

The new ACT prison: what is planned and what it will achieve

Simon Corbell MLA

Presented in Canberra on 19 March 2008
at a forum conducted by Christians for an Ethical Society

Introduction

This evening, we are all here because, in a little over four-to-five months, the Alexander Maconochie Centre, the ACT's first prison, will open. The most severe sanction imposed on anyone for any criminal offence in Australia is imprisonment. No matter how many people are affected by crime, how many victims there are or what the nature of the crime is, imprisonment is the harshest punishment our society imposes.

As a society, we are opposed to the inhumanity of corporal or capital punishment. Instead, offenders are sentenced to prison by the courts and their punishment is their loss of liberty. We also have a range of community-based options as a penalty for lesser offences and, ultimately, the loss of liberty for those whom we believe warrant removal from the mainstream of society, because they pose a continued risk to our community or because the nature of their crime warrants such a severe sanction.

Of course, it wasn't always the case. In earlier periods of Australian history, other forms of punishment were used. These included, of course, corporal punishment (the use of the cat-of-nine tails is infamous), as well as hard labour, lack of food, warmth and shelter and often complete isolation. All of these things were previously used as sanctions against criminal behaviour. We have, I am pleased to say, moved on from these times and taken a more, perhaps not completely, but a more enlightened view of crime and punishment.

Today, we accept, although I don't think uniformly in our community, that offenders are sent to prison as punishment not for punishment and the view that a prison sentence is also an opportunity for offenders to change their attitudes and behaviour is prevalent in our community, although I would again say not uniformly. You only have to read the Letters to the Editor page in the Canberra Times to see that diversity of view expressed.

Churchill, Nelson Mandela and, more recently, our own High Court justice, Michael Kirby, have all passed comment on the extent to which a society can be measured by the state of its prisons and how it treats its prisoners. I am convinced that, as a community here in Canberra, we do not wish to be found wanting in this regard.

Offenders in the ACT have always been sent to New South Wales prisons to serve their sentences because there was no prison here in the ACT. Of course, the downside to that is that, in NSW, they are subject to NSW administration. The ACT has no control over how they spend their time in prison, which programs they attend or have made available to them, whether or not they are given any opportunity to learn new skills that might help them to re-integrate into the lawful community after their release. Indeed, we have no control over who

they associate with in prison, as well. It is very much a black box and I don't think that issue is always fully understood by the community at large.

That situation is going to change with the commissioning of the AMC. [In that great tradition of Canberra bureaucracy, we have an acronym for our prison.] One could say that it marks the end of transportation. No longer will ACT prisoners be transported to New South Wales. As a community, we will take responsibility for our own prisoners. Regardless of what we may think of those who break our laws, it is not appropriate to transport them to another place to serve their sentences, out of sight and away from their families, let alone away from any positive opportunity for rehabilitation which can be overseen by the same community that sentenced them.

Why 'The Alexander Maconochie Centre'?

I'd like to comment briefly on the rationale for naming the centre 'Alexander Maconochie'. Maconochie is most well-known as the nineteenth-century prison reformer who had personal experience of imprisonment having spent a period of time as a captive of the French in the nineteenth century. He was superintendent of the Norfolk Island penal colony from 1840 to 1844 where he did away with harsh punishments and introduced education and religious services, not previously available to prisoners.

He is most well-known known for the introduction of his reward system where prisoners would earn marks or credits for good behaviour and hard work. They could then use the marks to purchase privileges and, ultimately, their freedom. The only punishment that Maconochie advocated was the loss of marks. No one in Britain or the colonies had tried such therapies with convicts before and prison as a reforming institution did not find wider acceptance until well into the twentieth century.

Maconochie's last words on prison reform were to a House of Lords committee, where he said, "My experience leads me to say that there is no man utterly incorrigible. 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." For this reason, the government believed that it was appropriate to name this facility after this man.

In this country at the moment, the overwhelming approach to corrections is still retribution and punishment and, to prisoners, their demonisation. Given the extent of the power of the state over prisoners, this is an easy approach but it is also, in the government's view, morally bankrupt. We seek another approach and we seek to remember and build on the tradition and the philosophy espoused by Alexander Maconochie.

Doing things differently

So, in building our first prison, we aim to avoid the mistakes made in other jurisdictions. We realise that, to succeed in turning offenders away from crime and reclaiming them, we must do things differently. That is why we are committed to building our prison in accordance with human rights legislation and principles.

Human rights are necessary for individuals to live lives of dignity and value, and the Human Rights Act provides that no one may be treated or punished in a cruel, inhumane or degrading way and that anyone deprived of their liberty must be treated with humanity and with respect

for the inherent dignity of the human person. The belief in the inherent dignity and value of each human person will be reflected in both the physical design of the AMC and also of its operating philosophy.

I would now like to speak to you briefly on both of those issues; firstly in relation to the physical design. The AMC is designed as an open-campus style facility incorporating separate accommodation units around a central service area including rehabilitation program spaces, education areas and health and logistics areas.

Inside the main facility, we will accommodate low, medium and high-security prisoners and this will be constructed in the form of single cells, dual-occupancy cells and in cottage units. [Some of you may have seen this accommodation in some of the television coverage recently, most notably on the ABC Stateline program about a month or so ago.] There will also be a fifteen-bed transitional release centre which will be located outside the secure perimeter of the Alexander Maconochie Centre to house low-risk prisoners who are in the final stages of their preparation for release.

Typically, negative psychological impacts for both staff and prisoners occur in large prisons to the extent that staff and prisoners may feel overwhelmed by both the scale and the size of the facility. The AMC is designed to avoid this problem. It is built to accommodate up to 300 prisoners of all classifications, sentenced and remand, male and female. At commissioning, we expect around 110 remandees and around 100 sentenced prisoners. We are fortunate that, as a smallish jurisdiction, the number of prisoners we cater for is comparatively small. This, combined with the design of the facility will contribute to an atmosphere which we hope will encourage positive attitudes and behaviour and rehabilitation.

We have also had regard to sustainable design and operation of this facility and the building achieves a four-star energy performance rating. It will require minimal energy to meet demands, maximise the use of renewable energy sources such as solar hot water and low-lux lighting, minimise the demand for potable water and maximise the reuse of grey water and also rainwater which will be collected on site. Construction has also occurred in a way to minimise waste.

The design of the AMC breaks new ground in a whole range of areas. I'd like to give you a few examples this evening. First of all, the absence of excessive internal fencing and of razor wire - the usual overt symbols of incarceration are absent. Interestingly, I was criticised in the Assembly at its last sitting for the government proceeding with a design that did not have razor wire. "Surely that was cheaper and more intimidating than the fencing material that we have currently", I was asked. I think that reflects that this debate is still a very challenging one in our community, politically and otherwise.

The AMC will have a discrete area for women to ensure their access to services and their personal security and safety. There will be provision for a mother to have her infant with her. There are no cells for women prisoners; they are, instead, accommodated in cottage-style accommodation.

Cell and cell-block design maximises light and natural ventilation; for example, there are no bars on windows, there is not a single bar on a single window of a single cell or cottage building in the AMC. Instead, security-toughened glass is used to provide natural light and access into prisoner accommodation while still ensuring security.

Consideration has been given also to the needs of the physically and intellectually disabled. Cottage accommodation is also available for people on remand.

The needs of indigenous people have also been given significant consideration. The AMC project team has been assisted by the Aboriginal Environments Research Centre at Queensland University and other indigenous people who have contributed to and guided the project.

I was very interested to learn on my last visit to the project site that one of the design considerations has been for the opportunity for indigenous prisoners, in particular, to have the opportunity to sleep out. So rather than sleeping in their cell, secure spaces have been designed in courtyards and other places so that indigenous prisoners can sleep out, which I am advised is an important consideration for some indigenous people.

Can I turn now to the operating philosophy. The main factor influencing the physical design of the AMC is the operating philosophy which reflects the government's commitment to human rights and our belief in the possibility of rehabilitation and redemption.

The operation of the AMC will be true to the stated values of ACT Corrective Services. Safety of the community is paramount and the dictum of Sir Alexander Paterson that offenders are sent to prison as punishment not for punishment, as I mentioned earlier. Whilst they are in prison, offenders will be encouraged to make use of their sentence to improve their prospects of living law-abiding, useful lives on release.

The healthy prison concept

The operating model of the prison is based not on physical separation and oppressive electronic surveillance but rather with extensive prisoner and staff contact and the development of positive relationships and, to this end, the AMC will be based around the healthy prison concept. The healthy prison concept is conditional to effecting significant and lasting change in prisoners' attitudes and behaviour and it emphasises the importance of providing an environment where everyone is and feels safe, everyone is treated with respect as a fellow human being, everyone is encouraged to improve him or herself and is given the opportunity to do so through the provision of purposeful activity and everyone is enabled to maintain contact with their families and is prepared for release.

While making sure security is maintained, every aspect of the AMC will focus on assisting offenders in making decisions to change their way of living. This will be achieved by implementing a suite of programs based on a cognitive-change approach aimed at positive change in the offender's habits, beliefs, attitudes and expectations. Programs and activities for prisoners will be based on individual assessment of each prisoner as the foundation of an individual case plan and a multi-disciplinary and a multi-agency approach will be put in place to assist with program delivery and case-management approaches.

This aspect of the operating philosophy for the prison will contribute to achieving our objectives as a community to help reduce crime in the community because we know a large number of people in our community are recidivist offenders, so reducing that rate of recidivism is of benefit to all of us as well as obviously improving further community safety.

Corrective Services are also proposing to introduce a through-care model of case management which begins with the first contact an offender has with the correctional system and continues throughout the prisoner's period of incarceration and, indeed, after their release. Probation and parole officers will continue with the case management while they are serving their sentence, so it won't stop once they are sentenced and then recommence some period closer to their release. It will be a through care throughout the period of their sentence.

The opportunity is available for us to do this because we have a facility open here and the intention is to build on successful intervention with prisoners while they are incarcerated and to plan carefully with them for their re-integration once they are released. I think that is the other important element of this debate - prisoners get released, they come back into our community. They can come back having been brutalised and dehumanised or they can come back having been given the opportunity to be more effective and contributing members of our society.

The United Nations Standard Minimum Rules for the Treatment of Prisoners state that the treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible, to assist the staff of an institution in the task of social rehabilitation of the prisoners. We will aim to maximise rehabilitative and re-integrative opportunities for prisoners. This will be achieved by ensuring the operation of the facility replicates aspects of life in the wider community as far as possible.

I would like to give you some examples but, before I do, can I say that, contrary to other prisons in Australia, where visits often are only allowed on weekends, there will be provision for visits six days each week and up to 8pm of an evening to enable working people to visit after hours. This is in line with recommendations that have been made by the Assembly Standing Committee on Community Services and Social Equity in its Report Number 6 of 2004 where it said that the forgotten victims of crime are the families of offenders and that too often families of offenders serve very silent sentences. We need to have particular regard to their needs.

It is well documented that boredom and inactivity in the correctional setting encourages drug use, undermines rehabilitation objectives and threatens security and safety. So, central to the operating philosophy of the AMC is the concept of the structured day which aims to eliminate boredom and inactivity by providing each prisoner with a daily routine that encompasses a variety of activities.

The operation of the AMC will aim to maximise the time prisoners spend out of cells and foster their involvement in appropriate and constructive pro-social activities. Prisoners will be expected to participate in a range of programs and activities aimed at repairing the damage caused by their offences, minimising the risks to the community and promoting positive re-integration upon release.

An essential aim is the establishment of a "busy day" whereby each prisoner will be engaged in a balance of work, programs, educational and recreational activities. Programs and activities for prisoners will be based on individual assessment of each prisoner as the foundation of their individual case plans.

Programs for rehabilitation and re-integration

Finally, can I talk about programs. The operating philosophy of the AMC will emphasise rehabilitation and re-integration. Offending behaviour costs the community both financially and emotionally so it makes good sense to identify the reasons for people's offending behaviour and offer strategies to try and rectify those.

Prisoners as a population are characterised by a high incidence of alcohol and drug, mental health, psycho-social and behavioural issues. Offender-intervention programs assist prisoners to address their criminogenic risks and needs and their offending behaviour which is fundamental to rehabilitative outcomes.

Therapeutic programs will build on the success of programs already offered to offenders in the community. These include a sex-offender program, family violence intervention program, cognitive skills programs where offenders are assisted to make better judgments and take control of their actions, and alcohol and drug programs. It is hoped that, in the future, there will also be the establishment of a therapeutic community in the AMC, one that is integrated with other such communities in the broader community, such as ones offered by drug and alcohol rehabilitation programs in the broader community currently. The government is actively considering that as part of our current budget deliberations.

I could also mention education and work opportunities. There is a very detailed plan in place to provide for detailed educational opportunities such as lifeskills, parenting, drug and alcohol courses, literacy and numeracy, and vocational and employment-related education but I won't go into the details of those this evening. There will also be work opportunities both within the prison and also as part of transitional release and final release back into the community.

In conclusion, let me mention cost because this has been the issue of much debate in our community. When we talk about the cost of building the AMC, we also need to remember that this facility will replace the current remand centres. The report of the remand centres carried out last year by our Human Rights Commissioner highlighted the glaring inadequacies of these buildings. I doubt that anyone would disagree that the current remand facilities at Belconnen and Symonston are totally inadequate and are a disgrace. Indeed, I will be taking the opportunity on their decommissioning to invite members of the community to visit it so they can see for themselves the quality of those facilities.

There are those who will say that the money spent on the AMC and the prisoners who will be housed there might have been better spent on other services to our community. Comparisons will be made with others in our society who are deemed more deserving of support than prisoners but this, however, ignores the true cost of not breaking the cycle of re-offending behaviour to society, which must be measured not just in dollars and cents but also in the effects of crime on the victims and their families as well as the families of offenders themselves.

Conclusion

It is for this reason that the government has chosen to build our first prison. We must make every effort to break the cycle of crime, of offending and re-offending that occurs all too often in our community and we must make every attempt to facilitate the return of prisoners back into our community as law-abiding citizens. That is the intention and the purpose of the

AMC. It will be a challenging but exciting time for all of us as we move towards its commission.

Can I conclude with just a couple of comments about sentencing behaviour from our judicial officers. We cannot tell our judicial officers how they should sentence in individual cases, for all the obvious reasons. In my discussions with judicial officers, the view has been expressed that the presence of the prison in and of itself will not lead to an increase in custodial sentences being delivered. My own feeling is that it may have an effect at the margin. It may have an effect where a judicial officer will say, "But for the fact that you will have to go to Goulburn or Junee or Grafton or wherever, I would have given you a custodial sentence."

There will be, I believe, cases around the margins where it will influence sentencing behaviour where the judicial officer will be confident to know that there will still be access for visits and connection with family, in particular, because the prisoner will be incarcerated here in the ACT. Personally I believe that is very much at the margins. Fundamentally, our judicial officers do view imprisonment as the last resort. Whilst that can attract adverse commentary from time to time and whilst judicial officers do not always get it right in their sentences, I believe overwhelmingly they do and that they do consider, philosophically, incarceration as the last resort. I will be watching closely to see the trends in the coming years.

Finally, can I commend your organisation for interest in promoting these seminars. I think there is too little debate in our community about what are fundamental social issues around crime, the treatment of prisoners, the adequacy or other of sanctions for crime and the way we manage people that we as a society choose to deprive of their liberty. I'm hopeful that discussions like this evening will help to build a better understanding in our own community about the very fundamental issues that we are trying to grasp and address through the establishment of the Alexander Maconochie Centre.