



OFFICE OF THE
CUSTODIAL INSPECTOR
TASMANIA

Annual Report 2021-22



About this report

This report describes the functions and operations of the Custodial Inspector for the year ending 30 June 2022.

It is available in print or electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with a disability.

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I From the Custodial Inspector

This has been the sixth year of operation for the inspectorate and as I have reported in previous years, the work to meet the legislative mandate for inspections and reports continues to be demanding.

While I have received additional funding for an Administration and Research Officer position, the inspectorate's resources are still limited. Additionally, the departure of two staff members in late 2021 and difficulties in recruiting staff since has resulted in a backlog of inspections. Recent recruitment processes for the Principal Inspection Officer and Senior Inspection Officer have been successful and my staff are now working to address the backlog, and recruit the Administration and Research Officer.

The inspection backlog includes inspections that were cancelled in 2019-20 due to the COVID-19 pandemic and the inability for expert consultants to come to Tasmania. There have been some inspections undertaken in 2021-22 with local expert consultants, or where the inspection theme does not require expert consultants to be engaged. These include:

- The Mary Hutchinson Women's Prison (MHWP) Inspection was undertaken in November and December 2021. This inspection was originally planned for March 2021 but was postponed due to resourcing constraints and competing priorities at the time. Rather than being a themed inspection, the MHWP was assessed against the framework of most of the Tasmanian Inspection Standards for Adult Prisons and specifically did not include those standards where advice from an expert consultant is required¹.
- An inspection against all Mental Health Care inspection standards was undertaken in June 2022. The inspection considered whether Tasmanian custodial centres made appropriate and adequate provision to meet the mental health care needs of prisoners and detainees, and have in place effective processes to detect and manage prisoners in crisis.

My office also undertook a Capacity Utilisation Review, which was tabled in Parliament in November 2021. The review:

- assessed all prison cells including segregation, holding, buddy and disability cells at the five Tasmanian adult custodial centres – Ron Barwick Prison (RBP), Risdon Prison Complex (RPC), Mary Hutchinson Women's Prison (MHWP), Hobart Reception Prison (HRP) and Launceston Reception Prison (LRP);
- considered the extent of 'overcrowding' in those facilities;
- compared the design capacity for each cell with Tasmania Prison Service (TPS) operational reporting; and
- assessed the floor area in each cell to determine whether the prescribed dimensional

¹ Expert consultants are required for inspections against standards with the themes Mental Health Care, Physical Health Care, Management and Treatment of Substance Abuse, Hygiene and Environmental Health and Food and Nutrition.



requirements of the Standard Guidelines for Prison Facilities in Australia and New Zealand 1990 (SGPFANZ) recommended guidelines for habitable rooms was met, and whether they complied with my Inspection Standards for Adult Custodial Centres in Tasmania (the Tasmanian Inspection Standards).

I indicated in my previous Annual Reports, progress reports for stakeholder responses to recommendations contained in all my inspection reports tabled in Parliament would be set out in a dedicated section on the Custodial Inspector website. Work on this is progressing and will be a priority for the coming year when additional staff resources are available. In the meantime, and in accordance with section 26(2)(b) of the Act, I have included an evaluation of the response of relevant authorities to my recommendations in this report.

Richard Connock
Custodial Inspector

October 2022



2 Overview

2.1 Background

The *Custodial Inspector Act 2016*, which establishes the office of the Custodial Inspector, was passed by the Tasmanian Parliament, received Royal Assent on 9 September 2016 and was proclaimed by the Governor to commence on 16 November 2016.

The Custodial Inspector is an independent statutory officer appointed by the Governor. When performing their functions, the Inspector must act independently, impartially and in the public interest.

The Custodial Inspector provides oversight of all aspects of prison and youth detention centre services in Tasmania. External scrutiny is provided through onsite inspections, and the subsequent publication of reports detailing findings and recommendations, and regular monitoring of custodial centre systems and records. The Inspector's focus is on issues relating to the management, control and security of the State's prisons and youth detention centre as well as the care and welfare of prisoners and detainees.

The Act provides that each custodial centre must be inspected against all inspection standards at least once every three years.

2.2 Staffing and Resources

2.2.1 Staff

As well as being Custodial Inspector I also hold a number of statutory appointments including that of Ombudsman, Health Complaints Commissioner, Principal Mental Health Official Visitor and Coordinator of the Prison Official Visitors Scheme. I am also responsible for external reviews of assessed disclosure applications under the *Right to Information Act 2009*. As a result, I can only dedicate a portion of my time to the inspectorate. I have therefore formally delegated all of my functions and powers under section 6 and 8 of the *Custodial Inspector Act 2016* to my staff.

The permanent staffing establishment of the office is the Inspector, one Principal Inspection Officer (1.0 full time equivalent), one Senior Inspection Officer (1.0 full time equivalent) and one Administration and Research Officer (1.0 full time equivalent). After significant time being vacant, the Principal Inspection Officer and Senior Inspection Officer roles have recently been filled and recruitment is underway for the Administration and Research Officer. Funding for the Administration and Research Officer was made available in the last budget, however the position remained vacant while the Principal Inspection Officer and Senior Inspection Officer positions also needed to be filled.

The additional funding for the Administration and Research Officer will assist me in being able to better fulfil my statutory functions. The position will primarily be a support role for the inspection staff, however, so even without taking into account the current backlog of inspections and inspection reports, it is likely that long delays between onsite inspections and



the publication of reports will continue. With the Southern Remand Centre commencing operations in July 2022, the inspectorate will have another site to inspect as well as prisoner transport vehicles. This is only set to increase with the potential for another adult custodial centre in the north of Tasmania and the announcement in September 2021 of the closure of Ashley Youth Detention Centre by 2024 with the proposed replacement of up to two new facilities. Funding for staffing will need to be continually reassessed in light of these pressures.

Priority is now being given to addressing the inspection backlog. Desktop monitoring tasks have also been negatively impacted by the inspectorate's inadequate staffing, with the following tasks being undertaken far less frequently than best practice would dictate:

- monitoring of the vulnerable and high risk units at TPS facilities;
- reading and analysis of daily and weekly information reports from adult and youth custodial centres;
- reviewing Use of Force documentation and CCTV footage;
- reviewing random samples of searches of young people accommodated in adult custodial centres;
- auditing separation orders;
- reviewing random samples of prisoner case notes in the Custodial Information System (CIS) database; and
- electronic records management of business documents.

It is envisaged that the new Administration and Research Officer position will assist the inspection staff in undertaking these monitoring tasks. As I have indicated in previous reports, it has become clear that monitoring supports the inspection process as it identifies areas of focus for future inspections.

2.2.1 Budget

Under section 36 of the Act, "the administration of this Act is assigned to the Minister for Corrections". Administration of the Act includes providing adequate funding for staff and other resources reasonably needed for the inspectorate to fulfil its functions.

As I have reported on a number of occasions, through the inspectorate's budget submissions I have requested an increased allocation for adequate funding to allow it to fulfil its ongoing responsibilities. My funding request for the 2021-22 financial year was considered favourably and as I have previously indicated, the inspectorate obtained funding for an additional staff resource. Additional funds were also made available for expert consultancies and for a vehicle and transport.

In my 2020-21 Annual Report, I outlined several significant issues for review with the view that ideally, any work with respect to these reviews should be done around inspections due to the legislated three year time frame. Given the lack of staffing for much of the 2021-22 financial year, those issues remain unaddressed and are unlikely to be prioritised given the backlog of inspections.

As highlighted above, the work of the inspectorate is only set to increase with the Southern



Remand Centre commencing operation. While funding for additional staffing resources has been provided, the existing staff establishment with the inspection backlog is unlikely to meet its three year legislative timeframe for inspection of all custodial centres against all standards.

2.2.3 Consultants

Engagement of consultants by prison inspectorates is an accepted practise both nationally and internationally, with other custodial inspectorates in Australia and Her Majesty's Inspectorate of Prisons for England and Wales using expert consultants.

The use of consultants is vital to provide independent expert advice and opinion to assist with and support inspections. To enhance the capacity of the office to inspect specialised areas in custodial services, expert consultants have been engaged.

Each consultant engaged by the inspectorate is named in the relevant inspection report. I acknowledge the contribution of these consultants and am extremely grateful for the expertise they provide.

Fees associated with consultancies are a major but necessary expense for the inspectorate, given the broad range of expertise required to inspect against all standards. It is not always possible to locate a local consultant with relevant expertise and the inspectorate has engaged specialists from interstate. Doing so incurs extra costs for travel and accommodation. Consultancy fees continue to increase and while welcome additional funding for consultancies was made available in the 2021-22 financial year, this will require continual reassessment for adequacy.

As previously reported, the inspectorate completed the first three year inspection cycle in 2019. Consultants were engaged to assist with the next inspection cycle for inspections against the Care and Wellbeing suite of inspection standards including mental health care, physical health care, food and nutrition and hygiene and environmental health. These were postponed, however, due to the outbreak of COVID-19. In 2020-21 and 2021-22, it was possible to reschedule and undertake the food and nutrition, environmental health and hygiene and mental health care inspections. The physical health care inspection remains outstanding and is now being scheduled for the first half of 2023.

2.3 Functions and Powers

2.3.1 Jurisdiction of the Inspector

The Custodial Inspector has jurisdiction over all custodial centres in Tasmania. A custodial centre is defined as a prison within the meaning of the *Corrections Act 1997*, and a detention centre within the meaning of the *Youth Justice Act 1997*.

The adult custodial centres included in the Custodial Inspector's jurisdiction are:

- Risdon Prison Complex, medium and maximum security (RPC), which as of July 2022 will include the Southern Remand Centre;

- Ron Barwick Prison (RBP)²;
- Mary Hutchinson Women's Prison (MHWP);
- Hobart Reception Prison (HRP); and
- Launceston Reception Prison (LRP)

which are operated by TPS.

Ashley Youth Detention Centre (AYDC), which is managed by Children, Youth and Family Services and is an operational unit of the Department of Communities Tasmania (CT), is also within the jurisdiction of the Custodial Inspector, as are prisoner and detainee transport vehicles.

The Inspector does not respond to individual complaints but where appropriate, may refer complaints received to relevant agencies and/or oversight bodies for resolution.

2.3.2 Functions of the Inspector

The functions of the Inspector are set out in section 6 of the *Custodial Inspector Act* as follows:

6. Functions

(1) *The Inspector has the following functions:*

- (a) *to carry out a mandatory inspection of each custodial centre at least once every 3 years;*
- (b) *to carry out an occasional inspection and review of any custodial centre at any time, of his or her own accord or as requested by the responsible Minister;*
- (c) *to prepare and publish guidelines and standards in relation to the conduct of inspections;*
- (d) *to report to the responsible Minister or Parliament on the various inspections carried out by the Inspector;*
- (e) *to report to the responsible Minister or Parliament on any particular issue or general matter relating to the functions of the Inspector if, in his or her opinion, it is in the interest of any person or in the public interest to do so;*
- (f) *to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if requested to do so by either House of Parliament or a Committee of either House of Parliament;*
- (g) *to provide an annual report to Parliament;*
- (h) *to include in any report such advice or recommendations as the Inspector thinks appropriate including, but not limited to –*
 - (i) *advice or recommendations relating to the safety, custody, care, wellbeing and rehabilitation of prisoners and detainees; and*
 - (ii) *information relating to education and programs to assist in the*

² Formerly known as the Ron Barwick Minimum Security Prison. In 2019 TPS advised that Ron Barwick Prison is now a minimum and medium security rated prison.



rehabilitation of prisoners and detainees;

- (i) such other functions as may be conferred or imposed on the Inspector under this or any other Act.*
- (2)** *The Inspector may from time to time amend the guidelines and standards prepared and published under subsection (1).*

2.3.3 Powers of the Inspector

The powers of the Inspector are set out in section 8 of the *Custodial Inspector Act*:

8. Powers

Section 8 provides that the Inspector has the following powers:

- (a)** *to visit and examine any custodial centre, and any vehicle, equipment, container or other thing in a custodial centre, at any time the Inspector thinks fit;*
- (b)** *to obtain full access to all documents, including health records, that –*
 - (i)** *are in the possession of a Department, public authority or any other body or person prescribed by the regulations; and*
 - (ii)** *relate to any custodial centre or persons in custody or detained, or residing, at a custodial centre –*
and to make copies of, or take extracts from, those documents or records and to remove and retain those copies or extracts;
- (c)** *to require, in any reasonable manner that the Inspector considers appropriate, a person whose work is concerned with the operation of a custodial centre to provide any information that is relevant to the performance or exercise of the Inspector's functions or powers under this Act;*
- (d)** *to enter and examine any equipment or container outside a custodial centre which is used in connection with the custodial centre, and any vehicle used to transport prisoners or detainees, at any time the Inspector thinks fit and with any assistance or equipment that the Inspector thinks is reasonably necessary;*
- (e)** *to require any member of the staff of the custodial centre or other person who provides services to prisoners or detainees to –*
 - (i)** *supply information or produce documents or other things relating to any matter, or class of matters, concerning the custodial centre's operations; and*
 - (ii)** *attend before the Inspector to answer questions or produce documents or other things relating to a custodial centre's operations;*
- (f)** *to refer matters relating to a custodial centre to an appropriate agency for consideration or action;*
- (g)** *to obtain access to, and communicate with, persons in custody or detained or residing at a custodial centre;*
- (h)** *to do all things necessary or convenient to be done in connection with the performance and exercise of his or her functions and powers under this Act.*



2.4 Relationships

2.4.1 Primary Stakeholders

The office of the Custodial Inspector maintains regular communication with TPS, Correctional Primary Health Services³ and Children, Youth and Family Services. Inspectorate staff also liaise closely with appropriate officers in these agencies when planning and undertaking inspections. Information sharing occurs between the office and stakeholder agencies to support the functions of the office.

Regular meetings are held with the Deputy Secretary (Director of Corrective Services) of the Department of Justice. My staff have also meet regularly with the Assistant Director, Communications, Engagement and Policy at TPS and having this direct point of contact is valued.

The Custodial Inspector is not in any way connected to, or influenced by, TPS or Children, Youth and Family Services.

2.4.2 Other Stakeholders

Inspectorate staff meet, as and when needed, with the following stakeholders:

- the Secretary of the Department of Justice (DoJ);
- the Secretary and senior management of the Department of Communities Tasmania;
- staff from the offices of the Minister for Corrections and Rehabilitation and the Minister for Children and Youth;
- the Commissioner for Children and Young People and her staff; and
- various external service providers.

The office has ongoing communication with Ombudsman Tasmania, the Office of the Health Complaints Commissioner and the Prison Official Visitors regarding complaint trends and areas of interest for inspection.

Inspectorate staff also meet with prisoners and custodial centre staff, as individuals and groups, as and when required. This occurs during and outside the inspection process.

It is recognised that fostering inter jurisdictional relationships through face-to-face visits assists in the exchange of information, and contributes to the expertise and knowledge of inspectorate staff. Staff from the inspectorate also maintain close relationships with similar inspection entities in other states. These relationships are a resource for learning about alternative processes and best practice in an evolving custodial environment. In September 2022, my staff will join the Office of the Inspector of Custodial Services in Western Australia on his inspection of Casuarina Prison, the main maximum security prison for male prisoners in Western Australia. My staff previously took part in an inspection of Bandyup Women's Prison with the Western Australia inspectorate in 2017, soon after the establishment of my

³ Correctional Primary Health Services is part of the Tasmanian Health Service and is responsible for healthcare provision at all custodial centres in Tasmania.



office. The inspection experience was extremely informative for them, and they were able to use the valuable knowledge they gained when conducting inspections at Tasmanian custodial centres.



3 Inspections, Reviews and Reports

Inspection standards are key to the inspection process and need to cover every aspect of each facility from reception to reintegration following release. Standards facilitate the assessment of performance against objective criteria to ensure facilities are operating safely and efficiently, and have a focus on positive outcomes and human rights.

When it was first established, the inspectorate's work included the development of two sets of inspection standards for Tasmania; one relating to adult custodial services and the other for custodial services for young people in detention.

All inspections of Tasmanian custodial centres are conducted against the Custodial Inspector's published inspection standards, which are based on international human rights instruments and cover matters considered essential to the safe, respectful and purposeful treatment of detainees and prisoners.

As I indicated in my 2020-21 Annual Report, the inspection standards for Tasmania are in need of review to keep abreast of national and international changes and to reflect best practice. It is envisaged that with an additional staff resource now available, this task will be undertaken in the 2022-23 financial year.

During an inspection a number of sources of evidence are used to evaluate the custodial centre against the standards. These include:

- onsite visits;
- meetings with senior management;
- individual interviews and group discussions with staff, prisoners and detainees;
- survey results;
- examination of documentation, policies and procedures; and
- observation by inspectors.

As noted, where relevant, and particularly when inspections cover specialised areas, the office engages external consultants to supplement internal expertise.

Tasmania is a small jurisdiction and many services at adult custodial centres, such as education and training courses, healthcare, catering and information management, are centralised. To respond to legislative obligations using its limited resources, the inspectorate has undertaken themed inspections of custodial centres, focussing on particular inspection standards. At the end of a three year cycle, all facets of custodial centres will have been inspected against the full set of inspection standards. This has enabled the inspectorate to make best use of consultancies across all custodial centres, when required, and to meet its legislative mandate with limited staff resources.

In the 2021-22 financial year, two inspections were undertaken:

- The first was at the Mary Hutchinson Women's Prison (MHWP) and rather than being a themed inspection, MHWP was assessed against the framework of most of the



Tasmanian Inspection Standards for Adult Prisons.

- The second inspection was a themed inspection, where all custodial centres, adult and youth, were inspected against the entire suite of Mental Health Care inspection standards.

My office also undertook a Capacity Utilisation Review of TPS facilities.

All inspection reports and reviews are published on the Custodial Inspector's website following tabling in Parliament.

3.1 Mary Hutchinson Women's Prison Inspection

In the period between 29 November and 10 December 2021, the Mary Hutchinson Women's Prison (MHWP) was assessed against the framework of most of the Tasmanian Inspection Standards for Adult Prisons. The following areas were excluded:-

- mental health care;
- physical health care;
- management and treatment of substance abuse;
- food and nutrition; and
- environmental health and hygiene.

The inspection did not assess the above standards as these cover themes where advice and opinion from an expert consultant is required.

The inspection highlighted that;

- many women entering prison have mental health issues or have a drug and/or alcohol problem;
- women in prison report having experienced trauma; physical, mental or emotional abuse in their lives or violence in their childhood which can have an impact on their overall health outcomes and offending behaviour; and
- many women are primary caregivers and as a result, time in prison has an impact not only on their lives but the lives of their families and loved ones.

MHWP has progressed toward the adoption of a therapeutic community model and the fostering of strong partnerships with community-based organisations to provide programs that will assist women to develop skills and pathways that will enable transition back into the community. This is commendable.

A number of key challenges for MHWP were also identified during the inspection:

- the lack of criminogenic programs for female prisoners;
- difficulties facing visiting families due to the location of MHWP in southern Tasmania;
- the doubling up of female prisoners in the Hartz and Wellington accommodation units; and
- infrastructure constraints evident in the Wellington Unit and the need to identify alternative



accommodation that can safely manage high risk/vulnerable/violent prisoners.

The inspection was an announced inspection and involved onsite observations, interviewing key stakeholders and review of documentation to assess MHWP against the relevant standards. The inspection report has been delivered to the Minister for Corrections and Rehabilitation for tabling in Parliament.

3.2 Mental Health Care Inspection

In June 2022, announced inspections against the Mental Health Care standards were undertaken at all TPS sites and AYDC.

Consultancy services for this inspection were provided by Professor Kimberley Norris from the UTAS School of Psychological Sciences. I am very grateful for the expert assistance provided by Professor Norris for this inspection.

The inspection assessed compliance with standards 88 and 89 of the *Inspection Standards for Adult Custodial Centres in Tasmania* and standards 1.4, 3.1.2, 3.3.4-3.3.7, 3.6.5-3.6.6, 3.8.4 and 9.1-9.5 of the *Inspection Standards for Youth Custodial Centres in Tasmania* which relate to mental health care including:

- appropriate and adequate provision must be made to meet the mental health care needs of prisoners and detainees;
- custodial centres must have in place effective processes to detect and manage prisoners in crisis, particularly where they may self-harm; and
- these processes should be multidisciplinary and should develop a therapeutic and supportive management regime for such prisoners.

This was an announced inspection, which involved onsite observations, interviewing key stakeholders and reviewing documentation to assess custodial centres against the relevant standards. The inspection report is currently being prepared.

3.3 Prison Capacity Utilisation Review

With an upward trend in prison capacity utilisation, and increases in prison population being managed by adding additional beds within existing facilities, in January 2021 the Custodial Inspectorate conducted a review of the utilisation of prisoner cells in the five adult custodial facilities in Tasmania. This included measuring all cells at all facilities and analysis of the utilisation calculated by the TPS.

The key findings of the review were as follows:

- The prison system has largely absorbed the extra numbers by adding bunk beds to single cells, placing mattresses on cell floors and adding new accommodation units or refurbishing older, sometimes decommissioned, units in existing prisons.
- The TPS daily reporting for management includes capacity measures based on both operational capacity and design capacity, with design capacity utilisation rates used for



national reporting. However, with the exception of the MHWP, design capacity and operational capacity utilisation rates are reported as the same due to the exclusion of temporary beds from total bed numbers.

- Temporary beds are installed in prison cells to accommodate growing prisoner numbers, which have been increasing over time. Temporary beds are either mattresses placed on floors or beds installed in bunk bed or single bed configurations in cells. The majority of 'temporary' beds are permanent bed installations.
- The majority of prison cells do not meet the SGPFANZ minimum cell area for single and double cells with ablutions.
- No formal risk or profile assessment is performed by custodial officers when determining which prisoners should be housed in single cells that have been converted to double or triple cells.
- Single or double cells that have been converted to multiple occupancy cells considerably reduce the accommodation and living standards for prisoners in terms of privacy, mobility, mental health and storage/security of private possessions.

The report for this review was completed in October 2021.



4 Evaluation of Responses to Inspector's Recommendations

As Tasmania is a small jurisdiction, generally my approach as the Custodial Inspector has been to undertake themed inspections of custodial centres focussing on particular inspection standards. With limited staff available for the majority of the reporting period, and staff resources going forward, this continues to be the case with the exception of the inspection of the MHWP in December 2021 referred to at 3 above.

In the 2021-22 financial year, I published the following inspection reports and reviews:

- Food and Nutrition Inspection Report: Inspection of Adult Custodial Services in Tasmania, 2020;
- Food and Nutrition Inspection Report: Inspection of Youth Custodial Services in Tasmania, 2020; and
- Capacity Utilisation Review 2021.

I am pleased to report that the majority of my recommendations have been accepted by the responsible Departments. My staff will be monitoring the progress of their implementation.

My 2019-20 Annual Report provided details of stakeholder responses to recommendations contained in all the inspection reports at that time, and detailed actions taken by the relevant departments to address my concerns. I advised that:-

- commencing in the 2020-21 reporting year, progress reports will not be included in my annual reports;
- rather, there would be a dedicated section on the Custodial Inspector website for these progress reports; and
- that body of work was underway.

Given the departure of staff in 2021, this work has not yet progressed. With additional staff being recruited, this will be a priority for the 2022-23 financial year.



5 Recommendations for Legislative Amendment

Section 26(1)(c) of the *Custodial Inspector Act* provides that the Inspector must include in an Annual Report any recommendations for changes in the laws of the State, or for administrative action, that the Inspector considers should be made as a result of the performance of the Inspector's functions.

Having now been operating for more than five years, two issues have become evident which I consider could potentially compromise the Inspector's independence.

The first issue relates to the process for tabling inspection reports, which I highlighted in last year's Annual Report:

- That inspection reports are tabled by responsible Ministers and not the Inspector directly in their capacity as an independent statutory office holder. It has been suggested that tabling by the Minister creates negative perceptions about the true independence of the Inspector.
- The combination of the period for consultation with the responsible Department once an inspection report is finalised by me, and the 30 day embargo period before the responsible Minister can table the inspection report contained in section 15(5) of the *Custodial Inspector Act* in effect means that it is at least two months before an inspection report is tabled, once it is finalised by my office.

I indicated that ideally the Department should be liaising with the Minister about the draft report throughout the consultation period, and consideration should be given to:

- a shorter embargo period being contained in section 15(5); and
- legislative amendment to allow the Inspector to directly table their inspection reports.

The second issue relates to the inspectorate staff being Department of Justice employees, and the perceptions of custodial staff and prisoners that these employment arrangements bring into question their independence. Ideally, the independence of the office could be strengthened if inspectorate staff were employed by a different department and service level agreements relating to human resources and information technology services were held with a department that has no direct responsibility for Prison Services or Youth Justice.



6 Key Observations

The inspectorate's work over the reporting period has been heavily impacted by the departure of its only two staff members in 2021. Additionally, difficulty in recruiting staff since that time has resulted in a backlog of inspections.

I undertook the inspections and reviews outlined in section 3, however, monitoring functions such as reviewing reports from AYDC and TPS and regular review of information relating to vulnerable prisoners, searching and contraband, incidents, segregation and isolation has not been undertaken for some time. These functions have recently recommenced and with additional staff resources, will be continued.

With regard to youth custodial centres, any queries or concerns I have about the operations at AYDC are resolved promptly through liaison between my office and the Director, Youth and Family Violence Services or the Manager – Custodial Youth Justice at AYDC.

In relation to adult custodial centres, it appears that it remains as I reported last year that not all major issues raised in my inspection reports have been addressed. The progress reports outlined in Section 4 above will provide a complete assessment of implementation of recommendations to date.

While some issues outlined for review in my 2020-21 Annual Report have been considered in this reporting year, the majority continue to be of concern, specifically:

- major offender alerts;
- the Aspley unit;
- the Tamar unit;
- use of force continuum, specifically whether de-escalation measures are being consistently and effectively employed where possible prior to the use of force;
- disciplinary process and contract levels;
- section 42 leave;
- medical examinations;
- protection prisoners; and
- security classification and reviews.

As I have outlined, due to resourcing, the inspectorate has been unable to progress reviews considering these issues in detail and with the backlog of inspections, it is unlikely that these will be considered in the 2022-23 financial year.

6.1 Emerging Issues

The following new issues were identified by the inspectorate in the 2021-22 financial year:

- **Access to dental care**

Difficulty accessing dental care has been repeatedly raised with my staff during the



reporting year. I reported in my Care and Wellbeing inspection report in 2017:

Over the course of this inspection, it became obvious that, while prisoner numbers have increased and extra beds have been installed, corresponding health infrastructure and services have not been increased proportionally. The increase in prisoner numbers places increased pressure on the health system, leading to longer waiting times and, in some cases, results in the health needs of prisoners not being met. This situation was strongly reflected in feedback from prisoners, who identified a lack of healthcare as a significant issue at all custodial centres. With respect to both dental care and optometry the feedback from a number of prisoners, independently, was that the services are excellent, but the waiting lists are long.

With respect to dental care, the situation appears to have worsened, with many prisoners reporting putting up with significant dental pain for lengthy periods before being seen by a dentist. The situation is compounded by the fact that prisoners cannot readily access medication to manage pain while waiting for a dental appointment.

This issue will be considered during the next Physical Health Care inspection, which will be undertaken in the 2022-23 financial year.

- **Prisoner pay for work**

As highlighted in my Rehabilitation and Reintegration inspection report in 2018, the prisoner pay scale had not been reviewed for some 11 years at that time. I recommended:

That TPS undertakes ongoing review of the pay scale for increase in line with at least the Australian consumer price index.

TPS responded that it would consider the recommendation in its annual review of the prisoner pay scale, subject to resource allocation being sufficient.

My staff have been consistently advised by prisoners that the pay scale remains unchanged and this has been more frequently raised since TPS increased its canteen prices, on some items significantly. It is acknowledged that TPS is justifiably passing on price increases from its suppliers, however, prisoners continue to report that the price increases are difficult to absorb when their pay scale has not increased for many years. This issue will be considered in the Wellbeing inspection in the 2022-23 financial year.

- **Safety**

My staff have been advised that prisoner assaults are increasing. This is confirmed by the Report on Government Services (RoGS) 2022⁴ which indicates:

- while serious assaults⁵ by prisoners on prisoners have reduced from 2.41 per 100 prisoners in 2019-20 to 1.87 per 100 prisoners in 2020-21, assaults⁶ have increased

⁴ See <https://www.pc.gov.au/research/ongoing/report-on-government-services/2022/justice/corrective-services> at Part C, Section 8 Corrective Services

⁵ RoGS defines 'Serious assaults' as acts of physical violence resulting in injuries that require treatment involving overnight hospitalisation in a medical facility or ongoing medical treatment, as well as all sexual assaults.

⁶ RoGS defines 'Assaults' as acts of physical violence resulting in a physical injury but not requiring overnight hospitalisation or ongoing medical treatment.



from 11.75 per 100 prisoners in 2019-20 to 17.49 per 100 prisoners in 2020-21; and

- of particular concern, assaults by prisoners on officers have increased from 1.81 per 100 prisoners in 2019-20 to 2.65 per 100 in 2020-21 which is the highest in any Australian jurisdiction.

6.2 Ongoing Issues of Concern

The following areas continue to be of concern:

- TPS continues to deal with increasing prisoner numbers which creates a high demand for prisoner services and prisoner health care;
- ageing infrastructure at RBP and LRP in particular;
- the lack of drug and alcohol treatment programs for all prisoners;
- insufficient and inadequate assistance is provided to prisoners pre and post release;
- very few applications for section 42 leave for rehabilitation and reintegration purposes are approved; and
- generally, prisoner requests to attend funerals for significant family members or relationships continue to be refused with an over-reliance on external service providers to facilitate funeral attendance by means of video facilities rather than escorting prisoners to funerals.



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