



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE AND COMMUNITY
SAFETY**

**(Reference: Delays in the commencement of operations
at the Alexander Maconochie Centre)**

Members:

**MRS V DUNNE (The Chair)
MS M PORTER (The Deputy Chair)
MS M HUNTER**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 4 MARCH 2009

**Secretary to the committee:
Mr H Finlay (Ph: 6205 0136)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

WITNESSES

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Amended 21 January 2009

The committee met at 9.01 am.

SMITH, MR HUGH, President, Prisoners Aid (ACT)

THE CHAIR: Good morning and welcome to this hearing of the justice and community safety committee in its inquiry into the impact of the delay in the opening of the Alexander Maconochie Centre. We have with us this morning Mr Hugh Smith from Prisoners Aid. Good morning, Mr Smith.

Mr Smith: Good morning.

THE CHAIR: Mr Smith, there is a buff-coloured laminated card there. If you could read it, essentially it relates to matters of privilege and the operation of the committee. Could you indicate that you understand the implications of the privilege statement?

Mr Smith: Yes, I understand it and accept it.

THE CHAIR: Thank you very much. Mr Smith, would you like to make an opening statement to the committee?

Mr Smith: A brief one, if I may, thank you. Let me begin by saying that we have no specific knowledge of or information about the question of the contract and the delays relating to AMC. Our focus is on supporting prisoners, ex-prisoners and families. What is most important to us is developing the services which we propose to offer at AMC when it opens. As far as we are concerned, the sooner we can do that, the better.

There are three main parts to our proposed services. One is that, as a non-government volunteer organisation, we can do a lot of things that government organisations cannot do. We have been doing this for some 45 years since we have been operating in the ACT. We can develop good relations with prisoners and their families because we have no authority, no power. We are not part of the system; we are ordinary members of the community. The second point I would make is that we have always stressed the importance of supporting families of prisoners, who have been called the forgotten victims of crime. It is clear from our own observations and from research that if you can hold a family together, you have got a better chance of the prisoner not going back to crime. There is no guarantee, but we are looking at improving chances.

Thirdly, with respect to working with prisoners themselves, there are things that we believe we can do which government authorities cannot do, for various reasons. For example, in relation to AMC we will be offering a visiting service to prisoners who want to talk to someone who is not part of the official system, maybe not part of the family, because they may have problems or worries about their family.

Also, when prisoners are released, in many cases there will be no official contact with that prisoner. Something like 40 per cent of prisoners on release will not be on parole. They will simply walk out and there will be no legal power or requirement for ACT Corrective Services to have anything to do with them. That is where we believe we can step in and contact those people, keep in touch with them and provide them with whatever support we can.

So that is basically our approach. It is very much focused on support, strengthening families and providing opportunities. One major factor about AMC is that we will have access to all visitors—or at least all visitors will have access to us. We have been given use of an office in the gatehouse, which is where all visitors arrive and through which all of them leave. We hope that a large proportion of those visitors will drop in and see us—we will have staff there and volunteers in that office whom we will train—and they can come in and look for support, advice, guidance and referral to other organisations as appropriate. We hope we will provide a sympathetic ear but also be able to refer them to the wide range of government and non-government organisations that we have.

Certainly, that has been one of our problems in the past—contacting families. Often, families simply do not know of our existence because they go off visiting prisoners throughout New South Wales. I will stop at that point and I am happy to take any questions.

THE CHAIR: As you would know, many of the terms of reference for the inquiry relate to the contracting and issues relating to why the building is not open yet. I do not think members would expect that Prisoners Aid would have a detailed knowledge of that. The issue that we would want to drill down with you is the impact that these delays would be having on prisoners in New South Wales, and also those who are sentenced but have not been moved to New South Wales, whatever the reason is for holding that up. Also, what role does Prisoners Aid have in relation to servicing people in the Belconnen Remand Centre, either remandees or people awaiting sentencing or appeal?

Mr Smith: Certainly, as I said before, the sooner we get prisoners out of New South Wales and into the ACT prison, the better. To put it in perspective, I think I attended my first meeting on an ACT prison in about 1974 and I have sat on a number of committees since then.

THE CHAIR: I think you might get the award for longevity then!

Mr Smith: I am afraid so.

MR HANSON: We're not there yet, Mr Smith; it might be another few years off yet.

THE CHAIR: Don't be pessimistic, Mr Hanson.

Mr Smith: We have our hopes. So a delay of a few months, in the long run, is not a big issue as far as we are concerned, but obviously any delay is unfortunate. The effects on the prisoners, I guess, are twofold. One is that there is a delay in getting them into the sort of good programs that are going to be on offer at AMC. The other is the degree of uncertainty that has been surrounding them for some months now. They do not know when they will be moving to AMC or even whether they will be moving.

Indeed, there are some New South Wales held prisoners who are quite keen to finish their sentence in New South Wales prisons because they have got an established place in the prison where they are; there is a social order there, they know their place and they feel safe. Going into any new prison, there will be a new social order to be

established, a pecking order with people at the top and people lower down. That is just the nature of prisons. Certainly, some have some uncertainty about that. I think our view is that that is going to happen anyway, and the sooner the new prison can be got going, the better.

Families are also facing that uncertainty. We still have quite a number of families who are visiting prisoners in various New South Wales prisons. We are still providing them with some financial contributions towards the cost of travel and in some cases overnight accommodation. So most of those families are very keen to see the prisoner returned as soon as possible.

As to our role in BRC, we have been sending a staff member there once a week or so for quite a few years now, just to talk to those held on remand, and more recently those held under sentence. We, of course, pick up quite a few problems that they have—worries about the system, worries about families. We try to contact families and see what we can do to sort out problems. Again, the sooner we can focus our efforts on AMC rather than BRC, and to some extent Symonston, the better.

THE CHAIR: Just to get down to the nuts and bolts, what is the source and extent of Prisoners Aid's funding and what does it mainly go on now? What do you mainly spend your money on?

Mr Smith: Our total income is about \$90,000 a year, of which \$70,000 comes in a community services grant and about \$20,000 from ACT Corrective Services. Of the \$70,000 from community services, \$50,000 is focused on our Court Assistance and Referral Service, which employs two part timers in an office in the Magistrates Court five mornings a week whenever the courts are sitting, which is most of the year. That gets an enormous lot of traffic—offenders, witnesses, families of accused people. We get ex-prisoners coming in there and victims of crime as well. It is a very busy office. Essentially, most of that money goes on staff salaries. So we have got about \$40,000 for our other programs. Again, \$20,000 to \$30,000 of that goes on direct financial assistance to families to make visits to prisoners. Of the rest, a lot goes on insurance, unfortunately, and the usual admin costs.

THE CHAIR: How many volunteers would participate in the work of Prisoners Aid?

Mr Smith: We have got about 15 or 16 at the moment. We did run a training course for new volunteers in about September last year, in anticipation of the immediate opening of the AMC, and we had about nine people trained up and ready to go. We have held off running a second training course until the opening date is clearer.

THE CHAIR: Are those nine people who were trained up actively volunteering now or are they on hold?

Mr Smith: Two or three are actively involved in aspects of our work. One is very good at helping with funding submissions. That is always an asset. But they were essentially trained to work in the gatehouse at AMC on how to deal with visitors and families and refer them to other agencies, under the supervision of a staff member. We have been in touch with those people and they are still keen to go, but it has been an unfortunate delay.

THE CHAIR: So this was a training program that was designed for a specific purpose and it is on hold because the AMC is on hold?

Mr Smith: Yes, that is right.

MS PORTER: So the training program was held and some people have been employed as volunteers in some of the aspects but not everybody who went through the training program has been able to be employed as a volunteer at the moment; is that right?

Mr Smith: Not yet.

MS PORTER: And you are holding off the next training program?

Mr Smith: Yes.

MS PORTER: How many people were anticipating going through that training program? Have you got a ballpark figure or don't you really know at this stage?

Mr Smith: We had about 10 or 11 attend the training course and nine ended up wanting to carry on.

MS PORTER: For the next one, did you have a waiting list?

Mr Smith: We have a smallish waiting list of people whom we could not fit in or who could not make the first training course. There might be half a dozen people. We have not yet advertised for the second one. For the first one we had a public information evening, at half past five in the afternoon. We got about 30 people attending that, and from that about a dozen came to the training course. There is quite a lot of public interest in the prison and a lot of goodwill which we are keen to capitalise on.

THE CHAIR: When the AMC begins and you are running programs there in addition to the gatehouse service, will you be visiting in the prison as well?

Mr Smith: Yes.

THE CHAIR: Will they be a different group of volunteers or will there be a fair degree of crossover?

Mr Smith: That is a good question. There will be separate additional training for people who want to go in and undertake prison visiting. It is a relatively specialised skill and a fairly sensitive one, as you can imagine. We have not done any of that training as yet. I imagine some people who work in the gatehouse will also want to go and visit. Some won't; some will just be happy talking to visitors. We will also be training people to mentor released prisoners, to contact, talk to, support and advise prisoners on their release. Again, that will be a separate kind of training. We are hoping that a lot of the people will want to do all three aspects. We will see how it goes.

THE CHAIR: Will you be receiving any extra funding from the government to provide those more intensive services?

Mr Smith: That is a question we are wondering about at the moment. We have put in a bid to ACT Treasury for the current round for a fairly substantial community services grant which would employ two people full time. One person would be in the gatehouse and to monitor and assist the volunteers working there, which we call the Families and Visitors Support Service. The other area would be the Prisoner Support Service. We would employ someone, again full time, to look after the prisoners themselves while they are in AMC and on their release—sometimes using volunteers, sometimes the staff member concerned. Related to that, we are also looking for administrative support, which we have never had so far in our 45 years.

MS PORTER: You have never been able to afford paid administrative support in 45 years?

Mr Smith: No.

MS PORTER: So up to this point have you been working with volunteers in those administrative roles?

Mr Smith: Yes. We have run on a shoestring. Our volunteers have been extremely good and long serving, and we have exploited them very well.

MS PORTER: I have a question going back to that interesting phenomenon that you mentioned a while back when you talked about some prisoners who are not keen to actually transfer and who prefer to complete their sentence where they are. Do you know this from your visits or is this just something that you know from research that has been conducted in other places when this has happened?

Mr Smith: There are a number of cases where we have heard directly from families, not the prisoners themselves, that the prisoner is anxious about the impending transfer, particularly prisoners nearing the end of their sentence. They would rather do another three months in the prison where they are than come across to AMC for the last three months of the sentence. That is understandable. Probably they will not be able to get on too many programs in that short time. But the more important thing is just the uncertainty of what the new place is going to be. They prefer the devil they know than what they think might be the devil they do not know.

MR HANSON: Do you have an approximate number for that, Mr Smith? How many people are in that category?

Mr Smith: We have certainly heard of three people who have reported that to us through their families. Whether or not there is a larger number, I do not know. Generally, the families are keen for the prisoners to return because it will make the visiting context so much easier.

THE CHAIR: On the subject of visiting interstate, how far afield do families of ACT prisoners travel to visit? Goulburn, Sydney, Junee; anywhere else?

Mr Smith: Tumbarumba. Those would be the most common ones but also some further north—Lithgow, Bathurst. We have also got someone in a Victorian prison and we support his family to visit once a month.

MS PORTER: That would be quite unusual, wouldn't it?

Mr Smith: It is unusual. It is just that the offence was in Victoria. ACT residents commit crimes all over the country. Again, it is possible that that prisoner may come back to AMC under the interstate transfer arrangements.

MS HUNTER: I wanted to go back to the funding for your organisation. Mr Smith, I am assuming that there were discussions between yourself and Corrective Services around what you might deliver in the prison?

Mr Smith: Yes.

MS HUNTER: They obviously identified a space for you to operate out of the gatehouse. Did funding come into that discussion at all? Obviously you were going to be providing a new service or an enhanced service?

Mr Smith: We have not—

MS HUNTER: Did they recognise that you might need some funding to do this?

Mr Smith: Insofar as it came up in discussion, the argument was we should seek to increase our community services grant.

MS HUNTER: Corrective Services give you \$20,000?

Mr Smith: I think it was \$20,000, yes.

MS HUNTER: And the \$70,000 comes from a grant through the Department of Disability, Housing and Community Services?

Mr Smith: That is right.

MS HUNTER: So Corrective Services' view is that this is really a community services matter; it is nothing to do with Corrective Services. I am interested in that because obviously the things you have spoken about in your opening statement this morning—the importance of supporting families, that connection between family and a prisoner—are all incredibly important if you want to have the transition out of prison, being settled, getting on with life and not ending up re-offending and being back in the system again.

Mr Smith: Yes, and we are happy to take money from whoever will provide it.

MS HUNTER: I am sure you are.

Mr Smith: I guess one point that Corrective Services would make is that we have been supported by the community services grant so far, probably for the last 20 years

or so. They have kicked in with another \$20,000. Also, the sort of work we do is in some ways more community services than corrective services. We do make a big point that we are not part of corrections. We really have total independence from the authorities and the people in uniform.

MS HUNTER: I do understand that is so important if you are going to run the service and people will feel comfortable to use your service. I am looking at it from the point of view that the enhancement of the service will actually occur within the AMC. It is going to benefit the running of the AMC. Therefore, I just wonder why Corrective Services have not come to the party.

Mr Smith: We have certainly put the point of view to the minister for corrective services that if the government wants the AMC to succeed, it will have to provide support across the board, not just inside AMC but for all the services—the community-type services around it. How the various departments and ministers play that out is a political matter. We are hoping for a good outcome.

MR HANSON: Mr Smith, I visited the BRC in December. Moving around, there were a number of conversations between the minister and the prisoners. It appeared that a major cause of confusion, frustration and angst was the confusion about what was going on with the AMC in terms of its opening. The inmates, the prisoners, had seen that the thing had opened in September and the impression I got was that they had been led to believe this thing was now open, that their move was imminent and then that was not the case and it was a matter of saying, “No, you’re not moving and we can’t tell you when we are.”

What occurred after that were a number of pretty visible incidents. There appeared to be an increase in events in the BRC. We saw the fires that were on the roof and we saw the corrections officers who were injured. I believe there have been a number of other incidents that have not been reported. The impression I went away with was that it was a case of, “Hey, it’s open; you’re moving imminently,” and then, “No, you’re not really,” and this had caused a lot of angst among the prisoners, and that has been reported to me anecdotally. From your conversations with prisoners, would you care to comment on that issue?

Mr Smith: I cannot report directly because I have not spoken to prisoners in BRC myself in recent months. I do get the impression from the staff member who visits the prison that certainly that is one aspect of the uncertainty and unhappiness surrounding prisoners in BRC, but there are also a number of other factors about BRC which are extremely unsatisfactory and have been for some time—the lack of facilities, the lack of space and so on.

MR HANSON: Yes, and I think they are well documented and have been for a while. But what I am trying to get at is trying to keep a lid on it and I thought the Corrective Services officers and prisoners were doing their best to do that but the last thing anybody needed was a kind of, “It’s open,” “No, it’s not” type of event going on in the middle of such a difficult situation, and it was kind of the straw that broke the camel’s back, which led to a number of incidents or influenced a number of incidents.

Mr Smith: Yes. As you suggested, it is very hard to put a measure on how much the

uncertainty surrounding AMC has influenced events at BRC and I really cannot speculate about that. But certainly there have been incidents at BRC off and on over the years. We tend to take a long-term perspective.

MR HANSON: I have another question about the families, if I may, and that is this: I expect there are a number of families who relocate to follow prisoners when they go to New South Wales and make decisions on what they are going to do in terms of their family situation. Have there been cases reported to you or that you are aware of where a family has made a decision to, let us say, stay in Canberra on the understanding that the prisoner is coming back? Initially the prison was going to open in, I think, mid-07 and then it went to September and so on. I am concerned that there might be families that have—

MS PORTER: No, 2008, I think you mean, do you?

MR HANSON: Sorry, yes; my apologies. There might be families who have made decisions about not relocating on the expectation that their loved one was going to be actually back in Canberra essentially 12 months before they are probably going to be there. Do you know families that have been put in that situation?

Mr Smith: I cannot think of any family that we have had contact with, which is not all families by any means.

THE CHAIR: Chief Minister, I think you might be in the wrong place.

Mr Stanhope: Bit early? Wrong room, am I?

MS PORTER: I think you are in the wrong room.

Mr Stanhope: Have you told the story of how you got the job, Hugh?

THE CHAIR: I was going to ask.

Mr Stanhope: I think it is the most wonderful story in the annals of the ACT, just about.

THE CHAIR: That emboldens me to ask the question, Chief Minister.

Mr Stanhope: Ask Hugh how he came to actually get the job of President of Prisoners Aid in the ACT.

THE CHAIR: We will put a pin in that one and we might come back to it.

Mr Smith: In our experience too, not many families have relocated. Some certainly have.

THE CHAIR: Would it be dependent perhaps on the length of the sentence and their attachment to the ACT community?

Mr Smith: It depends on those factors; also whether there are family members,

relatives, in the area where they are moving to. For someone who is in prison in Sydney and there are family members down there, it becomes easier. But, of course, one problem is you might move to be near one prison in New South Wales and then the prisoner gets transferred—for all sorts of good and bad reasons. In our experience, it is not particularly common but it does happen.

THE CHAIR: I wanted to also ask you about the issues of overcrowding at the BRC. We have seen sequentially the expansion of remand facilities in the ACT into non-purpose built facilities as a stopgap but there seems to have been, in the last three months or so, a substantial amount of crowding, which seems to have been an effect of prisoners who are sentenced not being transferred to New South Wales, for whatever reason. Do you have any understanding why prisoners are not being transferred to New South Wales after being sentenced?

Mr Smith: Only that I have heard New South Wales are refusing to take them because of overcrowding in their prisons. I am not sure whether they assumed that the supply from the ACT would be stopped sometime last year. And it certainly is the case that New South Wales prisons do look to be full. As I understand it, it is not because we have made a decision in the ACT against sending them.

THE CHAIR: There is now, on my understanding, some number in the 20s of people who have been sentenced but not transferred to New South Wales. Do you see that that is part of the problem with incidents at the BRC?

Mr Smith: Certainly, yes.

THE CHAIR: That adds to the level of crowding in—

Mr Smith: Yes, that has added to the level of crowding. There are now temporary holding facilities at Symonston. Of course it makes visits difficult because of overcrowding, large numbers of prisoners and inadequate facilities for visitors. Again, the sooner we can have the proper facilities up and running, the better.

THE CHAIR: Are there any other things that members particularly want to pursue?

MR HANSON: Yes, on the sentenced prisoners. I assume that, when prisoners are in New South Wales, the authorities are conducting rehabilitation programs because they are sentenced prisoners. But there would not be programs like that set up at the BRC, I assume, because you are not doing rehabilitation on people who are on remand?

Mr Smith: Yes.

MR HANSON: What are we doing actually? Are you across this issue with people who would otherwise be under rehabilitation programs and who, because they are in Canberra, are not actually having any rehabilitation programs? Are you aware Corrective Services are trying to do something or do you think the prisoners are missing out?

Mr Smith: I am not aware of what Corrective Services are doing about that because remand prisoners tend to be held for short periods and, as you say, it is not focused on

longer term programs.

MR HANSON: They have got people who have been in there for years, have they not, or months?

Mr Smith: Yes, for one reason or another, but often you do not know how long you are going to have them on remand.

MR HANSON: Indeed but I am talking more about the sentenced prisoners.

Mr Smith: The sentenced prisoners, yes, I would imagine it would be difficult to put in place rehabilitation-type programs at relatively short notice, with inadequate facilities and space. Quite frankly, I have not heard what efforts have been made.

MR HANSON: That is fine. It might be a question for Corrective Services.

Mr Smith: Yes. I would certainly be interested to know.

THE CHAIR: On the subject that the Chief Minister emboldens me to ask, can you tell the committee about your involvement? You seem to have been involved in Prisoners Aid for quite some time. As I said before, you seem to get the longevity award for being associated with prison projects. Would you like to tell the committee about your background in Prisoners Aid?

Mr Smith: Yes. I am not quite sure what Chief Minister is alluding to but I joined Prisoners Aid in 1971 when the then president sold me a house. He happened to bring up the topic—but he probably did it quite deliberately—and said, “Why don’t you come along to a meeting,” which I did. I think within three months I was secretary. You know how these organisations work.

I went through treasurer and this and that and I became president. As I said to other members of the committee and, I think, Jon Stanhope at one time, I went overseas on study leave for a lengthy period to try to get out of holding office but I had a very persuasive letter from our secretary, which I still remember, which got me to agree to become president. That was in 1984 and I have not been able to get out of being president ever since.

Yes, it is a long experience but I found it a very rewarding area of work, even though you do not often see the results and often you do not get good results. You have to have a fairly laid-back philosophy in this field. You give people a chance and sometimes they take it; often they do not. That is simply the way it is. But it is still worth doing and that is the way that all our volunteers approach it. A lot of them have been very long serving too.

THE CHAIR: What do you think that it is about the Prisoners Aid organisation that engenders longevity in the members and the volunteers?

Mr Smith: I think one of the factors is that we all take this fairly laidback philosophy. We are very non-judgemental. If you take a moralistic approach to prisoners and their families, Prisoners Aid is not for you. It is a very positive organisation and we feel we

are helping people who often have not been well treated by society. Most prisoners have had some sort of social disadvantage or have got some sort of problem—drug problems, alcohol problems, education problems, mental health problems—and I think what attracts people to join us is the thought that some of these people we can help. When you do get a result, that is really very satisfying; so it is the odd success that keeps us going. I have to say too that our meetings are very congenial and enjoyable, which you cannot say about many association meetings, and we do not have rivalries or conflicts, which is amazing. No-one else will stand for office.

THE CHAIR: Are there any other issues that members would like to take up with Mr Smith?

MS PORTER: No; just to thank you for what you do.

THE CHAIR: Thank you.

Mr Smith: It is a pleasure.

THE CHAIR: Thank you very much for taking time this morning and, on behalf of all members, we would like to thank you for 30-odd years of service to a very important cause.

Mr Smith: Thank you for that and thanks for the opportunity to attend.

THE CHAIR: You are welcome.

MS PORTER: Will the transcript go to him?

THE CHAIR: There will be a transcript that Hamish will send to you. You can make corrections if you think that there is anything that has been incorrectly taken down and then you are asked to send it back to Hamish.

Mr Smith: Yes, sure.

THE CHAIR: Thank you very much for your time.

Mr Smith: Thank you.

The committee adjourned at 9.41 am.