deaths in Custody Inquiry, which subsequently began in 1988 (Evans 2004 : 75)
1980s

Rates of incarceration

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<th>Prisoners in Tasmania compared to Australian average</th>
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<td>1989</td>
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Source: Carcach and Grant (1999)

The lowest growth in prison population was observed in Tasmania where the number of prisoners increased from 237 in 1982 to 314 in 1998 - an average of 1.7 per cent a year (Carcach and Grant 1999)

Major legislative changes

No major legislative changes were noted in the 1980s.

Tipping points in penal culture shifts

During the 1980s discipline was maintained by sending inmates who broke prison rules to N Division, the punishment wing of maximum security, where those requiring protection were also placed (Evans 2004 : 68)

Between 1989 and 1998 substantial cultural change occurred in the prison, despite opposition in some quarters (Evans 2004 : 91).

Major policy changes

Recruitment & Training of Prison Staff

In 1981, a further five officers came on board (Evans 2004 : 64).
In 1988, the first woman was employed at the men’s prison, as a Welfare Officer (Evans 2004)

*Professionalisation/bureaucratisation of prisons*

In 1983, the retirement of the last Controller of Prisons, marked the end of independent prison administration in Tasmania. Renamed the Corrective Services Division, it became a branch of the Tasmanian Law Department. The Head of the Division became the Director of Corrective Services. (O’Toole 2006 : 177)

By 1988 the atmosphere of the prison was normalized somewhat by the employment of civilians as Welfare, Education and Programme Officers (Evans 2004 : 63)

In 1989, administrative responsibility for Corrections was transferred to a new Department of Community Services and for the first time ministerial responsibility moved away from the Attorney-General to the Minister for Community Services. (ABS 1301.6, 2000)

*Educational/work/health programs in prison*

*Education*

During the 1980s prison programs included sessions run by the Moonah branch of Alcoholics Anonymous and a trial pilot scheme for alcohol and drug education. Inmates were also able to study for a St John’s Certificate in First Aid (Evans 2004).

In 1981 ‘an art class also commenced, which exhibited paintings in the first Risdon Vale Community Arts and Crafts Exhibition [and] one painting was displayed in a Sydney exhibition and subsequently sold (Evans 2004 : 70).

By 1982 financial constraints meant many of the programs introduced during the previous decade became dependent on the goodwill of external organizations to survive, however despite the cut-backs weight training and the Duke of Edinburgh awards were introduced. Sports competitions with outside teams continued and included Australian rules, touch football and cricket. The debating team also survived. An inter-division Christmas sports competition also took place over a period of ten days (Evans 2004 : 70).

In December 1982 a ten week federally funded course was piloted at Risdon which enabled prisoners to study first aid, literature, physical education, woodwork, metalwork, painting, sex education and personal development (Evans 2004 : 70).

During the eighties ‘Mike Hornibrook identified ‘a very great need for many male inmates to spend time on a concerted crash course on basic literacy’ (Evans 2004 : 69) [and] ‘in 1984, a new literacy program was initiated, using the services of trained inmate
tutors. The programme is said to have ‘changed the nature of the interjections coming from the cells after lockup’ (Evans 2004: 69).

In 1988 ‘the mural covering the wall at the far end of the grass recreation area was completed’ (Evans 2004: 63). The mural, which features a scene of hills and lakes, was created by a 21 year old inmate who drew an outline on the wall, which was subsequently painted in by a group of inmates (Evans 2004).

‘Training and education for women continued to languish because of low numbers and short sentences and participation in correspondence courses was non-existent’ (Evans 2004: 45) [however] in 1980, a part-time tutor was appointed in the women’s prison.

Work


Health and Wellbeing

In 1981 Yoga was introduced on Saturday mornings (Evans 2004).

Probation and Parole/Post-release support

During the 1980s, ‘a scheme was introduced in which 30% of prisoners’ earnings were banked and given to them on release’ (Evans 2004: 58).

After 1981, inmates no longer received a weekly benefit, instead receiving a one week’s special payment on discharge to tide them over the 3-4 week waiting period for their unemployment benefits (Evans 2004: 71)

By 1987 prisoner’s pay was 50 cents per day for the first six months, then 75 cents and could go as high as $1 after 12 months. Goods could be bought at the prison canteen, but they were so expensive that inmates’ savings had been severely eroded by the time they were released (Evans 2004: 71)
Post-release planning continued to be a priority and ‘after 1982 inmates could see Probation and Parole officers inside the prison, to help them prepare for release’ (Evans 2004: 72).

Key leaders/figures driving change

In 1980 the Saturday Evening Mercury featured Hornibrooks’ penal philosophy

He said that prisons were intended as a deterrent and they should not be places that people wanted to go back to. Hornibrook said that for 20 years the prison world had placed emphasis on reforming prisoners but “it had not come up with
By 1982, Mike Hornibrook had retired, and under the influence of Bill Howe, the Prison pursued a reform agenda. Howe encouraged ‘prisoner satisfaction’ through a combination of regular work, education and relaxation and used a reward system that extended privileges for good behaviour (Evans 2004).

In 1985, W.J. Harvey (known as Bill) became Chief Superintendent, his first time in uniform. Originally a budget officer in the Attorney-General’s Department, he was executive officer to Horniboork in 1970 [and] like Howe, he favoured the reform approach (Evans 2004).

In 1985 Howe was forced to retire due to ill-health [and was] succeeded by Peter Patmore, ex-army and formerly a senior officer in the Law Department, who was less-reform focused (Evans 2004).

*Community Relationships*

In 1982, a publication titled *The Caged Beast*, written by inmate Ambi McDonald, was published by Kingborough Jaycees, providing an insight into prison life (Evans 2004).

In 1985, Risdon supplied meals on wheels to 20 pensioners on the Eastern Shore, which an inmate described as ‘attractive, palatable and nutritious’ (Evans 2004).

Media coverage during the 1980s tended to focus on decent food, somewhere decent to sleep and some access to recreation (Evans 2004).

*Major cases*

None located during this era.
**Major inquiries**

The *Indigenous Deaths in Custody Inquiry* was conducted nationally between October 1987 and November 1990. Although the *Inquiry* did not investigate the 1979 death of a young indigenous man at Risdon, nor did the Tasmanian deaths investigated by the Inquiry occur at Risdon, the findings were an important catalyst for the reform agenda in prison culture during the 1990s (Evans 2004: 81).

At Risdon the *Indigenous Deaths in Custody Inquiry* had two important impacts—one was to bring public attention to the numbers of Aboriginal inmates and the second was to slowly introduce respect for Aboriginal culture and to enable Aborigines to fulfil cultural obligations through day releases and to have access to their community including lawyers and other workers. Eventually support groups were established at Risdon and Aboriginal workers set up educational and cultural programs. The *Inquiry* was also instrumental in changing attitudes about the treatment of inmates, in particular the idea that inmates should be reintegrated into society rather than reformed. There was a shift from the idea of inmates ‘mending their ways’ to the idea of developing social survival skills, with sentence planning a means to an end. In this model, the Classification Committee comprising the inmate’s case manager, a psychologist and the co-ordinator of the prison’s education program, planned (in consultation with the inmate), how to get from A to B prior to sentence completion (Evans 2004: 81).

**Vulnerable populations**

*Inmates with mental health problems*

In 1982 a permanent Medical Officer was appointed at the prison and psychiatric and psychological services continued to be provided by the Mental Health Services Commission (Evans 2004). Although the hospital was secure, psychiatric treatment was less effective than that provided at the Royal Derwent Hospital and by November 1982 there were only 2 mentally ill patients remaining. (Evans 2004: 67)

*Risk* related developments

None noted for this era.

*Diversionary programs*

None noted for this era.
Prisoner/other resistance

During the eighties there were a number of threatened strikes, overtime bans and stop work meetings, with demands centering on a failure to implement the Grubb report, a claim for a 35 hour week, a proposal to withdraw the $12 proficiency allowance for learning first aid and unarmed combat, the refusal of 25 Public Service Association members working at Risdon to join the Tasmanian Prison Officers Association, a new roster, and over who should transfer inmates interstate (Evans 2004 : 73).

In 1981, a State Parliamentary Standing Committee of Public Accounts, investigated the issue of Prison Officer absenteeism, concluding that the problem was caused by a comparatively low salary with generous sick leave provisions which officers came to see as an entitlement. The committee recommended that a warning letter be sent to 35 officers who had taken sick leave more than five times, or for a total of ten days in the last financial year. Following release of the report, on 22 September 1981 a meeting of officers called on the government to reject the findings and to improve working conditions and a strike was planned, but averted. By 1986 Prison Officers had achieved a 38 hour week and a roster which allowed two periods of leave in every thirteen month period (Evans 2004 : 73).

In September 1985 a ‘disgruntled’ prison officer complained to the Sunday Tasmanian about the new ‘everything for the prisoner attitude’ (Evans 2004 : 74).

In October 1986 a high-risk inmate absconded from the maximum security prison in a laundry truck, while an officer’s attention was distracted (Evans 2004 : 63).

There was some resistance during the 1980s, particularly from the Prison Officer’s Union, to the idea of women as Prison Officers.
1990s

Rates of incarceration

<table>
<thead>
<tr>
<th>Year</th>
<th>Risdon Male #</th>
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<td>34</td>
<td>64</td>
<td>12</td>
<td>2</td>
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</tr>
</tbody>
</table>
In 1998, the Report on Government Services noted that Tasmania was beginning to experience an increase in prison numbers. Again in 1999, it was noted that ‘although the daily average prison population dropped slightly for the year, Tasmania was beginning to see signs of the first significant increase in the prison population for many years, due mainly to a doubling in the number of persons on remand’ (SCRGSP 1999 : 666)

This trend continued in 1999-2000, resulting in the most significant increase in the daily average population for many years (SCRGSP 2000). The increase was experienced in both remand and sentenced inmate numbers and placed considerable pressure on a system which had had a stable population for many years and had experienced progressively reduced staffing levels (SCRGSP 2000 : 770). Despite the opening of the new Hobart Remand Centre in January 1999, an extra Division at Risdon had to be kept open to accommodate remandees.

**Major legislative changes**

Please Note: The following legislative changes have been sourced directly from Simpson and Griffith (1999), Law and Order Legislation in the Australian States and Territories, 1995-1998 : a comparative survey. Briefing Paper No. 7/99, NSW Parliamentary Library Research Service

*Bail Amendment Act 1995*

This Act empowers police officers to impose bail conditions on police bail, and a number of procedural safeguards in relation to the imposition of unreasonable conditions by police. The Act also empowers police to arrest persons released on bail who have contravened, or are about to contravene, police imposed bail conditions (Simpson and Griffith 1999 : 21)

*Corrections Act 1997*

This Act, which repeals a number of major pieces of legislation dealing with prisons, probation and parole (including the Parole Act 1975, the Prison Act 1977 and the Probation of Offenders Act 1973), consolidates and amends this area of the law:

- Part 2 of the Act deals with the administration of corrective services, retaining the office of Director of Corrective Services.
- Part 3 deals with the establishment and control of prisons, including access to prisons by official visitors and others. Under this Part, ‘formal searches’ by an electronic or mechanical device may be conducted to detect the presence of drugs or weapons. Provision is also made for a prisoner’s child to live with that prisoner.
if the Director is satisfied that certain conditions apply (for example, if it is in the child’s best interests to live with his or her parent or guardian in prison).

- Part 4 deals with the custody and treatment of prisoners and detainees. It sets out the rights of prisoners and detainees which are said to be based on the Australian Standard Guidelines adopted by all Australian Governments. As well, provision is made for the random testing and searching of prisoners and detainees.
- Part 5 is concerned with transfers and other matters;
- Part 6 with interstate leave of absence for prisoners; and
- matters relevant to prison discipline is set out in Part 7
- Part 8 deals with parole and includes provision for a three-person Parole Board. For the first time, parole criteria are also set out, which include: the likelihood of the prisoner reoffending; the protection of the public; and the rehabilitation of the offender.

Sentencing Act 1997

This Act amended and consolidated Tasmania’s sentencing law. The legislation sets out the principles of sentencing in section 3(e), as these relate to deterrence, rehabilitation and punishment. However, in a strict sense the legislation is not a codification of the law of sentencing. As the Second Reading Speech noted, no mention is made in it of the general common law sentencing principles, including the principle of proportionality. The Act will, therefore, operate alongside and in addition to the common law.

Schurr notes that among the penalties available is an ‘area restriction order’, which orders that the offender must not ‘loiter in an area or class of areas’ during the period of the order (section 70). There is no statutory limit on the length of such an order. This is one of a number of orders which are in addition to the sentence imposed on an offender, the others being a ‘restitution order’ and a ‘compensation order’. The last requires the offender to pay compensation for any injury, loss, destruction or damage caused in the commission of the offence of burglary, stealing or unlawfully injuring property (the order is discretionary for other offences).

A new statutory scheme of ‘probation orders’ is also established under the Act (sections 37-42). The maximum term of probation orders is three years and they can be combined with imprisonment, community service orders or a fine. Each probation order contains specified ‘basic’ conditions, including: reporting to a probation officer; not leaving Tasmania without permission; notifying any change of address and complying with reasonable and lawful directions given by a probation officer. A sentencing court may also order that one or more ‘special conditions’ are to be included in a probation order, as for example: attendance at education or other programs; assessment and treatment for alcohol or drug dependency; testing for alcohol or drug use; and medical, psychological or psychiatric assessment or treatment. It is an offence to breach a condition of a probation order without a reasonable excuse.
By way of consolidation, the Act repealed section 392 of the *Criminal Code Act 1924* (the ‘dangerous criminals’ provision) and substituted in its place a substantially similar regime under sections 19-23 of the present Act.

**Youth Justice Act 1997** (and the *Children, Young Persons and their Families Act 1997*)

As part of the overhaul of the youth justice system in Tasmania these two Acts are designed to replace the *Child Welfare Act 1960*. However, it should be noted that neither of the 1997 Acts have been proclaimed to commence as yet and are not due to be in force before mid-1999. At present, therefore, the system is still operating under the *Child Welfare Act 1960*.

It is said that the new model under the 1997 Acts represents a shift from the ‘welfare model’ to a ‘restorative justice model’ in which there is greater emphasis on children being held accountable for their actions.\textsuperscript{46} At the same time the Act is designed to divert young people charged with minor offences, including first offenders, from the court process where appropriate. For young people who are repeat offenders the *Youth Justice Act 1997* provides a greater range of sentencing options for the court, including the introduction of a community service order for offenders over the age of 13.

Using Schurr as a guide, it can be said that the Act:

- places restrictions on the power of arrest and encourages the use of complaint or summons;
- permits detainees in custody in a detention centre to have their children present with them;
- requires that where a child is born to a youth in custody, the birth certificate does not reveal in any way that the mother was in custody;
- establishes a statutory basis for formal and informal cautioning. In appropriate cases cautions may be administered by an Aboriginal elder or by a member of a particular religious, ethnic or other community to which the youth belongs; and
- establishes community conferencing. Young offenders may be referred to conferences by either police or the courts.\textsuperscript{47}

Before the *Youth Justice Act 1997* can be proclaimed to commence five new programs must have been established: a police cautioning/conferencing program; a community service order program; non-custodial community placement services for young offenders; a community conferencing program; and the completion of the *Youth Justice Information System*.

**The Children, Young Persons and their Families Act 1997**

This Act incorporates an emphasis on supporting young people to maintain contact with their family and involving families in making decisions about the ongoing safety and wellbeing of their children. Indeed, the first principle upon which the administration of
the Act is based is that ‘the primary responsibility for a child’s care and protection lies with the child’s family’ (section 8). Under Part 5 of the Act, family group conferences are provided for where a child is ‘at risk’ and, further to an advisory panel report, such a conference is considered to be a suitable way of determining what arrangements should be made ‘to secure the child’s care and protection’. Interestingly, in contrast to the present model under the Child Welfare Act, neither of the 1997 Acts appear to include a provision for a parent to be fined or ordered to pay compensation in respect of offences committed by a child.

Magistrates Court (Children’s Division) Act 1998

As part of the overhaul of the youth justice system associated with the Youth Justice Act 1997 and the Children, Young Persons and their Families Act 1997, this Act establishes a new Court, the Magistrates Court (Children’s Division), which replaces the old Children’s Court. This new Court will not deal with the determination of offences, but with protection orders and related welfare matters. The Court’s procedures and powers will in fact be similar to the old Children’s Court. Its proceedings will not be open to the general public. Note that this Act will commence on the day the Children, Young Persons and their Families Act 1997 commences.

Please Note: The following extracts have been taken directly from Drabsch (2003)


This Act provides that children’s courts and courts of summary jurisdiction who deal with young offenders continue to exercise certain sentencing powers pending the commencement of the Youth Justice Act 1997. It also provides for the enforcement of certain sentences imposed before the commencement of the Youth Justice Act 1997.

Criminal Justice (Mental Impairment) Act 1999

Various procedures are contained in this Act that enable a court to deal with persons unfit to stand trial or not guilty of the offence with which they are charged, by reason of insanity. The Act provides that a person is presumed fit to stand trial, unless shown otherwise. If the defendant is found unfit, the court must subsequently determine whether the defendant is likely to become fit in the next 12 months, in which case the trial will be adjourned. However, if the defendant is unlikely to become fit, the court is required to proceed to a special hearing. A person found not guilty by reason of insanity is liable to a supervision order. The court must subsequently make a community treatment order, a continuing care order, or release the defendant unconditionally or on certain conditions.

Criminal Law (Detention and Interrogation) Amendment Act 1999:
Section 15 of the Criminal Law (Detention and Interrogation) Amendment Act is amended to provide that the requirements regarding the recording of information in
respect of persons in custody do not apply to those whom it is not proposed to question or investigate.

*Sentencing Amendment Act 1999*

The *Sentencing Act 1997* is amended to provide, inter alia, that a court must take into account any period of time the offender was held in custody in relation to the proceedings. Accordingly, the court may order that the sentence of imprisonment may commence on a day earlier than that on which it was imposed.
Tipping points in penal culture shifts

In 1995, Unit management principles were introduced to maximum security and the six existing divisions were divided into two units of three each and allocated a Manager and a group of Officers (Evans 2004 : 78) This facilitated stronger officer/prisoner relationships, a more consistent approach to rehabilitation and the opportunity for post-release preparation. The new approach proved difficult to implement and the idea lost ground after Marris retired.

During the late nineties, there was a perception that the profile of the offender had changed with ‘…the old-fashioned “honest crim” who accepted the adage ‘commit the crime, do the time’ [disappearing], and inmates’ problems [becoming] more complex’ (Evans 2004 : 95)

The re-opening of the Ron Barwick centre in 1991 represented a new approach to managing inmates. Inmates were locked in their cells at night but could move about fairly freely during the day, they received more visits than other inmates and had a card-operated phone which allowed calls to approved numbers. The unit also prepared inmates for release, in particular by allowing plenty of contact with families. Hughes, at one time a Deputy Superintendent at Ron Barwick said :

*It was the best little prison we had, well-run, semi-autonomous. It was run on a philosophy that the inmates were there because you could give them a little trust, less tension. It was a privilege to be an inmate there – and an officer.* (Evans 2004 : 85)

During the 1990s ‘normal relations between officers and inmates were fostered by the reduction of guns [with] armed officers being removed from the external guard towers and hand guns and shot guns taken out of the armoury (Evans 2004 : 79). In addition’ officers no longer patrolled the kitchen and workshop galleries, instead leaving their guns in locked cases (Evans 2004 : 79)

**Major policy changes**

**Recruitment & Training of Prison Staff**

The steady erosion of staff numbers was a particular issue during the nineties (Evans 2004 : 80). In 1991 a prison review team was established with representatives from the various staff levels to discuss award restructuring and efficiency issues, which included [staff] cuts (Evans 2004 : 80)

Officers who volunteered to work in the newly opened *Ron Barwick prison* attended a ‘one week training course to learn case management, sentencing planning, and a new way of working with inmates without compromising security and good order. During training, officers (and a group of inmates) were given the task of coming up with a code of
conduct for staff and inmates. On the last day of the course both parties were brought together to exchange documents – not surprisingly they were the same (Evans 2004 : 85)

In the early nineties, ‘reduced funding … led to cancellation of a course in Mental Health for Prison Officers’ (Evans 2004 : 95) which meant Prison Officers were not trained to look after inmates with mental issues.

In 1991 a chaplain from the City Mission became a prison visitor (Evans 2004) and in 2004 the current City Mission chaplain was conducting church services, weddings, funerals and the Christmas day service (Evans 2004)

In the year ending June 1992, 10 female officers were employed; prior to this, the only two women working for Corrective Services were Welfare Officers (Evans 2004).

Between June 1996 and June 1997, a major review of the services provided by the Programmes Unit at Risdon Prison identified ways of reducing the workforce while still maintaining services. For instance, Arunta telephone gave all prisoners access to their families and lawyers, previously only achievable through an appointment with a programmes officer. Inmates calls were limited to particular numbers and the calls were taped so they could be monitored by staff (Evans 2004 : 91)

The ensuing management restructure resulted in the abolishment of three positions, and mechanisation of the prison gates and other staff deployments resulted in the a further 10 positions being abolished (Evans 2004)

The 1990s saw the introduction of case management training for officers and a social worker was employed to ‘professionalise the service’ (Evans 2004)

In 1997-98 custodial officers were seconded to fill vacancies in the Programmes Unit (Evans 2004 : 90)

In 1998 routine training stopped because staff cutbacks and the rigid roster meant officers could not be released from their duties. Those who had qualified for Certificate III before the course was accredited did not receive their qualifications (Evans 2004 : 98)

The fact that there were no suicides at Risdon during a 27 month period, was partially attributed to the regular officer training provided via the Certificate III in Correctional Practice (Evans 2004).

By the late nineties, ‘funding cuts resulted in fewer staff and a deteriorating building, leaving the prison unprepared to deal with a sudden influx of inmates, with multiple problems [and] with the prison under stress the ‘new regime’ began to lose ground’ (Evans 2004 : 91).
Professionalisation/bureaucratisation of prisons

By 1992 responsibility for Corrective Services had once again returned to the Department of Justice (successor of the Law Department) (ABS 1301.6, 2000)

In 1993/94 a Correctional Officers Studies Certificate was developed, in conjunction with TAFE, however it was never used because it was superseded by the competency-based Certificate III in Correctional Practice (Custodial), developed to meet national standards (Evans 2004 : 82). As well as educating officers, the course provided training in the use of weapons, first-aid, and suicide prevention (Evans 2004 : 82)

In 1994 an Aboriginal Support Officer was appointed and 110 staff attended a two day programme on cultural awareness, conducted by an Aboriginal consultant (Evans 2004 : 81)

Educational/work/health programs in prison

Education

The 1990s saw a collaborative approach to education, with previously autonomous individual committees overseen by a Steering Committee. Vocational studies were subsequently co-ordinated in three streams

- Academic
- hobby and
- personal development

Inmates were able to ‘begin or continue an apprenticeship’ and ‘to address the difficulties caused by short sentences, traineeships (which could be finished more quickly) were introduced (Evans 2004 : 87).

In 1991 Ben Marris released a report entitled Vocational Training in Tasmania’ which recommended more emphasis be placed on vocational training and that it be integrated with other courses, be organized so that inmates could continue it after release, and that the education programmes be run by an Educational Institution (Evans 2004 : 87)

In 1991 a Park Rangers TAFE course, which included wildlife rehabilitation, was set up in the women’s prison (Evans 2004 : 88). The same year, the Mercury reported on a female inmate who had been caring for a goshawk (bird of prey) within the women’s prison.

In March 1992, a teacher attached to TAFE Special Programmes was appointed Teacher/Co-ordinator of the Prison Education Programme, and later progressed to Education Manager, putting education on an equal footing with other aspects of prison life (Evans 2004 : 87).
By 1992 the women’s education programme included computer awareness, word processing, art, and ticket writing. Two women serving longer sentences were enrolled in TAFE and participated in [related] group activities away from the prison (Evans 2004).

In February 1997 there was a setback to training when a workshop and garage burned down, destroying the building, a truck, two vans, a staff member’s car, two vintage fire trucks and a considerable amount of equipment (Evans 2004: 87).

The 1998 Report on Government Services notes a reduction in the level of involvement in education and training, as a direct result of uncertainty among prisoners, created through the closure of the medium security prison, however this was considered a temporary setback with interest and participation expected to return to previous levels (SCRGSP 1998: 441).

Prisoners and Their Families Program – April 1998

In April 1998, the Prisoners and Their Families Program commenced, as a pilot project initiative at Risdon Prison. Initially called New Beginnings and later Parenting and Contact from the Inside: New Beginning, funding for the pilot was provided by the Australian Department of Family and Community Services through the State Government Family, Child and Youth Health Service. The pilot project had two principal components – a parenting education program for male and female prisoners, culminating in a separate Parent’s Day at the prison where prisoners and their children were able to visit in a more relaxed way, and - an individual assistance program for prisoners and their families. In 2000, the Risdon Prison Program was awarded a Certificate of Merit in the Australian Violence Prevention Awards.

Mabbye Largenner Aboriginal Education and Training Program - 1998

In 1998 Tasmanian Community Corrections took over responsibility for this program, with funding provided by the Commonwealth. Aims of the program were to:

• Reduce the rate of re-imprisonment among young offenders;
• Deliver information, advice and counselling assistance to offenders regarding access to employment, education and training options on their release from prison;
• Provide an effective referral service as a means of achieving improved employment, education and training outcomes for Indigenous offenders; and
• Promote co-ordination and liaison between providers of services to Indigenous offenders, which in turn lead to the development of alternatives to incarceration (O’Toole 2002: 15)
Programs in the late 1990s were developed by the Programs Unit [at Risdon] and focused on three areas:'

- Pre-release preparation and reintegration
- Facing offending behaviours; and
- Induction and Information

The idea was to improve self-esteem, encourage social responsibility and teach basic life skills such as budgeting and cooking. The pre-release program, developed in conjunction with a Welfare Officer, included dealing with job interviews, basic cooking, managing on a low income, conflict resolution, avoiding alcohol abuse, safe sex, anger management, quit smoking, small engine repairs and the safe use of chain saws (Evans 2004 : 90)

The 2000 Report on Government Services notes that ’despite the pressures on the system, employment and education rates had been maintained or even enhanced in some areas’ [and that] ‘this was particularly important in a period of high prisoner numbers, as management was enhanced by having meaningful and productive work and training opportunities available’ (SCRGSP 2000 : 770)

Work

During the 1990s there were working parties at the Botanical Gardens, Government House, Cornelian Bay Cemetery and in partnership with the Forestry Commission. (Evans 2004 : 86).

The Report on Government Services (1995), notes Tasmania’s rate of inmate employment as ‘the highest in the nation’ and attributes this to ‘the high level of involvement in personal development and vocational programs, achieved through close co-operation with TAFE’ (SGRGSP 1995 : 549)

In July 1995 a new wage structure was introduced for inmates, ranging from $18 to $43 per week, depending on individual skills (Evans 2004).

The Report on Government Services (1997) notes that ‘the availability of work opportunities for prisoners in Tasmania deteriorated during the year, in part because competition from other service providers had made it more difficult to obtain suitable work projects’ (SGRGSP1997 : 789)

In the year ending June 1998, Risdon registered with Business Affairs under the name of Horizon Industries. The prison established some joint ventures and developed custom-made products such as making crates and pallets to particular dimensions for an exporter, and specializing in bread and pastries (Evans 2004 : 90)
**Health & Wellbeing**

During the 1990s hobbies included cricket, football, volleyball, darts, weight-training and the Spartan Debating Society (Evans 2004)

**Probation and Parole/Post-Release Support**

In 1990 the Tasmanian Association for Prisoner Support Services (TAPPS) was formed to replace the Prisoners Aid Society. Their focus was on providing support for inmates before, during, and after imprisonment including assistance with transport for family visits (Evans 2004 : 91).

The Report on Government Services (1995) records that ‘in 1994 community supervision included Probation and Community Service Orders, with a successful completion rate of 93% [and that] in general, community based sanctions were considered more constructive, except with more serious and recalcitrant offenders’ (SCRGSP 1995 : 541)

**Key leaders/figures driving change**

In February 1990, Ben Marris was appointed Director of Corrective Services, ushering in a new era of reform, which met with opposition within the prison at lower level management and custodial officer level, as well as resistance from the Tasmanian Prison Officers Association (Evans 2004). Under his leadership, ‘the shift to more informal officer/inmate relations which began in the eighties continued to develop during the nineties’(Evans 2004)

In 1995, Ben Marris was succeeded by Denbigh Richards, a Victorian with a background in social work (Evans 2004 : 78).

**Community Relationships**

During the 1990s, ‘relations were particularly good with the Risdon Vale community which abutted the prison [and] the Neighbourhood House had a partnership agreement with the prison to support community projects. (Evans 2004 : 86). Inmates helped with community projects such as surface preparation of a wall for painting of a mural, tree planting, baking bread for community events and sponsoring the breakfast programme at the local school twice a week (Evans 2004). Other projects included ‘making playground equipment for a School and Child Care Centre and assisting the National Trust’ (Evans 2004 : 86). Risdon also still retained a fire crew (Evans 2004)
**Major cases**

During the late nineties, the problem of suicide in prison reached alarming proportions at Risdon (Evans 2004: 75). An article in the *Mercury* claimed that between 1987 and August 1999 there had been 13 deaths by hanging at Risdon (Evans 2004: 100). Over a six month period between August 1999 and January 2000, 4 inmates committed suicide by hanging, 2 of them in E Division where cells still had hanging points (Evans 2004: 100). During this time at least one inmate attempted suicide and another died in questionable circumstances (Evans 2004: 93). Then Attorney General Peter Patmore put the events down to overcrowding and the ‘rundown’ condition of the system – human resources and buildings (Evans 2004: 93)

**Major inquiries**

There were a number of Inquiries and Reports relating to Risdon during the 1990s. These include:

<table>
<thead>
<tr>
<th>Year</th>
<th>Inquirer</th>
<th>Title</th>
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<tbody>
<tr>
<td>1999</td>
<td>Legislative Council Select Committee</td>
<td><em>Correctional Services and Sentencing in Tasmania</em></td>
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<tr>
<td>1995</td>
<td>Marris, B.</td>
<td><em>The Future of Prisons in Tasmania, December 1995</em></td>
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<td>1993</td>
<td>Neasey, F.M.</td>
<td><em>Report of an Inquiry into the System of Classification of Prisoners in Tasmania and Other Related Matters, April 1993</em></td>
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<tr>
<td>1992</td>
<td></td>
<td><em>Aboriginal Deaths in Custody – Responses by the Tasmanian Government to the Royal Commission, August 1992</em></td>
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*Indigenous Deaths in Custody Inquiry - 1991*

In May 1991, the *Indigenous Deaths in Custody Inquiry* was tabled in the Tasmanian Parliament, providing an incentive to pursue the ‘new regime’ which had its tentative beginnings in the 1980s (Evans 2004: 77). A key recommendation of the *Indigenous Deaths in Custody Inquiry* was a scheme for prisoner leave, which was subsequently introduced in the early nineties (Evans 2004)
The Neasey Inquiry arose out of an incident that occurred in 1992. In December 1992 three long-term minimum security inmates were permitted to attend the final of the Tasmanian Debating Union. On returning to Hobart, one of the drivers (an inmate) was breathalysed by police and found to be over the limit. Charges were laid and after a media outcry, the Minister of Justice ordered an inquiry. The Inquiry was charged with investigating ‘the system of classification, policy regarding inmates’ participation in activities outside the prison, the procedure for transporting inmates, and the cost implications of the recommendations (Evans 2004 : 83)

According to Neasey, some officers thought that the inmates’ life had become too easy, there were good and necessary things in the old system which should have been retained, but had not been, the inmates had offended against the law, usually left victims in their wake and needed correcting and that they needed authoritarian control to learn self-discipline. It was only after that they could have opportunities for self-improvement. There was a widespread feeling that discipline had become slap-dash, taking risks with security and causing unhappiness to inmate and officer like. The Grubb Inquiry had pointed out that easing inmates’ conditions, while neglecting those of prison officers, was likely to create resentment (Evans 2004 : 74)

Findings of the Deaths in Custody Inquest - 1998

In 1998 a Coroner found that three inquests since 1991 had recommended the removal of ‘hanging points’ yet out of 26 cells in the Hospital, only five were modified and in the wider prison nothing was done (Evans 2004 : 100)


In 1998, Steve Tandy, a superintendent in the New South Wales Corrective Services Department presented a report on security at Risdon.

Ombudsman Report on conditions at Risdon – 1999

In 1999, the Ombudsman, Damon Thomas, carried out an investigation into conditions at Risdon (Evans 2004)

Legislative Council Select Committee – Correctional Services and Sentencing in Tasmania – 1997-1999

On 14 October 1997, the Select Committee was appointed by the Legislative Council 1997 “to inquire into and report upon the operation of Correctional Services and Sentencing in Tasmania. After being disbanded twice, the Committee re-formed on 6 October 1998.
In 1999, a Legislative Council Select Committee found conditions in most parts of the prison ranged from inferior to appalling and there was a compelling need to upgrade or replace them, nothing that the inadequate facilities posed unnecessary strains on staff and prisoners alike (Evans 2004 : 98)

Vulnerable populations

Inmates with mental health issues

During the 1990s the numbers of vulnerable inmates increased and a higher proportion of the prison population suffered from mental problems of varying severity (Evans 2004). ‘On a strictly clinical basis these may have been personality disorders, rather than mental illnesses, but their behaviour put more pressure on the yards’ (Evans 2004 : 95)

During the late nineties, despite the increased incidence of mental illness, most of the Forensic Mental Health team were transferred to the Glenorchy Community Health Centre, and there was a reduction in the hours of the psychiatrist and in the overall hours of the team. Mental health inmates fell between two government departments - the Department of Health and Human Services which employed the medical staff and the Department of Justice and Industrial Relations which employed the nurses. These actions led to a less cohesive Forensic Mental Health Service in the late nineties. In the late nineties the psychologist was removed from the Classification Committee (Evans 2004 : 96)

Towards the end of the 1990s, services to inmates with psychological or psychiatric problems were reduced. At about the same time, Willow Court (a community mental health institution) closed, ‘… and some of its residents, released into the community without adequate preparation and support, ended up at Risdon where they became vulnerable to bullying and exploitation by other inmates’ (Evans 2004 : 96).

Female inmates

During the 1990s the women’s prison was characterized by small numbers and no segregation. Women inmates could wear a wedding ring and crucifix but no other jewellery, although light makeup and watches were allowed if women were working or studying outside the prison. Staff were called by first names. Children stayed with their mothers until they were 4, although most lived elsewhere once they were past the toddler stage (Evans 2004 : 85).

During the 1990s Jones et al (1995) reviewed the records of all female prisoners in Tasmania between 1981 and 1990. Thirty-five percent had previously attended the state’s psychiatric services and showed greater impairment of social adjustments and relationships than other prisoners (cited in Lucas 1999 : 9)
Aboriginal Inmates

In 1994 an Aboriginal Support Officer was appointed and 110 staff attended a two day programme on cultural awareness, conducted by an Aboriginal consultant (Evans 2004 : 81).

Tasmanian Aboriginal Justice Officer

‘This position, funded by the Aboriginal and Torres Strait Islander Commission (ATSIC) was established to develop a consultative process to enable the Aboriginal community to provide projects and take some responsibility for Aboriginal offenders. The Aboriginal Justice Officer’s role included:

- Liaising with the Aboriginal community and investigating alternative programs for Aboriginal offenders
- Broadening non-custodial opportunities for Aboriginal offenders;
- Developing and maintaining consultative processes with the Aboriginal community; and
- Supporting and liaising with Aboriginal inmates’ (O’Toole 2002 : 15)

Older inmates

Grant (1999) raised the issue of elderly inmates in Australia.

‘Risk’ related developments

The Report on Government Services (2000) notes that pressures within the prison system were ‘… also reflected in higher rates of escape at both open and secure custody levels’ and that ‘an independent security review had been conducted through the year (1999) and significant progress was being made in implementing recommendations arising from that review’ (SGRGSP 2000).

The Report on Government Services (2000) further notes that ‘the larger [prison] population and changes in the prisoner profile contributed to a substantial increase in incidents within the prison system, with a concerning aspect of this being an increase in assaults by prisoners on staff. In response ‘work was undertaken to make available an additional area where certain prisoners could be separately managed’ (SCRGSP 2000 : 770).

Diversionary programs

None noted during this period.
Prisoner/other resistance

In 1999 there was an increased incidence of assaults, protests, a major riot, firelighting and escapes from vans (Evans 2004 : 93)

On 11 January 1999, the Mercury reported 2 weeks of violence, attempted escapes, brawls and large-scale vandalism at Risdon which began on 26 December with a food fight – cutlery was thrown, 270 windows were smashed and bibles and blankets were burned. In other incidents four inmates got drunk and cut off parts of their ears, an inmate serving a sentence for sex offences attacked a female officer and some maximum security inmates refused to leave their cells. A January raid at the prison found knives, blades and drug-taking equipment. On 19 January 1999, inmates held a peaceful sit-in in the yards, where they stayed all night, allegedly because of cold toast (Evans 2004 : 99).

On 26 May 1999, the disturbances and escapes earlier in the year culminated in a seven hour rampage. By coincidence, this was the same day Attorney-General Peter Patmore received a report from the Ombudsman, in which the management of incidents was criticized. Thomas did not blame officers because they were working according to outdated procedures whereby force had precedence over negotiation (the preferred method of defusing situations). Officer training was inadequate and officers were not aware that the Prison Act (1977) had been superseded by the Corrections Act and the operating procedures manual was Victorian, and not necessarily relevant to Tasmania (Evans 2004 99-100)

‘The Tasmanian Prison Officers Association carried over the industrial action of the eighties into the nineties. Much of the unrest was attributable to the persistence of old issues, policy change, poor training, working conditions, public perceptions of officers and a stressful workplace. Action was threatened in relation to disputes over slackening discipline and security as well as prison officers’ facilities and conditions’ (Evans 2004 : 80).
Rates of incarceration

<table>
<thead>
<tr>
<th>Prisoners in Tasmania compared to Australian average</th>
<th>#</th>
<th>TAS per 100,000</th>
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<tbody>
<tr>
<td>2000</td>
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The Report on Government Services (2001) notes a continuing increase in the Tasmanian prison population (remand and sentenced), resulting in further pressure being placed on facilities and staff” (SCRGSP 2001 : 498). Despite the opening of the Remand Centre in January 1999, ‘additional remand accommodation is consistently required within the maximum security prison at Risdon’ (SCRGSP 2001 : 498)

The daily average inmate population in 2004-05 was 521 inmates (491 males and 30 females), representing a further increase from the 2003-04 average of 457 inmates (428 males and 29 females) (DOJ 2004-05 : 42). During 2004-05 the prison population was consistently above the Service’s design capacity* of 502 inmates (* design capacity is calculated on single occupancy cell design, and excludes designated watchhouse and segregation cells) (DOJ 2004-05 : 42).

A 2004-05 Department of Justice Annual Report notes that ‘the significant growth in the prison population prior to 2004-05 meant that managing the prison population became a major issue for the Agency’. (DOJ 2004-05 : 9). Between 2004 and 2005, Tasmania had the highest proportionate increase (23%) in its prison population (ABS 4517.0 : 4). In part, the rise in prison population during 2004-05 was attributed to ‘the increase in the remand population, [with] the average monthly number of prisoners held on remand increasing by 39% in 2004-05 (DOJ 2004-05 : 9). In response Courts tried to allocate a higher priority to matters associated with defendants remanded in custody (DOJ 2004-05 : 9).

In 2007-08, the daily average prisoner population in Tasmania was 539 (502 males and 37 females), representing a slight increase from the 2006-07 average of 534 prisoners (497 males and 37 females)
Major legislative changes

Please Note: The following extracts have been taken directly from Drabsch (2003)

Criminal Law (Aggravated Burglary and Repeat Offenders) Act 2000

The Criminal Code offence of aggravated burglary is amended by removing the element of being in the company of another person at the time of the offence. The Act also amends the Sentencing Act 1997 by increasing the maximum term of imprisonment that may be imposed by a court of petty sessions for a crime triable summarily from three to five years.

Forensic Procedures Act 2000

This Act provides for the carrying out of forensic procedures on persons arrested for, or suspected of committing, certain offences, for the purpose of including that information on the national DNA database. Part 2 of the Act sets out provisions relating to the carrying out of forensic procedures on suspects and charged persons including the circumstances in which the tests may be carried out, whether by consent or court order. Forensic procedures in regard to volunteers are contained in Part 4 of the Act. Part 5 specifies who may carry out the procedures and who is to be present at the time. The Act also makes provision for the admissibility of evidence, the destruction of forensic material and the DNA database system.

Justice (Amendment of Custody Legislation) Act 2002:

Amongst other things, this Act amends the Criminal Justice (Mental Impairment) Act 1999 to enable a court to issue a warrant for the arrest of a person subject to a continuing care order who has escaped from the hospital and to provide for his or her return to that hospital. It also provides for the interstate transfer of patients who have absconded.

Sentencing Amendment Act 2002:

The purpose of this Act is to amend the Sentencing Act 1997 and the Corrections Act 1997 to provide for non-parole periods in respect of sentences of imprisonment. The Sentencing Act is amended to require the court to provide its reasons for making an order that a life prisoner is not eligible for parole, or is not eligible for parole for a specified period. Amendments to the Corrections Act 1997 provide that in the event of a prisoner being considered for release on parole, the victims’ register is to be searched and any victim is to be notified of the possibility of a parole order. The victim may subsequently submit within 30 days a written statement of the effect of any injury, loss or damage suffered by him or her in respect of the offence.
Please Note: The following extracts are directly from Roth (2006).

*Misuse of Drugs Act 2001* (Tas) and see also *Misuse of Drugs Amendment Act 2003* (Tas);

In 1998, the Model Criminal Code Officers Committee published its report on model serious drug offences. Several jurisdictions have since enacted legislation to implement the model offences: Tasmania (2001)

*Terrorism (Commonwealth Powers) Act 2002*

An Act to refer certain matters relating to terrorist acts to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth


In 2003, Tasmania abolished the partial defence of provocation on the basis that it was outdated and that provocation could be taken into account in sentencing.152

*Forensic Procedures Amendment Act 2003* (Tas).

In 2003, NSW, Queensland and Tasmania enacted reforms to their forensic procedures laws to facilitate their participation in the national DNA database.


In 2005, Tasmania enacted an amendment to allow the court to accept a victim impact statement made by another person on the victim’s behalf, where it considers it appropriate to do so. This may be appropriate if the victim is a child, a person with a disability, or where the making of a statement by the victim is not recommended on medical grounds.265

*Mental Health Amendment (Secure Mental Health Unit) Act 2005* (Tas).

In 2005, Tasmania enacted laws to enable offenders with a serious mental illness to be detained in a secure mental health unit outside the prison system. When introducing the legislation, the Government stated that:

The detention of forensic patients and prisoners who have a serious mental illness within a custodial environment is contrary to contemporary trends and best practices. Currently, New South Wales and Tasmania are the only States in Australia where forensic mental health facilities are located inside the prison system and administered along custodial lines.
**Family Violence Act 2004**

The Family Violence Act was enacted on 17 December, 2004. It provides for an integrated criminal justice response to family violence which promotes the safety of people affected by family violence.

The main features of this legislation include:

- It covers family violence by spouses or partners;
- New offences of economic abuse and emotional abuse or intimidation;
- New offence of assaulting a pregnant woman;
- A presumption against bail for family violence offences;
- The presence of a child can be considered as an aggravating factor in sentencing;
- Courts can sentence family violence offenders to attend a rehabilitation program;
- Police can issue a Family Violence Order (FVO) for a period of 12 months;
- Courts can also issue a FVO, for a specified period or indefinitely;
- If a court makes an FVO that requires the offender to vacate the premises, the court can also order that the lease of the premises be put into the victim’s name;
- Protections for children and other vulnerable persons giving evidence;
- Mandatory reporting obligations for a range of professionals who are likely to become aware of cases of family violence through their work.

‘During 2004-05, the State Government provided funding to implement the Safe at Home program across a number of agencies, the Department of Justice being the lead agency for this initiative’ (DOJ 2004-05 : 11). As part of this initiative, ‘the Family Violence Intervention program is aimed at reducing the likelihood that offenders, participating in the program, will re-offend’ (DOJ 2004-05 : 11)

‘The new justice response to family violence includes a pro-arrest approach by Police. While that has the potential to significantly increase prisoner numbers, a screening tool has been developed to assess the risk that offenders will re-offend [and] those offenders with a high risk of re-offending are remanded in custody while bail is not opposed for those of lower risk (DOJ 2004-05 : 9)

In July 2007, management and delivery of the Family Violence Offender Intervention Program was integrated into Community Corrections and at the end of March 2008 Community Corrections implemented an internal referral process to supplement the referrals being made by the courts (DOJ 2007-08 : 42)
Monetary Penalties Enforcement Act 2005

This Act was proclaimed on 28 April 2008. Since the proclamation of the Act fine defaulters are no longer returned to court and therefore warrants of apprehension are no longer used in relation to fine enforcement (DOJ 2007-08 : 20)

During 2007-08 the Organisation Development Unit at Risdon reviewed the Corrections Act 1997 and it is anticipated that amendments will be recommended during 2008-09 (DOJ 2007-08 : 39)

Tipping points in penal culture shifts

In 2000, a public reaction to the deaths in custody was the formation of the Prison Action and Reform Group (PAR), an independent coalition made up of concerned individuals, some of whom worked at Risdon or had been inmates (Evans 2004 : 102). The Group originated in June 2000, as the lobby group Correctional Justice Reform Alliance, formed in response to the five deaths in custody in Tasmania in the period August 1999 to January 2000.

During 2002, the role of Official Visitors was expanded, with the appointment of a new group of Visitors representing a cross section of the community. Official Visitors are appointed for two years and act as independent witnesses of the Prison Service, monitoring the implementation of change and the performance of the system as a whole and listening to concerns of prisoners, staff and the public (DOJ 2004-05 : 46)

During 2004-05 Community Corrections and the Tasmania Prison Service continued working towards a closer working relationship, drafting protocols for an Integrated Offender Management System (DOJ 2004-05 : 51). ‘Integrated Offender Management is a cooperative and coordinated approach to the management of offenders that supports a goal of reduced offending, and also aims to ensure that the safety, security, health and welfare needs of prisoners are addressed in an effective manner’ (DOJ 2007-08 : 38). In 2007-08, ‘the main focus of the Integrated Offender Management Unit was the refinement of the IOM Framework and the introduction of a Reintegration Framework (DOJ 2007-08 : 38).

In 2007-08 the Case Coordination Unit undertook formal assessments of inmates, utilizing the Level of Service Case Management Inventory (LSCMI) in addition to taking on a case coordination and leadership role [which] allows for development of complex sentence plans and the coordination of reintegration processes (DOJ 2007-08 : 39)

In 2007-08 the Organisation Development Unit rolled out the revised Directors Standing Orders and Standard Operating Procedures, progress was made on significant policy issues such as Inmate Classification/Placement and Inmate Disciplinary Processes (DOJ 2007-08 : 39)
**Major policy changes**

In 2007-08 a major focus of the Department of Justice was to ‘implement strategies to discourage offenders from re-offending’. Strategies concentrated on changing the behaviour of offenders included:

- restorative justice options
- expansion of pitons for Courts to change the behaviour of offenders
- improved offender rehabilitation/management including the introduction of an integrated offender management model in the prison system
- better enforcement of monetary penalties so that they are a more effective deterrent, and
- improving business processes to assist in a faster resolution of cases (DOJ 2007-08 : 12)

**Recruitment & Training of Prison Staff**

By 2000, Risdon prison was experiencing staffing shortages due to rising numbers of inmates and efforts were being made to recruit and train new officers (SCRGSP 2001 : 498)

During the 2000s staff training and development was a focus and recruitment processes were improved to attract more applicants and improve the selection process (DOJ 2004-05 : 45). The 2000s also saw improved training in mental health issues for both nurses and officers (Evans 2004)

In 2001 the Certificate III in Custodial Practice was reinstated and the officers who previously finished the course received their Certificates (Evans 2004).

The Department of Justice Annual Report (2004-05) notes ‘ongoing staff development for prison staff’ and improved prisoner management through targeted accommodation options, that include the provision of temporary accommodation for minimum-security prisoners at the Risdon complex’ (DOJ 2004-05 : 9)

During 2004-05, Community Corrections staff were trained in prison programs and Prison staff were trained in Community Corrections programs (DOJ 2004-05).

**Appointment of Operational Review Officer**

In November 2004, an Operational Review Officer was appointed to monitor the implementation recommendations of the Coronial Inquest (2001) and the investigation into Risdon Prison and the Prison Hospital (2001). The 2004-05 Department of Justice Annual Report indicated ‘that the levels of implementation and compliance are encouraging’ (DOJ 2004-05 :43)
During the 2007-08 financial year ‘Staff Development and Training continued to recruit and train new correctional officers and … two courses graduated, providing a total of 14 additional correctional officers for Tasmania prison facilities (DOJ 2007-08 : 39)

In 2007-08, ‘a partnership with New South Wales Corrective Services provided opportunities for both uniformed and non-uniformed managers to attend the Executive Leadership Program at the Brush Farm Academy, which on completion provides participants with a Diploma of Correctional Administration’ (DOJ 2007-08 : 39)

Professionalisation/bureaucratisation of prisons

The 2000s saw progress towards greater collaboration between the Tasmania Prison Service and Community Corrections. One example of this was the reciprocal training that took place during 2004-05, when ‘Community Corrections staff were trained in prison programs and Prison staff were trained in Community Corrections programs’ (DOJ 2004-05 : 13). Another was ‘the implementation of the Level of Service/Case Management Inventory (LSCMI) which will enable consistent assessment of the risks and needs of offenders across Corrective Services in Tasmania’ (DOJ 2007-08 : 42)

In 2003, the Prison Service Organisational Development (OD) Program commenced, in preparation for relocation to new and redeveloped prison facilities in 2005-06. The Program identified five separate projects which included developing:

- an *industrial relations strategy* to encompass cooperation, consultation and ownership
- a *custodial operating model* for the three prisons on the Risdon site; developing a *human resources strategy* that reflects the needs of the operating model of the Tasmania Prison Service
- a *transition plan* and budget for the move from the current operating model to the desired model; and
- a *communication plan* to improve the communication process between the Prison Service and internal and external stakeholders. (DOJ 2004-05 : 43)

The Department of Justice Annual Report (2004-05) also notes ‘increasing cooperation between the Department of Justice and the Police, including sharing of information to better anticipate changes in the prison population as well as demands on other areas of the justice system’ (DOJ 2004-05 : 9)

The 2000s also saw a greater emphasis on Integrated Offender Management, delivering a throughcare model with a focus on continuity of pre and post-release and preventing re-offending, facilitated by closer collaboration between the Tasmania Prison Service and Community Corrections and external service providers.

For instance, in 2007-08
The main focus for uniformed staff in the 2007-08 year was the stabilization and consolidation of the Integrated Offender Management process into meaningful daily tasks and functions. All senior uniformed managers, correctional supervisors and officers worked proactively with non uniformed staff to implement structured daily routines, offender assessment, inmate classification and case management processes’ (DOJ 2007-08 : 37).

**Educational/work/health programs in prison**

**Education**

During the 2000s programs were introduced which addressed self-harm and drug and alcohol dependency (Evans 2004 : 102)

In May 2001, the partnership between the Prison and TAFE was discontinued, by mutual agreement (Evans 2004).

In 2002, Care and Community Concern Welfare Services were contracted to establish the *Inside Out* programme. The program provided services to inmates of all ages and during the years the program was running, there was only one death in custody (Evans 2004).

The Department of Justice Annual Report (2004-05) notes improvements to the Sex Offender Treatment Program (SOTP) including the incorporation of a throughcare model and the training of approximately 20 Community Corrections Officers to ensure offenders that completed the program in prison would also receive appropriate support and monitoring after their release (DOJ 2004-05 :10).

In early 2004, the Sex Offender Treatment Program (SOTP) commenced, and in the absence of a dedicated community-based program, SOTP staff initiated a throughcare model for program participants which was instituted by training approximately 20 Community Corrections officers across Tasmania to ensure that offenders receive appropriate support and monitoring post-release (DOJ 2004-05 :45). In 2005, the Sex Offender Treatment Program was expanded to provide further support after release from prison (DOJ 2004-05 :13).

In 2004/05, ‘the Mabbyle Largenner progam, which had begun in the 1980s, continues to be ‘…delivered under the auspices of Community Corrections, with an Indigenous Coordinator facilitating links to employment, education and training opportunities for Indigenous offenders in community and custodial corrections settings’(DOJ 2004-05 : 49).

In 2007-08 the focus of Prisoner Education and Training was on numeracy, literacy and vocational education for inmates and the enhancement of the cooperative relationship developed with TAFE Tasmania and other external service providers (DOJ 2007-08 : 38).
In 2007-08 Prisoner Education and Training were trialling the implementation of a Risdon LINC, similar to the successful Huon LINC community model, which involves a partnership with the Department of Education (Community Knowledge Network and Hobart College) (DOJ 2007-08 : 38)

During 2007-08, the Programs Unit implemented a range of new programs which require ongoing staff training. The Unit delivers the following programs:

- Sex Offender Program
- ‘Pathways’ a high intensity drug and alcohol program
- ‘Smart Thinking’, a medium intensity program
- ‘Making Choices’ a medium to high intensity general offending and violence program

During 2008-09 the Programs Unit will gain accreditation to train its own trainers for ‘Making Choices’ and ‘Smart Thinking’ (DOJ 2007-08 : 39)

Another key element in 2008-09 will be the formation of local committees to manage sport and recreation in each prison facility (DOJ 2007-08 : 39)

In 2008, the Tasmania Prison Service launched a reading program for inmates children. The program, pioneered in the United Kingdom, involves prisoners recording children’s stories onto CDs. The CD and the storybook are then sent to the inmate’s home where the child can hear their parent reading while following the book’s storyline. Currently 25 prisoners are participating in the program. For further information on initiatives of the Tasmania Prison Service, you could approach John Cianchi
John.Cianchi@justice.tas.gov.au

Probation and Parole

No information located for this era.

Key leaders/figures driving change

In 2004, Standing Orders and Procedures were re-written and implemented by new Prison Director, Graeme Barber. They addressed every aspect of prison life, including induction, education, programmes, inmates’ employment, letter-writing, suicide prevention, dealing with assault and complaints procedures. The Standing Orders specified that the prison environment should be ‘stable, predictable and meaningful’ (Evans 2004 : 102)
Community Relationships

For the Centenary of Federation, under the supervision of the Shipwrights Point School of Wooden Boatbuilding, some inmates made a replica of a boat built at Port Arthur, naming it the *Walter Paisley*, after a convict (Evans 2004:89). The boat was displayed in the ‘framed’ exhibition. Inmates painted ‘100’ on the hill at Droughty Point (Evans 2004: 89)

In December 2003, a group of inmates erected $10,000 worth of playground equipment for a community project (Evans 2004)

Major cases

None located for this era.

Major inquires

‘The findings and recommendations of the *Coronial Inquest* into five deaths in custody, and an investigation in Risdon Prison and the Prison Hospital, were handed down in early 2001. Implementation of these findings and recommendations continued during 2004-05’ (DOJ 2004-05 : 43)

Indigenous Deaths in Custody Inquiry - 2001

A recommendation of the *Indigenous Deaths in Custody Inquiry* was that Aboriginal inmates should not be placed in cells alone (Evans 2004: 101).

Inquiry into Risdon Prison and Forensic Mental Health Services - 2001

In June 2001, an investigation was initiated as an own motion inquiry by the then Ombudsman following discussions with the Minister for Justice, Hon Dr Peter Patmore, in response to a number of tragic inmate deaths and a series of adverse incidents, including escapes and riot situations at Risdon Prison’. (O’Grady 2001 : 3) The scope of the investigation included security and surveillance provisions; inmate health and safety; drugs; discipline; training and aspects of operational management in the prison.

Many of the people interviewed for the 2001 *Ombudsman’s Report* felt the prison had become a dumping ground for disturbed people (Evans 2004: 95). The Ombudsman found that ‘the rehabilitation aspects of work, or the value of meaningful activity, appears to have been given a very low priority’ (Evans 2004 : 97). In the same year, the *Legislative Council Select Committee* found the workshops were under-utilised and ‘large numbers of prisoners seemed to be wandering around the cell blocks with little to do’(Evans 2004 : 97). Machinery in the workshops was in poor condition because of inadequate funding and more staff were required to maintain vocational training (Evans 2004).
One of the recommendations of the Ombudsman’s Report (2001) was the establishment of a secure Forensic Psychiatric Unit, independent of Corrective Services and not located in the prison (Evans 2004 : 101). This was finally achieved with the opening of the Wilfred Lopes Forensic Mental Health Centre in 2006.

Review of Operations Risdon prison - 2005

On 25 May 2005, Luppo Prins, former Tasmania Police Assistant Commissioner, was appointed to conduct a review of the operational response by the Prison Service prior to, during and after the hostage incident. The review found “the initial response to the incident and the internal cooperation of the specialist areas of the Prison Service was excellent’ (DOJ 2004-05 : 44). ‘The review also identified several areas of improvement and made 34 recommendations…” (DOJ 2004-05 : 44)

Strategies implemented to reduce the risk of assaults included ‘changed prisoner movement arrangements, increased staffing in vulnerable areas and increased numbers of CCTV cameras’ (DOJ 2004-05 : 44) ‘In addition to improvements to physical infrastructure and operations, a significant training effort was also made including training custodial staff in motivational interactions and incident management and visits by custodial staff to other jurisdictions to gain an insight into various approaches to prisoners management’ (DOJ 2004-05 : 45)

Vulnerable populations

Female inmates

During the 2000s, ‘overcrowding in the women’s prison necessitated the installation of bunk beds (Evans 2004)

Inmates with mental illness

In her report tabled on 27 March, 2001, Justice Tennent recommended a review of the present arrangements under which mentally ill patients were kept at Risdon (Evans 2004 : 100)

The information below has been sourced directly from the Tasmanian Department of Justice, Prisons Infrastructure Redevelopment website at http://www.justice.tas.gov.au/pirp/background/special_needs
The following ‘inmates with special needs’ were identified by the Prisons Infrastructure Redevelopment Program, in their planning for the new Risdon prison.

**Aboriginal Inmates**

In 2004, there was an average of 25 male and 1 or 2 female Aboriginal sentenced inmates and 6 detainees in the prison system. These figures rely upon self-identification. Consultation with Aboriginal organisations and members of the community has included production of an information sheet distributed through Aboriginal organisations and meetings with Aboriginal organisations and individual community members, including Aboriginal prisoners and ex-prisoners.

The issues raised have included:

- the need to be able to separate different types of prisoners to ensure safety and protection
- addressing the recommendations of the Aboriginal Deaths in Custody report, such as the inclusion of 'buddy' cells
- creating a culture within the prison that recognises and affirms Aboriginal cultural heritage
- ensuring access to appropriate programs
- pre-release support
- developing alternatives to imprisonment (DOJ 2007)

**Female Inmates**

Consistent with the increase in the male population, the number of women inmates has shown a marked increase. Due to their special needs, women of all security levels have been accommodated in the one separate facility at Risdon. The basic principle is that women should have access to the same range of services as male prisoners. The provision of a multi-function facility will facilitate the efficient delivery of services to smaller groups of women prisoners. The Women's Prison complex will include a facility secure enough to accommodate those women on remand or serving longer sentences, who are classified maximum security. There will also be a facility to appropriately accommodate women classified at lower security levels and provide a regime appropriate to those levels. It is also important that facilities be provided so that, where appropriate and approved, young children can be accommodated with their mothers.

**Older Prisoners**

The aging population profile of Tasmania and recent court cases involving older people have contributed to an older prisoner age profile than in previous years. Traditionally, prisons have largely been populated with young inmates. The planning process has taken into account that in any prison population there will be some older inmates. The smaller accommodation units included in the new prisons will provide the capacity to separate
prisoners with different needs from each other. The accessibility of the facility will also help the Prison service to accommodate and manage older prisoners.


**Prisoners with disabilities**

The issues for prisoners with physical disabilities have been raised during consultations for the project. The facility will comply with the Disability Act. Within each prisoner accommodation block provision has been made for at least one disability access accommodation bed. Where two cells are provided, one will be fitted for right hand side access and one for left hand side access. Walkways within the campus will be built on a 1:20 gradient to ensure they are accessible. The needs of prisoners with intellectual disabilities will be assessed as part of the reception and assessment process and appropriate programs and accommodation will be determined at this point.

**Protection**

A number of prisoners require protection because of the nature of their offence or because they have 'enemies' in the system. Consistent with both the increase in overall numbers and an increasing number of inmates who have conflicts, the number of inmates requiring protection has increased over past years and continues to do so. A figure of 10% of the whole system is considered to be appropriate when planning facilities that must provide quite separate accommodation for those prisoners with high level protection needs. The self-contained nature of the proposed units and the layout of the prison complex will facilitate the use of certain units for housing prisoners requiring a degree of protection and providing them with appropriate degrees of segregation for their own safety. In addition to prisoners requiring protection due to threats from other inmates, there will be a number of prisoners who may be at risk of self-harm or who require in-depth assessment of their needs so that the Prison Service can respond appropriately. Within the new facilities there will be specialist units that enable prisoners with these needs to be accommodated in small, purpose-built units while their needs are assessed and an appropriate program is developed for them.

**Younger Inmates**

Younger inmates can be exposed to a level of risk if housed with the adult prison population. The proposed arrangement of a number of more self-contained accommodation units will mean that particular units can be allocated for younger, more vulnerable inmates to be separately housed.

**‘Risk’ related developments**

During the 2000s [Risdon] prison administration worked towards implementing the Ombudsman’s recommendations, ‘…with the removal of suspension points from hospital
cells, some ‘safe’ cells were set aside in maximum security and special gowns were provided for inmates, to reduce the humiliation of ‘suicide watch’ (Evans 2004 : 102)

During the 2000s, AIDS became a serious concern (Evans 2004 : 95). This had been highlighted as an emerging issue a decade earlier (See Norberry 1991)
Diversionary programs

The Department of Justice Annual Report (2004-05) notes the commencement of investigations into the options used in other jurisdictions to reduce the prison population including ‘periodic detention and mechanisms to support the greater use of bail’ (DOJ 2004-05 : 9)

Major projects being undertaken by the Department of Justice in 2007-08 include:

- Monetary Penalties Enforcement
- Safe at Home
- Court Mandated Diversion for offenders with a drug problem
- Integrated Offender Management model, and
- A pilot Mental Health list in the Hobart Magistrates Court

Monetary Penalties Enforcement – 2004-05

During 2004-05 the Monetary Penalties Enforcement System underwent redevelopment to improve the enforcement of monetary penalties, with the intention of making monetary penalties a more effective deterrent for offenders (DOJ 2004-05 : 13)

Other diversionary programs available in Tasmania during the 2000s include:

Safe at Home

Safe at Home is a whole of government initiative developed in response to family violence within Tasmania. Government agencies, in consultation with other key stakeholder groups, have developed an integral service delivery system built around the principle of primacy of safety of the victim. Safe at home has two key elements (Tasmania Police 2008)

- Managing the risk that the offender might repeat or escalate their violence; and
- Implementing strategies to enhance the safety of victims of family violence

The initiative is intended to achieve a reduction in the level of family violence in the medium to long term and in the shorter term, improve safety for adult and child victims as well as changing the offending behaviour of those responsible for the violence (Tasmania Police 2008)

The ya pulingina kani Working Party provides Safe at Home with expert advice on issues of concern to the Aboriginal community. A dedicated Aboriginal Court Support Officer has also been appointed and is attached to the Court Support and Liaison Service (Tasmania Police 2008)
Court Mandated Diversion - 2007

In July 2007, a trial of the Court Mandated Diversion Program (CMD) for offenders whose crimes are related to, or caused by drug use, commenced across all Tasmanian Magistrates Courts. The program provides Magistrates with an option to divert eligible offenders into treatment for their drug use through either bail or sentencing process. There are three basic ways diversion into drug treatment can occur after a plea of guilty or a finding of guilty:

- Through conditions attached to a bail order, or
- Through a condition of an order supervised by Community Corrections or Youth Justice Services; or
- Through a Drug Treatment Order where a Magistrate will continually review offender progress on the order

The Court Mandated Diversion of drug offenders program is currently administrated by Anglicare Tasmania.

Integrated Offender Management Model – 2007-08

The ‘Integrated Offender Management is a cooperative and coordinated approach to the management of offenders that supports a goal of reduced offending, and also aims to ensure that the safety, security, health and welfare needs of prisoners are addressed in an effective manner’ (DOJ 2007-08 : 38). In 2007-08, ‘the main focus of the Integrated Offender Management Unit at Risdon Prison was the refinement of the IOM Framework and the introduction of a Reintegration Framework (DOJ 2007-08 : 38).

Mental Health Diversion List (MHDL) - 2007

From 24 May 2007, The Magistrates Court of Tasmania commenced a new Mental Health Diversion List (MHDL). The MHDL is a response to an increasing number of offenders appearing before the Court suffering from a range of mental illnesses. This is a pilot program, intended to deliver a more therapeutic response to offending behaviour by defendants with mental health issues, who have traditionally been dealt with in the general lists, where there is little time to consider the reasons for their offending. They are often repeat offenders, who present some problems in sentencing because they may have no money to pay a fine and their offences are not serious enough for jail or community service orders. Eligibility for participation in the MHDL is limited to adult defendants with impaired cognitive or mental functioning as a result of a “mental illness” (as defined in the Mental Health Act 1996). Court supervision of offenders occurs approximately once per month involving the Magistrate, the prosecutor, defence lawyers, the offender, forensic mental health officers and other Agency representatives as required. The MHDL adopts a multi-disciplinary approach that includes a range of activities relating to an offender’s behaviour, health (medication), housing and employment, in a bid to break the cycle of offending (Magistrates Court of Tasmania 2007)
**U-Turn – a diversionary program**

U-turn is a diversionary program that aims to break the cycle of motor vehicle theft by engaging participants in ‘hands on’ mechanical training, while addressing life-skills and personal development issues (U-Turn 2008)

U-turn is a structured ten-week automotive training course in car maintenance and body work, delivered in a workshop environment. U-turn targets young vehicle theft offenders, engaging them in ‘hands on’ mechanical training while addressing life-skills and personal development issues. U-turn gives young offenders an opportunity to learn new skills and turn their lives around, thereby helping to reduce the impact of vehicle theft on the Tasmanian community (Tasmania Police 2008)

The U-Turn program was piloted in Tasmania over a two-year period with funding provided by the National Motor Vehicle Theft Reduction Council and the Australian Government’s National Crime Prevention program. The program was delivered by Mission Australia under contract to Tasmania Police. During the pilot period, eight courses were run and fifty-two young people graduated from the program (Tasmania Police 2008)

The Tasmanian State Government has committed ongoing funding to enable the program to continue for a further 2.5 years beyond the pilot period which ended on 17 January 2005 (Tasmania Police 2008)

**Project Currawong**

Project Currawong is an early intervention and diversionary program aimed at addressing risk while building and enhancing protective factors for young people deemed to be 'at risk' and/or for young offenders. Project Currawong is an extension of two previous pilot projects that resulted in significant downward trends in levels of offending, positive attitudinal changes and a reduction in aggressive behaviour toward authority figures among the participants. Building on the original Project Hahn model, a three-tiered program has been developed concentrating on client groups with specific needs and risk factors. After completion of the course the aim is to successfully reintegrate participants into their community or to assist them to work towards their goals.

The focus of the project is on:

- Breaking the cycle of offending;
- Reducing recidivism;
- Facilitating employment and educational opportunities;
- Improving coordination of services when managing/mentoring young people;
- Assisting personal change and building self-resilience rather than dependence;
- Reconnecting young people 'at risk' with their community; and
- Building the community's capacity to resolve youth issues.
**Prisoner/other resistance**

In 1999-2000 rates of assault, death and escapes all remained high. At the time of the Report on Government Services, the findings from a Coronal Inquest into five deaths in custody had yet to be handed down (SCRGSP 2001 : 498). This was attributed to ‘the increased population, changes in the prisoner profile and the inflexibility of prison facilities within Tasmania contributed to a continuation of the types of incidents experienced in recent years’ (SCRGSP 2001 : 498).

*Risdon Prison siege – May 2005*

Between 7 May and 9 May 2005, a group of prisoners held a prison officer captive and took control of the prison’s reception area, to protest about living and working conditions within the prison.

The 2004-05 Department of Justice Report notes that during this time ‘the increase in prisoner numbers beyond design capacity placed inmates and staff under unprecedented pressure, [which was] manifested by a high incidence of assaults and, in particular, by the hostage/siege incident that occurred on 7-9 May 2005, when 19 inmates from Divisions 4 and 5 of the Risdon Maximum Security Prison forcibly entered the prison reception building, overpowered the Reception Officer and took him hostage’ (DOJ 2004-05 : 44)

According to a report in the *Sydney Morning Herald* The prisoners had initially demanded the resignations of the Tasmanian Attorney-General and the Director of Prisons. But after intense negotiations with police, they refined their demands to 24 issues believed to be gripes about day-to-day running of the ageing facility in Hobart's outer east (SMH)
## INCARCERATION STATISTICS

### Juveniles incarcerated in Tasmania 1981-2006

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Source: Sentencing Advisory Council - Sentencing Statistics
http://www.sentencingcouncil.vic.gov.au
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### TIMELINE – CHANGES OF GOVERNMENT IN TASMANIA

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Source: Tasmanian Parliamentary Library (2008)
SECTION 3 – PRISON FACILITIES

Prisons

Historical Overview

Prisons developed directly in association with the system of convict transportation. Over fifty years from 1803 to 1853, 73,500 convicts were transported to Van Diemen's Land. Most undertook assigned work, but those who transgressed the law were sentenced to 'secondary punishment stations', prisons where the work and punishment were more brutal than normal. The first stations opened were Sarah Island in Macquarie Harbour and Maria Island (1825–32). The last station opened was Port Arthur in 1830.

In 1817, a prison was built in Murray Street, Hobart, and a convict barracks in Campbell Street in 1821. Used progressively as a civilian prison from 1846, it became Hobart's prison after convict transportation ended in 1853. The Murray Street prison was dismantled the following year. Meanwhile, the Launceston prison was built in 1827. Women convicts and children were housed at female factories at the Cascades in Hobart (opened 1828), George Town (1829), Launceston (1832) and Ross (1847). Women in such prisons worked at laundry and sewing tasks – reflecting the status of the institutions as workhouses and places of manufacture.

In 1834, a Boys' Prison was established at Point Puer, a few miles from Port Arthur. It operated until 1848–49, and featured education, trade training and religious instruction as a means to reform, rather than simply punish, juvenile offenders.

A new type of prison building was constructed at Port Arthur between 1848 and 1852. Unlike a 'barracks', it divided prisoners into separate cells. According to principles of the 'penitentiary', such segregation, accompanied by strict rules of silence, would allow inmates space in which to reflect on their crimes and thus be reformed. After transportation ceased in 1853, Port Arthur remained a prison until its closure in 1877.

By 1900 only two prisons remained: Hobart Prison (Campbell Street) and Launceston Prison. Female prisoners were kept in each location in an annex attached to the male prison. The Launceston Prison mainly acted as a temporary repository for offenders about to go to court in the north and north-west. Both prisons were heavily criticised, and subject to numerous royal commission investigations. The Launceston Prison was closed in 1917, and its functions were transferred to the police watch house. Male prisoners were finally moved out of the Hobart Prison in 1960; female prisoners had to wait until 1963. Partly in
response to constant negative criticism of the prison, those inmates considered less dangerous were offered places at Hayes Prison Farm, established in 1937.

In 1960 a new male prison was opened at Risdon. A separate prison for women was built on the site in 1963. In 1974, a low security unit, later named the Ron Barwick Medium Security Prison, was added. In 1978, a special prison hospital was built, which could house persons suffering mental illness who were subject to the criminal justice system. In 1999, the Hobart Remand Centre was completed. Located between the Hobart Police Station and the Court of Petty Sessions, it provides accommodation for offenders awaiting trial. In 2004, the Ron Barwick Medium Security Prison was closed, as part of a re-development project on the site. A newly rebuilt facility, incorporating both the men's and women's prisons, was opened in 2007.


The notion of prisons being centralised in the south of the State was well established at the beginning of the century and continued to dominate prison operations (ABS 1301.6, 2000)

**Current facilities**

The Tasmania Prison Service currently operates six correctional facilities throughout the state

- **Risdon Prison Complex (RPC)**
- **Mary Hutchinson Womens Prison**
- **Ron Barwick Minimum Security Prison**
- **Hobart Reception Centre**
- **Launceston Reception Centre**
- **Hayes Prison Farm**

The new Prison was officially opened on 28 August 2006.

**Risdon Prison Complex (RPC)**
This facility accommodates maximum and medium security male inmates.

**Risdon Prison Hospital**
Within the Risdon Prison Complex, there is a new prison Hospital. The Hospital is administered by Correctional Health, Department of Health and Human Services.
Ron Barwick Minimum Security Prison

The Ron Barwick Minimum Security Prison is the name given to the old Risdon Prison, which now accommodates minimum security inmates, following the opening of the new medium/maximum prison at Risdon in 2006. The history of Ron Barwick is detailed in the section below under ‘closed facilities’.

Mary Hutchinson Womens Prison

The Mary Hutchinson Womens Prison, the only female facility in Tasmania, was officially opened in May 2006. It accommodates women of all security classifications and has a capacity for 45 inmates. The facility allows accommodation for the children of inmates.

(See Prisons Infrastructure Redevelopment Program for further details http://www.justice.tas.gov.au/pirp/the_new_prisons/mens_prison )

Wilfred Lopes Centre for Forensic Mental Health

In 2006, within the grounds of the Tasmanian Prison Service at Risdon, a stand alone Forensic Mental Health facility known as the Wilfred Lopes Centre for Forensic Mental Health. The Centre is owned and managed by the Department of Health and Human Services (DHHS 2008). It accommodates people with acute mental illness who require specialist mental health inpatient treatment. Patients may include prisoners, people appearing in, or remanded from, Magistrate and Supreme Courts, and those found Not Guilty by Reason of Insanity (NGRI) or Unfit to Plead and placed on a Forensic Order (DHHS 2008)

History of the re-building of the new Risdon prison (2006)

In her report, tabled on 27 March 2001, Justice Tennent mooted the idea of the construction of a new prison (Evans 2004 : 100). On 10 April 2001, a $53 million dollar project was announced to build a new prison with facilities for maximum and medium security inmates (Evans 2004 : 101). A feature of the proposed new prison was that the reconstructed women’s prison would be suitable for young children (Evans 2004 : 101) Minimum security inmates would be housed in the old prison, with plans to eventually improve those facilities (Evans 2004).

In November 2003, Fairbrother Pty Ltd in partnerships with John Holland Pty Ltd, were awarded the $58.0 million [contract for the] construction of the Tasmania Prisons Redevelopment Program (Stage 3) at Risdonvale. The new development included the construction of a 219 bed men’s prison, a 45 bed women’s prison and a 38 bed Secure Mental Health Unit (Fairbrother website).
In 2004-2005, the scope of the works for the new Prison ‘… was extended to include an additional 84 medium security cells in response to the rapidly increasing prison population’ (DOJ 2004-05 : 78)

**History of Risdon Prison – built in 1960**

Following a Royal Commission in 1943, resulting from a series of escapes from Campbell Street, a property was finally obtained by compulsory acquisition in 1949. The area of 90 acres acquired was on the eastern side of the Derwent, not far from Risdon Cove where the initial European settlement of Tasmania occurred (ABS 1301.6, 2000 : 3)

It was not until 1956 that positive moves were made to commence design of the new prison which was hailed as ‘state of the art’ and the most advanced concept in prison architecture in Australia. Prisoners were accommodated in single occupancy cells with toilet, hand-basin and running water. Heating was provided to cells, together with headphones for listening local radio stations. During the course of construction of the male prison, an upsurge in the prison population raised concerns that the new facility would be too small and the plans were quickly modified. What had been intended to be three accommodation blocks was divided into six, by adding 72 additional cells in the exercise yards. Unfortunately none of the other prison facilities such as workshops and recreation space were increased to allow for the enlarged capacity. The prison was completed for occupation by male prisoners in November 1960 and Campbell Street closed. The female prisoners remained at Campbell Street until 1963, when a completely separate prison was built on the Risdon site for women. In 1967, a fire, started by prisoners in the prison paint shop, almost totally destroyed the workshop complex, which was largely constructed of timber and had no fire protection system (ABS 1301.6, 2000 : 3). Rebuilding occupied three years with most of the work performed by inmates, under staff supervision, at a cost of $300,000.

In 1960 a new male prison was opened at Risdon. A separate prison for women was built on the site in 1963. In 1974, a low security unit, later named the *Ron Barwick Medium Security Prison*, was added. In 1978, a special prison hospital was built, which could house persons suffering mental illness who were subject to the criminal justice system (White 2008)

**Hayes Prison Farm**

- **Classification** Minimum/Male
- **Capacity** 70
- **Function** Holds low/open security prisoners on a farm

The property for the Hayes Prison Farm was acquired in 1937 and consisted of an orchard, cleared grazing land and a quantity of timbered country. Prisoners built their own living accommodation consisting of single wooden huts for 30 persons. Over the
years sheep, cattle and poultry were produced; a piggery and dairy were developed; and cereal cropping and vegetable production were undertaken. The market garden, piggery and poultry production have since ceased in favour of more remunerative pursuits such as vegetable processing and root-stock production. (ABS 2000). After a number of transformations, the cell and administration buildings were replaced in 1964 by a concrete block construction which provides accommodation for 70 minimum security inmates.

**Hobart Reception Centre**

- Classification: All security levels Male and female
- Capacity: 40
- Function: Remand centre for Hobart

Previously known as the *Hobart Remand Centre*, this facility was opened in January 1999. The Centre, built over five floors, contained 40 single-occupancy cells for those awaiting trial, plus 10 cells for police watch house cases. All cells were centrally heated and fitted with a shower, toilet and hand basin. Outdoor recreation space was provided in a secure area on the roof (ABS 1306.1, 2000). A feature of the building is its connection one side to Hobart Police Station and on the other to the Courts of Petty Sessions – greatly reducing prisoner movement (O’Toole 2006: 178).

**Launceston Reception Centre**

- Classification: All security levels Male and female
- Capacity: 33
- Function: Remand centre for Launceston

Previously known as the *Launceston Remand Centre*, this facility began life as the *Launceston Prison*.

**Ashley Youth Detention Centre**

Ashley was gazetted as a Youth Detention Centre under the Youth Justice Act 1997, in February 2000. Ashley is Tasmania’s only youth custodial facility, accommodating young men and women aged 10-17 years on remand and detention orders.

Over time at Ashley, there has been ‘a practice shift from “welfare” to a “restorative justice” model [and] rehabilitative programs are provided in accordance with the principles of the Youth Justice Act 1997. The facility’s vision is ‘working together to enhance a young person’s return to the community’ (Smith & Douglas 2006)

A statistical overview of Ashley’s clients in 2004/2005:
- 200 admissions to the centre, an increase of 14% on 2003/04 and 35% on 2001/02
- Remands account for 93% of all admissions
- 20% of young people admitted are aged 10-14 years
- 50% of young people admitted are aged 15-16 years
- 30% of young people admitted are 17 years or older
- 17% of admissions are females
- Average length of stay on remand is 28 days
- Average length of stay on detention is 96 days
Source: Smith & Douglas 2006

A social overview of Ashley’s clients in 2004/2005

- Young Aborigines continue to be over-represented in detention (6.5% of admissions)
- A large proportion of young people in custody are affected by neglect or physical, emotional or sexual abuse
- Many detainees have committed serious offences involving violence
- Some suffer depression and emotional instability
- A significant number of young people in custody report having attempted suicide or self-harm
- Many leave school before Year 8 and have low literacy skills (Smith & Douglas 2006)

Smith & Douglas (2006) cite the key service outcomes for Ashley Youth Detention Centre as:

- Provision of a high quality secure care environment for young people
- Rehabilitation of young people to enable them to become more responsible citizens
- Improved health and wellbeing outcomes for young people in custody
- Improved capacity for reintegration of young people
- Promotion of organization and management structure that provides “best practice” service for young people in custody
- Promotion of the 5 principles of restorative justice
  - Responsibility
  - Rehabilitation
  - Reparation
  - Diversion
  - Deterrence

Under an incentive scheme, young people are provided with opportunities to learn to make choices, manage their own behaviour responsibly and take responsibility for their actions (Smith & Douglas 2006). Under an incident management scheme, young people and the Detention Centre are restored to the healthy state that existed before an incident occurred, which constitutes a practice of restorative justice in a custodial setting, for the purpose of ensuring the safety of all residents and staff of the Centre at all times (Smith & Douglas 2006)
Closed Facilities

Hobart Gaol Campbell Street

In the first half of the 20th century, Campbell Street Gaol was the subject of six separate inquiries, all concluding it desperately needed to be modernised and conditions upgraded (O’Toole 2006 : 94).

In 1916, a Parliamentary Standing Committee on Public Works inquired into the need for major remodelling of the Gaol, instead recommending the building of a new gaol. A lesser sum was provided to make temporary alterations to address the worst deficiencies. Cell accommodation was concentrated in the northern wing, leaving the southern section (dating from 1813) for administration purposes.

Work carried out in 1916 included improvements to the drainage by connection of the gaol (but not the cells) to the sewerage system and the conversion of lighting from gas to electricity. Other services for kitchen and workshops continued to be provided by a wood fired boiler and wood fired ovens.

Some cells were considered to have insufficient light and were so small as to only permit room for a bed. The Governor of the day reported that he was much heartened by the alterations in which groups of two small cells were converted into new single cells, which made it more humane and convenient to keep prisoners locked in their cells over weekends and holidays.

A Royal Commission into shortcomings in the prison system took place in 1935, but the report was never printed and all trace has been lost. This was followed in the same year by an enquiry by the Parliamentary Standing Committee on Public Works. At that stage the gaol had accommodation for 142 inmates. One of the recommendations of the Standing Committee was to replace the gaol with a modern facility to replace the deplorable conditions in Campbell Street. Part of the consideration was to remove the gaol to the country “but not more distant than 30 miles” and that it should be suitable for farming by the less dangerous prisoners, which would also render the system self-sufficient in meat, vegetables, dairy produce and fuel. A property was eventually selected in 1937 at Hayes, which became the Hayes Prison Farm. The idea of transferring all of the prison operations to Hayes was subsequently abandoned.

Following a Royal Commission in 1943, resulting from a series of escapes from Campbell Street [Hobart Gaol]. a property was finally obtained by compulsory acquisition in 1949. The area of 90 acres acquired was on the eastern side of the Derwent, not far from Risdon Cove where the initial European settlement of Tasmania occurred. The 1943 Royal Commission [also] heard that [the southern section] of the building was still in use as cells including four solitary confinement dark cells. However it would be ten years before the much
anticipated and long over-due Risdon Prison was opened in 1960. (ABS 1301.6, 2000).

*Risdon Prison Hospital*

In 1970 approval was given for a two storey building with medical psychiatric beds (Evans 2004 : 39), however in 1971 the building of the medical/psychiatric unit was delayed due to budgetary constraints.

By 1974, then Labour Minister for Health, Dr Alan Foster, was announcing plans for a hospital which would ‘usher in a new era in the management of disturbed people, and as he explained “hopefully … help in the correction of personality disorders which often led criminals to repeat offences soon after discharge from prison’” (Evans 2004 : 48). Perhaps as a compromise, ‘in June 1974, a full-time mental health officer was appointed to set up a limited mental health service’ (Evans 2004 : 48).

In 1975 a Parliamentary Standing Committee on Public Works again considered a new hospital. The proposal included 20 beds to provide basic medical care and a place of rehabilitation following surgery at the Royal, before inmates were fit enough to abscond (Evans 2004 : 48), with a further 10 beds for psychiatric patients. Surgeries were planned for a Doctor and Dentist, as well as a dispensary and physiotherapy room. Outpatient care was to be provided by a Medical Officer, Social Worker, Welfare Officer and Psychiatrist through the Mental Health Services Commission’s Forensic Branch (Evans 2004 : 48). Once again, the hospital was deferred, due to a cutback in Commonwealth Government funds.

In 1978, a 28 bed hospital was added to the eastern end of Risdon Prison. Proclaimed as a special institution under the Mental Health Act, it housed persons suffering mental illness who were subject to the criminal justice system. The hospital provided medical treatment for prisoners requiring in-patient care as well as out-patient services for Risdon Prison inmates (ABS 1301.6, 2000 : 3). Hospital staff included a part-time locum Doctor who was also on call, a charge nurse and six deputy charge nurses, all male (Evans 2004 : 66). The hospital got of to a shaky start, with four nurses resigning by December 1978. An unintended feature of the building’s architecture was a suspended ceiling, which provided an ideal space for hiding things (Evans 2004).

*Ron Barwick Medium Security Prison*

Increasing prisoner numbers through the 1960s gave rise to investigations into a new prison site in the north of the State. Public opposition resulted in the deferral of a northern prison in favour of adding 36 cells in a low security unit at Risdon. This unit was later named the Ron Barwick Medium Security Prison, was occupied in 1974, but declining prison numbers resulted in its closure in 1981. It was re-opened in 1991, but closed in 1997 on economic grounds.
On 28 February 1997 Ron Barwick closed because of funding cuts, with a loss of six jobs, although 2 officers were redeployed to other areas (Evans 2004). Some inmates relocated to Hayes Prison Farm and the remainder to a new medium security prison built inside the walls using cells enclosed from A Division (Evans 2004 : 80,85). The medium security facility was re-opened in April 1991 and named after Prison Officer, Ron Barwick (Evans 2004). The unit accommodated 36 medium or minimum security inmates and Officers volunteered to work there. In 1999, Ron Barwick was used as a Youth Detention Centre and was briefly re-opened in 2001 as a medium security unit. It was subsequently demolished in 2004 to make way for the new prison.

**Launceston Prison**

In 1914 part of the Launceston prison site was given to the Education Department for a new State high school, but the incompatibility of a new high school in such close proximity to the prison resulted in complete abandonment of the prison site and the transfer of the prison function to the police watch house in 1917. (ABS 1301.6, 2000). Conditions in the Launceston police watch-house were cramped and the facility was designed to keep inmates for short periods only. It was quite unsatisfactory for long-term use as a prison. Despite these obvious deficiencies, it was in continuous use until the construction of new police buildings in 1976 (O’Toole 2006 : 174)

The main purpose of the Launceston Prison was as a repository for persons required to appear in courts in Launceston and those in transit to courts on the North West Coast (ABS 1301.6, 2000)

Management of the Launceston Prison transferred to the Police Department after WWI, although prisoners remained the responsibility of the prison system. (ABS 1301.6, 2000). A police officer in Launceston and each of the major towns was appointed as “gaoler” under the prison legislation to provide administrative control of prisoners outside Hobart (ABS 1301.6, 2000). In 1991 full control and staffing of the prison function in Launceston was returned to Corrective Services (ABS 1301.6, 2000)
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Source: Evans 2004: 119

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