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To Whom It May Concern

The Tasmanian Council of Social Service (TasCOSS) welcomes the opportunity to comment on the 'Breaking the Cycle Tasmania Corrections Plan 2010-2020 Discussion Paper' (the Paper).

TasCOSS is the peak body for the Tasmanian community services sector. Its membership comprises individuals and organisations active in the provision of community services to low income, vulnerable and disadvantaged Tasmanians. TasCOSS represents the interests of its members and their clients to government, regulators, the media, and the public.

We support forward planning in the Corrections sector and commend the Department on the Discussion Paper. TasCOSS will support evidence based policy choices that improve service provision to remove employment, housing, education, health and social inclusion barriers to offender rehabilitation. We believe such policies have the greatest chance of reducing recidivism and improving community outcomes. TasCOSS is of the opinion, however, that there are some overriding issues that have not been addressed adequately.

#### **Cultural change within the Corrections Sector has been slow**

While there has been significant reform in the corrections sector in recent years, improving staff training and increasing case management for offenders, members have reported that cultural change has been slow and difficult and many of the services discussed in the Paper are yet to be offered to the majority of offenders. Transition services for offenders re-entering the community, for example, are only offered to high risk offenders from the South.

As research cited in the Paper suggests, good case management combined with adequate health care, education and transitional services, are crucial for offender rehabilitation. We are of the opinion that the priority for the Corrections Plan should be to extend these services to all offenders as soon as possible, including those in community corrections.

Furthermore, members also report that while accessibility to prisoners has improved, there are still barriers. For community engagement to occur and be successful, these barriers must be removed. Perhaps most significantly, however, members advise us that communication between different parts of the criminal justice system, and between the system and community service organisations, is very poor. There have been instances where offenders have served a prison sentence, been rehabilitated and released, and then been served with outstanding warrants from a time prior to the prison sentence. The Prison Service has also failed to communicate important information to community service organisations assisting prisoners re-enter the community, such as client release dates. These situations cannot be said to create improved community outcomes and should be addressed.

### **There is a need for more integrated planning and resourcing**

The Paper cites the significant increase in offenders dealt with by the Tasmanian Corrections system in the last ten years, an increase of 94%, which has placed considerable stress on the system. The Paper acknowledges a number of drivers behind the increase in offender numbers, but concludes that the main factors appear to be changes in remand and sentencing patterns, rather than underlying crime rates. Considering the well known harm that interaction with the criminal justice system can have on future employment, health, family stability and social inclusion for offenders, TasCOSS finds this trend very troubling.

The Paper cites that these issues are beyond Corrective Services control and so ultimately the Corrections Service needs to be flexible enough to respond to changes in policy and practice elsewhere in Government. We consider this to be somewhat reactive and a poor perspective from which to consider policy development.

The Corrections Service is but one arm of the State Government. To contemplate the development of a ten year forward plan for the corrections sector in isolation from detailed input from, and consideration of the appropriateness of policies in, related sectors in the criminal justice system, is a mistake. How can the Government achieve improved outcomes for the community without integrated planning between different arms of the criminal justice system? We would argue for integrated planning between not only the different parts of the criminal justice system, but also appropriate areas in health, education and community services.

Resourcing is also raised repeatedly in the Paper as an issue that may prevent the implementation of reforms and services that have the greatest chance of reducing recidivism. If planning and resource allocation was conducted in a more integrated manner, with a better understanding of the implications of policy decisions in one sector on the resourcing needs of another, this issue could be minimised.

While the Paper recognises the impact of sentencing decisions on corrections operations, and on likely recidivism, and provides a discussion of the issues, it ultimately states that they are outside the scope of the Paper and emphasises that the independence of the judiciary should be respected. We recognise this of course, but remind the Government that the Judiciary is guided by a legislative and regulatory framework and we urge the Government to avoid 'silo' policy making, particularly in light of research presented in the Paper.

International research, for example, that shows that community corrections options are preferable to custody based sentences for many offenders and combined with good case management, results in reduced recidivism and improved community outcomes. Presently, community corrections options cost far less for Corrective Services to implement than custodial sentencing. The Paper raises the issue, however, of the difficulty and cost of providing community corrections offenders with the services they need to rehabilitate, including training, case management and mental health care, particularly in regional areas.

Would and should the Judiciary continue to rely on community corrections options if it were apparent to them that offenders may not be able to access the same quality of case management, including mental health care, drug and alcohol services and training opportunities available to custodial offenders? Particularly if the lack of these services significantly reduced an offender's likelihood of rehabilitating?

Thus, apart from integrated planning, we also urge the Government to resource the corrections sector appropriately to ensure that offenders and the community can actually obtain the benefits that the structure of the Corrections Service is designed to deliver, but presently cannot due to resourcing constraints. The greater the rehabilitation of offenders, the less it will cost the community in the long-term with respect to recidivism and intergenerational poverty and anti-social attitudes.

### **The provision of mental health services to offenders is a priority**

The Paper also discusses the greater likelihood that offenders will suffer from some form of mental illness, but states that as antisocial attitudes are greater predictors of illegal behaviour, these beliefs need to be the immediate targets of intervention (p.16). We reject the assumption that the treatment of mental illness is not imperative for an offender's rehabilitation and further assert that the treatment of mental illness is not merely a rehabilitative option, but a human right. The availability of mental health

services is extremely poor for the majority of the Tasmanian population and there are numerous barriers to seeking and receiving treatment. While we are of the opinion that mental health services must be vastly improved for Tasmanians in general, we feel that the provision of mental health services for offenders, including offenders under community corrections and on parole, must be a priority.

Furthermore, given that individuals suffering mental disorders have a much greater likelihood of alcohol or drug dependency and that these issues cannot be easily isolated from each other during treatment, both of these services need to be offered to all inmates in an integrated manner, as a priority. Alcohol and drug dependency as a causal factor to illegal activity is well known and acknowledged in the Paper. While the Paper discusses these issues, and identifies the expansion of mental health services as a desirable option raised by stakeholders, lack of resourcing is again raised as a barrier. We reiterate that mental health treatment is a human right and Government has a responsibility to adequately resource these services.

### **Migrant issues have not been considered in the Discussion Paper**

Feedback from our members suggests that migrant and refugee involvement in the criminal justice system is an emerging issue in Tasmania and we are disappointed to note that the Paper contains no discussion of migrant issues. We have an important opportunity as a society to engage with migrant and refugee communities now to prevent social exclusion, emerging intergenerational poverty and anti-social behaviour. Although community engagement, and the development of culturally sensitive and appropriate sentencing options, is not within the scope of the Discussion Paper, we take the opportunity to highlight the issue to the Tasmanian Government and again restate the need for integrated planning and policy development.

In particular, we have been advised that cultural differences between established Tasmanian society and some migrant communities are significant, particularly around gender and family violence matters. A greater amount of community engagement and education needs to occur to ensure that individuals in these communities are aware of their rights and responsibilities.

Members have also advised us that people from non-English speaking backgrounds are at great disadvantage when coming into contact with the criminal justice system. The system is intimidating and complex. Migrants and refugees have little chance of adequately understanding the complex, legalistic (and jargonistic) language used by the Police and the Courts. Members have stated that persons from non-English speaking backgrounds need to be provided with plain English documentation and explanations, and where needed, interpretation services at all stages of contact with the system.

Language barriers can worsen upon sentencing, as interpretation services available to accused individuals may not be as accessible to convicted offenders. Members have

highlighted to us the undue distress caused to some migrant offenders given custodial sentences. These offenders, some of whom have no English, can fail to understand and follow directions from Corrections staff, and are unaware of their rights or the services available to them. Due to their community's lack of knowledge of the system and barriers to communicating with and accessing offenders, a migrant can go into custody and be completely isolated for the duration of their sentence.

Our members have suggested that actively engaging migrant communities in an offender's rehabilitation will improve outcomes for the community. While community engagement will require increased resources for the case management of particular offenders, ultimately the benefits to the offender and the migrant community may reduce recidivism by the offender and could further reduce illegal behaviour by other members of the community.

The Migrant Resource Centre has also highlighted the lack of training given to Correctional Services staff on migrant and refugee issues and has suggested that cultural awareness training should be given to all staff as a matter of course. Such training would improve communication between migrant and refugee offenders and Corrections staff.

Thank you for the opportunity to contribute to this process and we hope our comments have been useful. We hope we can remain involved in the ongoing development of the 2010-2020 Corrections Plan.

Yours sincerely



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