

Prison project

Ministerial statement

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MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement concerning the ACT prison.

Leave granted.

MR STANHOPE: Mr Speaker, the subject of an ACT prison was first mooted as early as 1955. My government is now turning the vision of a prison for the ACT into a reality. The government has funded in the 2004-05 budget the development and construction of the ACT prison. We have moved beyond the empty rhetoric of the opposition, which failed to fund the prison and continued to transfer vast numbers of prisoners interstate, on this matter.

The Alexander Maconochie Centre will include a new 139-bed remand centre to replace the Belconnen Remand Centre and the Symonston Temporary Remand Centre. It will include a 175-bed facility for sentenced prisoners and a 60-bed transitional release centre for low-risk prisoners in the final stages of their sentences.

The name "Alexander Maconochie Centre" was deliberately chosen to honour the memory of a great prison reformer and the many humane reforms he introduced to a brutal prison system. It also sets the tone for the ACT prison, which will uphold human rights and focus strongly on prisoner welfare and rehabilitation. His last words on prison reform to a House of Lords committee are documented as:

My experience leads me to say that there is no man utterly incorrigible. Treat him as a man, not as a dog. You cannot recover a man except by doing justice to the manly qualities which he may have and giving him an interest in developing them.

One description of Maconochie says:

To the hopelessly brutalised convicts on Norfolk Island, Alexander Maconochie appeared like an angel from heaven.

Little did they know that, but for the failure of an earlier dream, his fate and theirs could have been very different.

Our aim, through the ACT prison, is to change the fate of prisoners, offer them a better future and equip them with skills to live successfully in the community after their release. We have a responsibility to the ACT community, to our prisoners and to their families to provide opportunities for persons sentenced to imprisonment to turn their lives around. As noted by Justice Stephen Tumin, Her Majesty's Chief Inspector of Prisoners for England and Wales between 1978 and 1995:

Criminal behaviour emerges as a result of joint failures of the individual and the society of which he or she is part. As a result, society must take some responsibility for crime, and at least make an attempt to rehabilitate offenders.

In establishing a prison, the ACT will be taking responsibility for managing its own prisoners. The transportation of ACT prisoners to New South Wales correctional facilities leaves our justice system fractured and incomplete and fails to promote positive and appropriate criminal justice system outcomes. In this regard Lord Justice Woolf noted in 1991:

If the experience of imprisonment results in a deterioration in the ability of a prisoner to operate effectively and lawfully within society or if prisoners are treated in a way which is likely to leave them in an embittered or disaffected state on release, then the overall purpose of the criminal justice system will have been prejudiced.

Correctional literature is replete with references to the prison environment and the damage a dysfunctional environment can have on staff, prisoners and the community. With the establishment of a new prison in the ACT, an opportunity exists to establish and sustain a healthy, positive organisational culture. We will achieve this by integrating the features of the site, the design, the operating philosophy and the staff who will bring these features together.

We aim to achieve reductions in offending behaviour by applying a broad range of therapeutic and behaviour management prison programs. These programs will offer choice and flexibility and will be research based, well managed, appropriately resourced and evaluated to determine their effectiveness. The local community and families will, where appropriate, be involved in prisoner rehabilitation programs.

We will encourage greater and more focused involvement in prisoner health and wellbeing and rehabilitation. This will involve applying integrated health management services and case management and through-care strategies as prisoners move from the community to the prison and back to the community. Improvements in prisoner educational attainments will be targeted, in recognition that offenders are frequently long-term unemployed and have poor records of educational attainment. Without a minimum level of education, offenders will forever find it difficult to escape from the margins of our society.

The Alexander Maconochie Centre will accommodate men and women remandees and sentenced prisoners. It will be a campus style design, incorporating separate accommodation units around a central facilities area, including rehabilitation program spaces, education areas and health and logistic areas. Inside the main facility, low, medium and high-security accommodation will be constructed in the form of single cells, dual occupancy cells, and cottage units. Typically, negative psychological impacts for both staff and prisoners occur with large prisons, to the extent that staff and prisoners may feel overwhelmed by both the scale and the size of the facility. We will design our prison to avoid this problem.

There will be open space reserved inside the main prison for an additional 120 places to cater for possible future expansion. The prison will incorporate sustainability in its design principles and its operating model. To this end, it will require minimal energy to meet demands, maximise the use of renewable energy sources, minimise demand for potable water, maximise the re-use of water, minimise demolition, construction and operational waste, minimise pollution and avoid or minimise impacts on local biodiversity. The achievement of the sustainability objectives will be assisted by the application of the Green Building Council's green star rating tool. The development aims to achieve a minimum four-star rating on the six-star rating tool.

The operating philosophy and model of the Alexander Maconochie Centre are founded on the ACT Human Rights Act. The prison's operating philosophy will be the major factor influencing the design at the centre. The centre will be a secure and safe place that will have a positive effect on the lives of prisoners held there and on staff who work there. Its management and operations will give substance to the dictum of Sir Alexander Paterson that offenders are sent to prison as punishment, not for punishment.

Programs and activities for prisoners will be based on individual assessment of each prisoner as the foundation of individual case plans. A multidisciplinary and indeed multi-agency approach to program delivery and case management will be adopted. This aspect of the operating philosophy for the ACT prison will contribute to achieving whole-of-government objectives for crime prevention and community safety and to the principles of restorative justice.

Boredom and inactivity in the correctional setting encourage drug use, undermine rehabilitation objectives and threaten security and safety. The new prison will provide vocational training and employment opportu-

nities to aid rehabilitation and reduce prison costs. Initially, work will primarily be in domestic industries, such as grounds, facilities, maintenance, cooking and cleaning. Space within the prison has been identified to permit the possible development of limited horticultural activity, facilities maintenance, waste management and recycling and to provide other work opportunities for prisoners. Visits will be available seven days a week, with specific periods being set aside for family visits and for professional visits, with visit areas designated specifically to be non-threatening and child friendly. Both formal and informal recreation programs will also be available in the centre.

Poor health, including a high incidence of mental health and substance abuse problems, is prevalent amongst prisoners. Prisoners, particularly women prisoners, exhibit backgrounds of physical, mental and sexual abuse. The provision of health services in the new facility will be based on the principle of equivalence, that is, prisoners should be able to access health services comparable to those accessible by the rest of the community. The goals of health services in the correctional setting include minimising self-harm, reducing dependency on drugs, addressing mental health issues and promoting a healthy lifestyle. A medical centre will be provided in the prison, equipped for assessment, treatment, consultation and clinical support to meet the primary health needs of prisoners.

Mental illness may be linked to substance abuse. ACT Corrections and ACT Health services staff will collectively provide an effective joint health/corrections response to both these issues within the ACT correctional centre. This will include the provision of both acute and long-term mental health care services and their integration with community-based services.

Illicit drugs pose one of the most serious problems in prisons. The ACT prison will have in place policies and procedures to deal specifically with drugs in prison. Drug and alcohol policies and practices will be an integral part of prison management, addressing health care, rehabilitation and reintegration and administration and discipline. Drug use, particularly injecting drug use behaviour, presents as an occupational health and safety risk to staff, other prisoners and visitors. Australia's national drug strategy has recognised that some illicit drugs will get into prisons and the appropriate response is to adopt the policy of harm minimisation. The main objectives of the prison's application of harm minimisation would be to ensure the security and safety of prisoners, staff and visitors.

Safe withdrawal and rehabilitative treatment will be provided and health issues related to alcohol and drugs addressed. Education programs dealing with alcohol, safe injecting practices, safe sexual behaviour, drink/drive programs and smoking programs will also be provided. Drug detection measures will be set and will include drug detection dogs as well as appropriate technology and services provided by the Australian Federal Police.

In simple terms, the profile of the female prisoner population is marked by more damage, disadvantage, disease and disaffection than in the male prisoner population. Accordingly, four principles, which reflect those adopted in Canada, Western Australia and New South Wales in its new facility at Dillwynia, will underpin the management of women prisoners. The first principle is personal responsibility and empowerment of the individual. Many women in custody are marginalised and alienated, with no experience of making positive decisions that affect their lives. Prison staff will give women in their care the power to make such decisions and accept that as their personal responsibility.

The second principle is family responsibility. The objective of this principle is to ensure that prisoners who are mothers and primary carers are provided with maximum contact with their families and children and to buttress this by providing programs and support directed at improving relationship and parenting skills. The third principle is community responsibility. Many women are alienated from their communities and lack supports within them. Prisoners will be encouraged and supported to become engaged with members of the community, develop a sense of community responsibility and set in place post-release support arrangements.

The fourth principle is respect and integrity. Services provided within the prison will be gender and culturally

appropriate and will respect the dignity of people and the differences between them. Where it is determined to be in the best interests of a child, provision will be made for the child, up to the age of three, to reside with the mother in custody, although the safety and wellbeing of the child will always be the priority.

The Australian Capital Territory population projections 2002-32 and beyond report that the indigenous population in Canberra, currently approximately 1.2 per cent of the total population, is expected to continue to increase both in number and as a proportion of the total population, due to the higher levels of fertility, high migration into the ACT and an increasing propensity for people of indigenous descent to identify themselves as indigenous. Indigenous prisoners presently constitute approximately 9 per cent of the ACT prison population. While this is lower than the national average, it still represents an unacceptable level of indigenous over-representation in prison.

The government's recent initiatives in circle sentencing and restorative justice are engaging indigenous groups and the indigenous leadership in responding to issues arising from the relationship between indigenous offending and imprisonment. Our aim is to prevent indigenous persons being sent to prison.

The selected site for the ACT prison is located at Hume-block 6, section 18, and block 12, section 24. A preliminary assessment under the Land Planning and Environment Act has recently been submitted to the Minister for Planning for determination. Earlier this month I received a letter from Senator Hill advising that a portion of the land to the north-east of the airport, identified as block 102, is surplus to Australian government requirements and recommending that the ACT submit a priority sale proposal for the site. I formally applied for a priority sale more than 12 months ago and made repeated efforts to secure this land, only to be thwarted at each turn by the Commonwealth.

It is almost impossible for the ACT to change sites at this late stage. To do so would clearly put the project back substantially 12 to 18 months, and possibly longer, as terms, conditions and limitations attached to the land in question would inevitably have to be negotiated with the departments of Transport and Regional Services, Defence and Finance, as well as the Canberra International Airport and the National Capital Authority.

Should planning revert to the site in the Majura Valley, the cost of the current preliminary assessment would be wasted and new contracts required. Canberra International Airport has also expressed concerns at any proposed move to Majura, as block 102 has been identified as land required for the future expansion of the airport, and aircraft noise would be an ongoing concern.

There are also significant environmental issues associated with the sites identified by the Commonwealth, including grassland and earless dragons to the west and woodlands to the east. Resolving these issues would require detailed consultation with Environment ACT and referral to Environment Australia under the Environment (Protection of Biodiversity and Conservation) Act 1999. Following the completion of the detailed impact assessments on the site at Hume as part of the preliminary assessment, I am convinced that the Hume site presents the best available option for the establishment of the ACT prison.

Work is well progressed at the current site. There are a number of tender processes due to commence in the coming months. A program manager will be engaged to assist with the management of the design and construction process. Shortly thereafter we will engage a designer to develop a detailed design and the associated documentation and a builder to commence construction of the prison. After almost 50 years of debate, speculation, deliberation, analysis and procrastination, my government has not only substantially progressed work towards the establishment of a prison, we have provided \$110 million in funding to that end.

What is more, my government is ensuring that the ACT prison will be a model of sustainable design, and its operations will promote a safe, healthy environment for all associated with the prison-prisoners, staff and visitors alike. The Alexander Maconochie Centre, through careful planning and community involvement, will offer prisoners opportunities, inviting them to rehabilitate and reintegrate with the ACT community of which they are a part, and where they belong.