

2011

Report on

Queensland

Prisons



**PRISONERS'
LEGAL
SERVICE INC.**

Justice Behind Bars



Catholic Prison Ministry

supporting prisoners and their families

Queensland Prisons

- **Arthur Gorrie Correctional Centre**
- **Borallon Correctional Centre**
- **Brisbane Women's Correctional Centre**
- **Capricornia Correctional Centre**
- **Darling Downs Correctional Centre**
- **Lotus Glen Correctional Centre**
- **Maryborough Correctional Centre**
- **Numinbah Correctional Centre**
- **Palen Creek Correctional Centre**
- **Townsville Men's Correctional Centre**
- **Townsville Women's Correctional Centre**
- **Wolston Correctional Centre**
- **Woodford Correctional Centre**
- **Helana Jones Correctional Centre**

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Executive Summary

Every year, Catholic Prison Ministry and Prisoners Legal Service conduct a series of visits to every prison in Queensland. During these visits, we meet with prisoner representatives and individuals seeking advice. The following report picks up on four of the broad themes that were identified by the prisoner population during our visits in 2011. These themes are:

- Chapter 1: Solitary confinement;
- Chapter 2: Pay Rates, Poverty and the Cost of Living Inside (wages and allowances);
- Chapter 3: Education behind bars; and
- Chapter 4: Throughcare.

The first chapter of this report examines the use of solitary confinement. The use of solitary confinement in Queensland has increased dramatically with the opening of the Maximum Security Unit (MSU) at Brisbane Correctional Centre; effectively doubling MSU cells in the state. This despite solitary confinement having been widely reported to have severe psychological effects on prisoners due to isolation and lack of social stimulation, reduced activity and a total lack of control over every aspect of their life. The lack of meaningful and positive contact with other human beings can have major implications on the mental health of prisoners in solitary confinement. Research indicates that prisoners who have spent significant time in solitary confinement report being unable to regain the necessary social skills to lead functional social lives leading them to live in social isolation similar to conditions they experienced in solitary confinement. This would indicate then, that solitary confinement, in particular long periods, is the diametric opposite of one of the main stated objectives of prison which is to rehabilitate. Prisoners with pre-existing mental health conditions (and those who develop them) should not be placed in solitary confinement, and the MSU and DU should never be used to replace mental health facilities.

The third chapter considered the poverty of prisoners and their families in light of insufficient wages or allowances. Wages and allowances in Queensland prisons have barely risen since 1993 while prices for items available are reviewed and often increased quarterly. This situation is leading to tension, violence, standover, bullying and theft over personal belongings such as tobacco and food items and also over personal hygiene. In many cases, family members on the outside are pressured to provide financial support. These families are already vulnerable to poverty and debt due to the imprisonment and now find themselves in the position of having to support prisoners by sending money for basic necessities such as phone calls.

The third chapter of this report examines education behind bars. Queensland currently trails all other Australian states and territories in the proportion of its prisoners participating in education and training courses. The annual Reports on Government Services measure the proportion of prisoners participating in accredited courses under the Australian Qualifications Framework as a percentage of those eligible to participate. In the 2010-2011 reporting period, only 27.8% of prisoners in Queensland participated in education and training programs, which is not only below the national average of 35.0%, but is the lowest participation rate in the country. Our report considers the human rights aspects of education and elaborates on the barriers that prisoners face in gaining education.

The final chapter of this report considered throughcare systems in Queensland prisons. Effective rehabilitation and through care becomes the only hope of release and return to a productive life in the community. Throughcare systems are a vital part of prisoner rehabilitation in prisons as it can substantially decrease the likelihood of recidivism once a prisoner is released from prison. In Queensland, current throughcare systems are relatively ineffective at achieving this goal in comparison to alternative jurisdictions. Recent evaluations of Queensland prisons have demonstrated that, in general, effective throughcare systems are not being provided when compared to those offered in other jurisdictions both within and outside Australia.

Chapter 1

Solitary Confinement

*“(solitary confinement)...should **only** be used as a last resort and be reserved for a handful of the most extreme cases. In the few cases where solitary confinement may be exceptionally and absolutely necessary, it should only be used for the shortest possible time, and be managed within established guidelines and strict safeguards”*
(Shalev, 2008)

The United Nations Istanbul Statement on the *Use and Effects of Solitary Confinement* gives the definition of solitary confinement as “...the physical isolation of individuals who are confined to their cells for twenty-two to twenty-four hours a day” (United Nations, 2007, Taylor, 2009).

Prisoners are being placed on **consecutive** Maximum Security Orders, or Safety Orders in Queensland prisons often for years at a time, and in some extreme cases more than ten years. We are aware of one prisoner who was held in solitary confinement for over nine and a half years of his ten-year sentence before being released straight into the community.

Maximum Security Orders (MSO) can be placed on prisoners if they are considered a risk of escape, risk of killing or injuring other prisoners or threatening the security or good order of a prison. An MSO can be made for up to six months with the option of consecutive orders (Queensland Corrective Services, 2011). Currently Queensland has two Maximum Security Units (MSU), and Detention Units in most prisons throughout the state.

Safety Orders can be placed on prisoners for prevention of self harm, risk to others and for the security or good order of the prison. Whether there are other motivations behind the order, such as political expediency, is worth considering. Safety Orders are made for a period of one month however there is no limit to the amount of consecutive orders made. Prisoners are often held in Detention Units (DU) for the duration of their SO resulting in some prisoners spending many years under these conditions.

If you treat people like animals, that’s exactly the way they’ll behave...
(Christopher B. Epps, Mississippi Commissioner of Corrections, 2012)

In 2011 Queensland Corrective Services re-opened the MSU at Brisbane Correctional Centre doubling the amount of solitary confinement cells in the state to 36. Another MSU is located at Arthur Gorrie Correctional Centre at Wacol. Prisoners in the MSU spend 23 hours a day in their unit. They rarely have associations with other prisoners and have little contact with anyone other than Corrective Services staff. Some prisoners in Queensland have spent 12 years or more in an MSU with many others spending years on consecutive orders. Visits with friends, family and loved ones are only permitted in a non-contact booth with no physical contact occurring. Research alarmingly indicates that damaging psychological effects are directly relational to the duration of the period of solitary confinement (Metzner and Fellner, 2010). In some cases, prisoners held in the MSU have ‘association’ with other MSU prisoners however it is suggested this practice of ‘small group isolation’ can have similar effects as solitary confinement (United Nations, 2007).

Impact of Solitary Confinement

Indefinite and prolonged solitary confinement, in excess of fifteen days, should also be subject to absolute prohibition (Juan E. Mendez, United Nations Special Rapporteur on Torture, 2011)

Concern over the use of solitary confinement in prisons has been raised in many forums including the United Nations General Assembly where they considered that "...the prolonged isolation of detainees may amount to cruel, inhuman or degrading treatment or punishment and, in certain instances, may amount to torture" (United Nations General Assembly, 2008). The longer the period of solitary confinement and the more indeterminate it is, can increase the damage caused to prisoners (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2011).

...solitary confinement for life-sentenced prisoners 'should be absolutely prohibited' (United Nations, 2007)

Life-sentenced prisoners are regularly placed in solitary confinement. Prison law in Queensland allows for the detention in solitary confinement in prison of people who have been diagnosed with a psychiatric disorder or an intellectual disability following examination by a doctor or psychologist. These practitioners may not have the time, opportunity, resources, experience or qualifications to assess the often complex multifaceted aspects of a prisoner's psychiatric condition.

Solitary confinement has been widely reported to have severe psychological effects on prisoners due to isolation and lack of social stimulation, reduced activity and a total lack of control over every aspect of their life. The level of social deprivation experienced in solitary confinement has been shown to harm prisoners who had no mental health issues prior to being placed in solitary, and worsen the mental health of those who had pre-existing conditions. Psychological effects include anxiety, depression, anger, cognitive disturbances such as poor memory, poor concentration, confusion, perceptual distortions including hallucinations, hypersensitivity to noise and smell, and paranoia and psychosis (Haney, 2001) (United Nations, 2007). Shalev, in *Solitary Confinement and Supermax Prisons* reports prisoners claimed they were not deprived of food or clothing. However, 'conditions of extreme social isolation and reduced environmental stimulation (in solitary confinement) inflict psychological trauma and in some cases deprive inmates of sanity itself' (Shalev, 2011).

The lack of meaningful and positive contact with other human beings can have major implications on the mental health of prisoners in solitary confinement. Without positive affirmation and the loss of control one's humanity can be lost. The loss of personal power and the ability to make any decisions or influence over their lives affects the way they think, feel and act (Frintner, 2005). Loss of control affects every part of the prisoner's life; how long they will be there, where they are kept, how much food they get and how often, what clothes they are given, the level of light and noise, the possessions they are allowed to have, bedding they are permitted, when their cells are cleaned, if they have any exercise or out of cell time, associations, study time, whether or not they have fresh air. In the MSU, some cells have water controls, where prison staff can deny a prisoner a fresh supply of water.

Little is known about the long-term effects of solitary confinement and there have been few studies on this subject. In the state of Massachusetts in the USA, legislation requires prison authorities to remove prisoners from solitary confinement for 24 hours each 15-day period.

One study has shown that the effects of solitary confinement decline rapidly during the 24 hour period (Grassian, 1983). Many prisoners have reported experiencing difficulty when faced with social situations for long periods following their release. Additionally they report being unable to 'regain the necessary social skills' to lead functional social lives leading them to live in social isolation similar to conditions they experienced in solitary confinement. This would indicate then, that solitary confinement, in particular long periods of solitary confinement, is the diametric opposite of one of the main stated objectives of prison which is to rehabilitate (Grassian, 1993, Shalev, 2008).

Ways of Ameliorating the Effects of Solitary Confinement

There are a number of ways to ameliorate these effects including social activities with other prisoners, increased informal contact with staff and visiting professionals, external psychologists and social workers (Shalev, 2008). Allowing all professional visits to be held in a private setting would allow the prisoner to safely disclose any problems. More importantly prisoners in solitary confinement must be afforded a high level of contact with families and friends. When visits do take place they are held in non-contact booths, preventing any physical contact. Currently MSU prisoners are entitled to two ten-minute phone calls per week. Physical exercise is an essential component toward maintaining mental health and well-being. Often prisoners in MSU and DU regimes do not have access to any forms of physical exercise beyond their small cell. An increase to minimum or recommended periods of exercise is essential.

Prisoners with pre-existing mental health conditions (and those who develop them) should not be placed in solitary confinement, and the MSU and DU should never be used to replace mental health facilities. Solitary Confinement must only be used as a short-term solution if at all and the use of it should be governed by tight regulation particularly in relation to consecutive orders, ensuring that it is never used indefinitely. Research indicates that damaging psychological effects are directly relational to the duration of the period of solitary confinement (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2011). Furthermore, studies have shown (see Toch, 1992 and McClerry 1961) that indeterminate periods of solitary confinement can lead to increased hostility and aggression.

Long term prison regimes based entirely on solitary confinement run contrary to two of the primary goals of imprisonment, namely rehabilitation and social reintegration (Shalev, 2008)

Why Place Prisoners in Solitary Confinement?

There appears to be a range of reasons why prisoners are placed in solitary confinement including; punishment, protection, prison management, investigation and lack of other solutions (Shalev, 2008).

QCS legislation provides opportunities for changes in security classification, transfers to lower custody settings and for parole. However these are mostly denied to prisoners who spend long periods in solitary confinement. These prisoners rarely have the opportunity to progress through the prison system or in getting release on parole. Additionally they are denied access to many of the programs, criminogenic and educational, and vocational training offered to other prisoners. The removal of these pathways prevents them from addressing their offending behaviours, reintegration and release needs, thus putting into jeopardy community

safety when they are eventually released. This produces in effect, the antithesis of the stated aims of corrective services. Moreover, there is the possibility of political interference if a prisoner is considered 'high profile' and comes under media scrutiny.

In 2009 an article by Atul Gawande titled *Hellhole* was published in *The New Yorker*. It related the story Terry Anderson the journalist held in solitary confinement in Lebanon for almost seven years, and John McCain the ex presidential candidate who was held in solitary confinement as a POW for five and a half years. None of the hostages captured with Anderson viewed solitary confinement as 'anything less than torture' while McCain stated, solitary confinement "...crushes your spirit and weakens your resistance more effectively than any other form of mistreatment" (Gawande, 2009).

Gawande posed the following question concerning the use of solitary confinement in the USA... 'If prolonged isolation is-as research and experience have confirmed for decades-so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own citizens to it than any other country in history has?' We believe that the use of solitary confinement in Queensland detention units and Maximum Security Units for prisoner 'management' purposes should be reviewed. This harmful regime causes mental illness and exacerbates current mental health issues. The Queensland government needs to take steps to stop this practice by implementing current best practice in the management of prisoners.

Chapter 2

Pay Rates, Poverty and the Cost of Living Inside

During our tour of prisons in 2011, PAC members spoke of the tension associated with low remuneration rates including wages and allowances. This can result in standover, theft, violence and bullying over personal belongings such as tobacco and food items, and also personal hygiene items such as soap.

Prisoners in Queensland are still living in poverty despite calls from Catholic Prison Ministry, Prisoners Legal Service and other non-government organisations to address this problem. Remuneration rates have not risen since 1993 while prisoner buy-up item prices are reviewed and increased quarterly.

Prisoners are entitled to the minimum Amenities Allowance of \$9.27 per week. If they are eligible for the unemployment allowance (for example, if they have a medical condition that prevents them from working or there is no work available) they will receive an additional \$6.30 per week.

Those prisoners who are employed in various industries in prison can earn between \$20.00 and \$50.00 per week, amounting to .50c or \$1.25 per hour. This is commensurate to 'hard' or 'slave' labour despite 'hard labour' being abolished in Queensland since 1988 (Sisters Inside, 2006). The national minimum wage in Australia is currently \$15.51 per hour (Fair Work Ombudsman, 2012). In Queensland the chief executive sets prisoner remuneration rates, known as 'incentive payments'. Currently there are no human rights conventions or relevant instruments, including the Standard Guidelines for Correctional Centres in Australia that assert prisoners' right to a certain level of remuneration. Prisoners have no opportunity to collectively organise to advocate for higher level of remuneration without facing punishment.

Families of prisoners often have to provide financial support to prisoners which can lead to breakdowns within the family unit (Smith et al., 2007). These families are already vulnerable to poverty and debt due to the imprisonment and additionally find themselves in the position of having to support prisoners by sending money for basic necessities such as phone calls. As a result families often get into debt through credit to purchase items such as food and to pay bills. Additionally these financial stressors place a further strain on relationships and serves only to destabilise families, especially children who are already missing the imprisoned parent or caregiver (Smith et al., 2007). Additionally there are many people in prison with SPER debts due to fine defaults. With the high cost of keeping people in prison the community should expect that the new LNP government will cease the practice of placing people in prison for owing money when that money will never be recovered.

There are alternatives to throwing fine defaulters into prison and clogging up the system. Most are only guilty of being a bit cheeky and trying to get out of paying their fines. They certainly shouldn't be taking up beds in jails alongside hardened criminals. Lawrence Springborg, Opposition Justice spokesman (Tallon, 1999)

The level of remuneration for all prisoners is overshadowed by the rising cost of essential items and food. In our 2008 report we included the following table to highlight the cost of some items. Those prices were current in 2008 but have increased dramatically since then while income has stayed the same.

Item	Cost
Deodorant (85g)	6.15
5 x Envelopes (pre-paid)	2.85
White Ox Tobacco (30g)	13.43
Shampoo	2.51
Conditioner	2.52
Soap	1.00
Coffee (International Roast, 200g)	6.45
10 minute telephone call from Maryborough to Brisbane	10.00
Television hire	2.00
TOTAL	46.91

Additional costs for prisoners include;

- Nicotine patches to give up smoking
- Clothing and footwear such as underwear, socks runners, and sunglasses.
- Food: some prisoners complained about the quality of food offered and described their reliance for basic nutrition on food purchased externally. Prisoners also purchase food from the vending machine for their visitors during contact visits.
- Educational material and paying student fees.
- Approved hobby items such as pens and brushes.
- Items such as a fan, a CD player, newspapers and books.
- Paying to attend a relative's funeral which includes the cost for prison staff to escort the prisoner

Many of the prison population either rely on outside sources for their basic necessities or are forced to go without. As mentioned earlier this places additional financial pressure on families that are already burdened with the loss of a breadwinner.

Chapter 3 Education Behind Bars¹

Education in Prison as a Human Right

The ability of prisoners to access and fully participate in educational programs while incarcerated is a fundamental human right. The Australian Human Rights Commission has enunciated that human rights, particularly the right to education, apply to all persons, including those currently imprisoned (Australian Human Rights Commission, 2009). Moreover, the Commission outlined that 'lack of access to educational rehabilitative services' in Australian prisons has at times raised significant human rights concerns (Australian Human Rights Commission, 2009).

International standards clearly establish that prisoners have a fundamental right to access education. The United Nations Committee on Economic, Social and Cultural Rights has stated that, 'education is both a human right in itself and an indispensable means of realizing other human rights' (United Nations Committee on Economic, Social and Cultural Rights, 1999). The right to education includes not just the provision of education, but also the provision of education that is available, accessible, adaptable and acceptable (United Nations Committee on Economic, Social and Cultural Rights, 1999) Incarceration in no way necessitates the forfeiture of this right.

Notably, the Basic Principles for the Treatment of Prisoners (United Nations, 1990), adopted by the UN General Assembly in 1990, states:

- (a) All prisoners should be treated with respect due to their inherent dignity and value as human beings (art. 1);
- (b) Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners should retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights... as well as such other rights as are set out in other United Nations covenants (art. 5);
- (c) All prisoners should have the *right to take part in cultural activities and education aimed at the full development of the human personality* (art. 6).

Moreover, several other international instruments also acknowledge the right that prisoners and institutionalised juveniles have to access education. The Standard Minimum Rules for the Treatment of Prisoners states "...provision shall be made for the further education of all prisoners capable of profiting thereby" and that "so far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty"(United Nations,1990). These protections extend even more strongly to juvenile offenders. The Standard Minimum Rules state: "...the education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration" (United Nations, 1990). Further, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice states, "...juveniles

¹ Education Behind Bars was written by UQ Law Students Jessica Faithfull, Eleanor Foote and Carl Tessmann, under the supervision of Professor Tamara Walsh and Matilda Alexander. We thank these students for their contribution.

in institution shall receive care, protection and all necessary assistance – social, educational, vocational, psychological, medical and physical – that they may require because of their age, sex, and personality and in the interest of their wholesome development” (United Nations, 1985).

Maintaining and improving prisoners’ access to education is a continuing challenge that requires the ongoing affirmation of education’s status as a human right. In the 2009 United Nations Report on ‘The right to education of persons in detention’, Special Rapporteur Vernor Muñoz made several key comments (United Nations, 2009):

Human rights are not relinquished upon imprisonment. One such inviolable right [is] the right to education while in detention...

Education is... much more than a tool for change; it is an imperative in its own right.

Human dignity, core to human rights, implies respect for the individual, in his actuality and also in his potential. As education is uniquely and pre-eminently concerned with learning, fulfilling potential and development, it should be a fundamental concern of education in detention, not simply a utilitarian add-on should resources allow it

Other Australian states have enshrined this fundamental right in legislation. The Victorian *Corrections Act 1986* provides that all prisoners have the *right* to take part in educational programs in prison (emphasis added). Kieran McCann, Manager of Corrections Education at the Port Philip Correctional Centre in Victoria, has reiterated this legislative position, stating that, ‘...education is a basic human right that can, along with other measures, help transform an individual or help them make choices in the future’ (Mascall, 2005).

It is clear that international best practice recognises education as a fundamental human right that all prisoners should enjoy. As discussed below in the recommendations, in order to break down cultural and institutional barriers and improve recognition of this right amongst the public and prison administrators, the Queensland legislature should insert a provision into the *Corrective Services Act 2006* (Qld) acknowledging prisoners’ fundamental human right to education and training. Further, the Queensland government should treat the status of education as a right as an imperative to improve educational programs in prisons.

Benefits of Education in Prison

Position of the Prisoner within the Criminal Justice System

As discussed below in relation to the barriers to education in prison, people who find themselves imprisoned are typically among the least educated and most disadvantaged in society (Bhatti, 2010 at 31). In a culture where people often value the punishment of criminals more than their rehabilitation, there needs to be a major shift in community mindset to increase the perceived value of corrective education.

Howard Zehr’s “centrality of the victim” theory suggests that the needs of the victim must have an influence on how criminals are dealt with, because when this is disregarded, an offender-orientated system prevails. An offender-orientated system fails to focus on the needs of the victim to live in a safe and secure society, but instead centres on the punishment and derogation of the offender. The criminal justice system should instead have an interest in justice for the victim, and should work towards the appropriate re-education and rehabilitation of the prisoner so that they become a law-abiding citizen (McCarney, 2002). Research has shown that prisoner education can have a positive effect on relationships,

recidivism levels and post-prison employment – all of which benefit the victim, the prisoner and society in general.

Relationship Benefits

Research has demonstrated that prisoner education can be beneficial both for individual prisoner reintegration and for society in general. Most importantly, education has a significant impact on the relationships between the inmate and those around them. An individual's ability to build rapport with others is essential for successful reintegration into society, and education in prison assists in the development of this skill. The first set of relationships to be built is the relationships between the inmate, their fellow classmates and the prison staff members. Some former prison instructors have reported that a mutual respect often developed between student and teacher, and in these cases a sense of sadness was felt among the class when some prisoners were transferred to other centres (Bhatti, 2010), in a process known colloquially as 'churn'.

A recent study of prisoners undertaking educational programs in Queensland prisons found that prisoners felt that their self-confidence and self-esteem had improved since they commenced the program, and they were proud of themselves for having successfully completed a training course, particularly in light of their generally negative experiences with the traditional school system (Callan & Gardner, 2005). Similarly, a 1993 study assessed the attitudes of 158 prisoners towards life and education within the prison system. It found that 98% of participants either agreed or strongly agreed that taking college courses was increasing their self-awareness, self-confidence, and self-esteem (Tootoonchi, 1993). This is particularly pertinent considering that 90% of the same sample group agreed that 'without education, prison would only be a cage that makes a person more frustrated and aggressive' (Tootoonchi, 1993).

In Australia, Vocational Education and Training ('VET') has created a pathway for prisoners to mould relationships with training providers, government agencies, and employers (Laird, Chavez & Zan, 2007). The Department of Corrective Services in Western Australia, through their Education and Vocational Training Unit, has designed a model that is the first of its kind in Australia. Upon entry into the corrective system, every prisoner receives an 'individual management plan' and each prisoner is given achievable goals. Under this model, fully trained teachers monitor the education and training element, and this information is then reconciled into the prisoner's management plan.

The success of Western Australia's program has been attributed to its emphasis not only on academic instruction, but also on prisoner re-integration into the community. More specifically, this unit allows prisoners to achieve 'equality of participation and achievement in the VET system' (Laird et al, 2007). Delivery of a credential at Certificate II level or higher provides prisoners with a qualification that matches those achieved by others in the wider community, and allows potential employers to easily make comparisons between the levels of qualifications of prisoners educated within prisons and civilians educated in TAFE institutes and colleges (Laird et al, 2007). Partnership programs with employers and external agencies such as 'Linking Offenders to Services' solidify these essential relationships and help to reintegrate prisoners into the community successfully (Laird et al, 2007).

Decreased Recidivism and Increased Employment

Perhaps one of the more common expectations of the prison system is that incarceration will help reduce rates of repeat offending ('recidivism'). However, research indicates that incarceration alone is not effective in reducing the rate of recidivism (Unruh, Gau & Waintrup, 2009), and those who reoffend have achieved a lower standard of education (Payne, 2012). In Australia, 58% of prisoners (sentenced and un-sentenced) had already been imprisoned on a prior occasion (Callan & Gardner, 2005). In 2004, 37% of prisoners were imprisoned within 2 years of their previous release date, and 47% had further experiences with corrective services (either through incarceration or with community corrections) (Callan & Gardner, 2005). The higher the level of education those prisoners attained while still in prison, the greater the reduction in recidivism (Chappell, 2004). A study exploring different factors that reduce recidivism rates among youth with disabilities reached a similar conclusion, and the researchers found that out of the prisoners who participated in both educational and mental health programs, 72% had not received a conviction after 24 months (Unruh et al, 2009 at 288). Only 58% of prisoners who did not receive these additional services were without conviction after 24 months (Unruh et al, 2009).

In 2004, Chappell conducted a meta-analysis² of research conducted in the area of recidivism and education between 1990 and 1999 (Chappell, 2004). After analysing 15 pieces of research published in those years, she found that 41% of inmates who did not participate in Post Secondary Correctional Education (PSCE) reoffended, compared to a 22% rate of recidivism for those who did participate in PSCE (Chappell, 2004). Overall, the analysis showed a positive correlation between prison education and lowered recidivism rates, and this result was statistically significant (Chappell, 2004).

Locally, the National Centre for Vocational Education Research (NCVER) conducted research for the Commonwealth Government into the effect of vocational education programs on reducing recidivism in Queensland (Callan & Gardner, 2005). Measures of recidivism that were used included persons returning to the corrective system and persons returning to custody. They found that education grouping is a significant factor in determining a prisoner's likelihood of re-offending (Callan & Gardner, 2005). In particular, individuals with an education level equal to or greater than a Year 12 level are less likely to reappear in the prison system (Callan & Gardner, 2005). This conclusion is similar to the prior research discussed, which found that once prisoners achieved that higher level of education, they were less likely to be reimprisoned.

There is a correlative relationship between the level of education received while re-incarcerated and the ability to secure post-release employment (Visher, Debus-Sherrill & Yahner, 2011). Due to their criminal record, released prisoners are particularly vulnerable during the period when they attempt to re-enter the work force (Visher et al, 2011), which means that many return to past employers to gain work. While returning to pre-prison employment may be made easier by the person's relationships with past employers' management staff, employment success decreases for those who did not work prior to their incarceration period (Visher et al, 2011). Since prison education programs increase connections to industry and potential employers, such programs may be beneficial to both prisoners who have and have not had any prior work experience.

Forming a mutually beneficial partnership between relevant community training facilities and prisoner education programs has proven to be an appropriate way of increasing post-prison employment. With these supportive linkages in place, post-prison employment is a real possibility for incarcerated individuals who would otherwise be without the skills or knowledge required to obtain employment. For example, under the Post-Release Employment Assistance Program (PREAP) in Queensland, a prisoner earned a Certificate I in Engineering as a participant in the VET program available at the Capricornia Correctional Centre in Rockhampton. He gained valuable skills in steel manipulation and with assistance from Employment Plus, was offered several jobs *even prior* to his release.

Barriers to Education in Prison

While there are clear benefits to improving prisoners' access to education and training, including reductions in recidivism and increases in community development, significant barriers to access continue to exist. These barriers flow from the cultural and political context in which the education programs operate, the institutions that facilitate the programs and the personalities and backgrounds of the prisoners themselves.

Cultural & Political Barriers

A significant cultural barrier to improving prisoners' access to education is the weight of public opinion in favour of a more explicitly punitive approach to punishment (Roberts, 2008).-This can flow from a lack of public knowledge of both standard sentencing practices (for example, the length of the average sentence) and the conditions experienced by prisoners (Muñoz, 2009) Negative sentiment is exacerbated by sensationalist media coverage of selected violent events within prisons that do not represent the experience of the average prisoner (Muñoz, 2009). As a result, governments are reluctant to legislatively enshrine the right to education, tend to develop on a 'tough on crime' mentality, and are encouraged to introduce more stringent penalties and harsher sentencing laws.

Institutional Barriers

The inherent limitations of the corrective services system provide significant barriers to providing education and training to prisoners. The underlying institutional issue hindering prisoner education is that education and training courses continue to be viewed by prison administrators and custodial officers as less important than, and secondary to, prison management (Callan & Gardner, 2005). This is manifested, for example, through the disruptions to classes that occur in order for prisoners to attend roll call (Callan & Gardner, 2005). The prison lockdowns that occur when a prisoner is absent from a roll call also contribute to the disruption (Muñoz, 2009).

The perception of education as secondary to prison management also contributes to a lack of communication between custodial officers and education providers. Prisoners from Maryborough Correctional Centre cited this lack of communication as causing delays in being able to access classrooms. Such delays eroded the already limited class time.

Rather than being viewed as a fundamental right, prisoners' access to education is at the discretion of prison authorities. Access is frequently dependent upon the level of security and length of sentence of each prisoner, and permission to attend classes may be withdrawn as a punitive measure (Muñoz, 2009). An important issue raised by prisoners at the Townsville Corrections Centre was that there were no courses available in the 'protection' section of the

Centre, where prisoners are housed if they are viewed as at risk of violence from other prisoners or a danger to themselves or others. Prisoners in protection were required to sign out in order to participate, which presented a difficult choice for prisoners who had entered protection due to fears for their own safety. Prisoners who were studying full time, and were therefore receiving full-time student remuneration, have reported being criticised by custodial officers and being called “lazy bludgers” (Callan & Gardner, 2005).

Prisoner releases and transfers between different prisons occur for a number of reasons, including overcrowding, personal safety and reclassification to a different security level. These movements, known as ‘churn’, often occur with very little warning and can limit the ability of providers to ensure continuity in training (Callan & Gardner, 2005). Required court appearances and compulsory attendance at offending behaviour programs (such as rehabilitation for drug addiction) also contribute to this issue (Sanford & Foster, 2006).

Lack of educational resources is an issue raised frequently by both academics and by the prisoners themselves. In particular, prisoners often do not have adequate access to computers that are required in order to produce word processed assignments, undertake research and communicate with class teachers and fellow students (de Graaf, 2009). The written educational material allowed into the prison is also harshly restricted and offending material may be confiscated (Muñoz, 2009), while it can be difficult for prisoners to obtain even basic resources such as pens, pencils and dictionaries (Sanford & Foster, 2006). Prisoner representatives from one prison reported that there were only two computers available for around 300 prisoners. There was also a lack of laptop availability for prisoners in higher security sections, and that access to computers was unavailable after 6pm. A related issue is that the prison environment itself is not conducive to academic achievement, with very few quiet and private places to study (Sanford & Foster, 2006).

Even where a prison does offer education programs, there may be extremely long waiting lists for classes that can extend longer than a prisoner’s sentence (de Graaf, 2009). This is particularly concerning because, excluding prisoners with life sentences and periodic detention sentences, the average prisoner serves only two years in prison (Australian Bureau of Statistics, 2011). Many prisoners, including those within the Brisbane Correctional Centre and the Townsville Correctional Centre, have also raised concerns that the courses being offered are extremely limited, out of date and do not provide pathways to employment post-release (de Graaf, 2009; Muñoz, 2009). For example, at Numinbah Correctional Centre, prisoners raised the issue that for several months only one course had been available. Prisoners displayed strong preferences for vocational training; for example, prisoners at Capricornia Correctional Centre suggested courses in bobcat and forklift operation.

The limited number of courses available and extensive waiting lists, although related to institutional prejudice against education in prison generally, also flow in part a lack of providers. Prisons often experience difficulty finding providers who are willing to work at lower pay levels than are available within private industry (Callan & Gardner, 2005), particularly in light of the negative public perception of prisoner education programs which is discussed above (Sanford & Foster, 2006).

Personal Barriers

Personal barriers are issues that are inherent to the prisoners themselves, including their experiences prior to and during imprisonment, and can be a significant barrier to providing education in prison (Muñoz, 2009).

The most significant personal barrier, particularly to more advanced courses, is the existing education level of the prisoners. Adult prisoners typically have a lower level of education and lower literacy and numeracy attainment than the general population (Community Development and Justice Standing Committee Western Australia, 2010; Australasian Corrections Education Association Inc, 2004). The highest education level that has been attained by more than 50% of prisoners in Queensland is lower than Year 10. Additionally, many prisoners are functionally illiterate. The majority of prisoners in a recent Western Australian study who claimed to have completed Year 10 were in reality only at a primary school level of literacy (Community and Justice Standing Committee Western Australia, 2010). In relation to the Indigenous population, lack of education is even more severe; a New South Wales study has found that 70% of Aboriginal males in prison had left school before they reached Year 10 (Indig et al, 2009).

Persons with a learning disability or a mental illness are generally also significantly over-represented within the prison population (Muñoz, 2009), and a New South Wales study has suggested that up to 74% of male prisoners have mental illness. The picture is worse for Aboriginal and Torres Strait Islander women in prison, 86% of whom have been diagnosed with a mental illness (Heffernan, 2012). Combined with the lower levels of education discussed above, this results in many prisoners having had bad experiences within the mainstream schooling system. Prisoners therefore often have poor self-esteem in relation to their ability to learn, and negative attitudes towards education in general (Community Development and Justice Standing Committee Western Australia, 2010). Prisoners with mental illnesses in particular may not receive adequate therapeutic or pharmaceutical care while in prison, exacerbating their mental health issues and preventing them from participating in education programs (Walsh, 2004), particularly where these programs are not tailored to their specific needs (Callan & Gardner, 2005).

Indigenous prisoners, due to both their statistically lower levels of literacy and numeracy and cultural differences in their approach to learning, often require an educational model which takes these factors into account. For example, Indigenous prisoners in a National Centre for Vocational Education Research (NCVER) study were reluctant to participate in mainstream VET because they were concerned it would be a “shame job” and they would look foolish in front of other prisoners (Callan & Gardner, 2005). Prisoners at the Townsville Correctional Centre expressed a need for prison staff to respect different learning styles, particularly the Aboriginal style of learning through story.

The need to address these issues is evident in the current rates of prison education participation in Queensland; most participants are both more likely to have already attained higher levels of education and less likely to be an Aboriginal or Torres Strait Islander (Callan & Gardner, 2007).

Recommendations

In light of the above barriers, it is recommended that:

Cultural/Political Barriers

1. *The right to education in prison should be embedded in the Corrective Services Act.*

The right to education in prison should be legislatively guaranteed in the *Corrective Services Act 2006* (Qld) using similar terms to those of s47 (1)(o) of the *Corrections Act 1986* (Vic).

Institutional Barriers

1. *Explicit acknowledgement should be made by Queensland Corrective Services of the equal status of the objectives of prison management and prisoner education.*

The importance of prisoner education should be explicitly acknowledged by including education and training in offenders' management plans (Australasian Corrections Education Association Inc., 2004). The system used in Western Australia, under which education and training components are integrated into each prisoner's individual management plan, could be used as a guide (Laird et al, 2007).

2. *Greater communication should be encouraged between education providers and custodial officers.*

Communication and mutual respect between education providers and custodial officers and management should be encouraged, and custodial officers should be given the opportunity to access education and training themselves (Laird et al, 2007)

3. *Further funding should be made available to provide more places for prisoners to undertake full-time study.*

Due to the recognised importance of prisoner education, more full-time student places should be funded.

4. *Further educational resources, including electronic resources, should be made available to prisoners undertaking education and training.*

To the extent that it is possible while continuing to ensure the security of the prison and the safety of other prisoners, funding should be provided to ensure that prisoners have adequate access to computers, internet and non-electronic resources such as dictionaries and textbooks.

5. *A module-by-module approach should be taken to the provision of education in prison.*

A module-by-module approach, in which each course is taught in short and relatively self-contained segments, should be adopted in order to counter-act the effects of churn. The modules will be short enough that even short-term prisoners will be able to complete at least one before being transferred or released. However, continuity will still be emphasised in relation to longer-term prisoners, who will be able to complete an entire set of linked units to complete an entire course (Callan & Gardner, 2007).

6. *Focus should be placed on courses that improve employment opportunities (Callan & Gardner, 2007).*

Particular priority should be placed on funding and coordinating courses that provide hands-on experience in disciplines most likely to improve employability post-release (Australasian Corrections Education Association Inc., 2004). Prisons should also focus on 'throughcare', by providing offenders with employment counselling services pre- and post-release (Australasian Corrections Education Association Inc., 2004).

Personal Barriers

1. *Prisoner achievements should be actively promoted by both education providers and custodial officers*

Active promotion of prisoner achievements, for example, through awards and ceremonies with family attendance (Australasian Corrections Education Association Inc., 2004)-will provide positive reinforcement to contrast with the prisoners' previous negative experiences with the school system (Callan & Gardner, 2005).

2. *Education and training provided to Indigenous prisoners should be appropriate and adapted to their needs*

Existing educational programs should be modified where necessary in order to meet the particular needs of Indigenous prisoners, by, for example, providing one-one-one literacy support or adapting teaching styles to incorporate Indigenous ways of thinking and learning (Dawe, 2007). Indigenous Australians should be employed as education providers where they are appropriately qualified (Australasian Corrections Education Association Inc., 2004).

Conclusion

The significant limitations in the provision of education and training in Queensland prisons can no longer be ignored. Queensland's prisons continue to have the lowest education participation rates in the country, and there has been no trend towards improvement in recent years. This severely compromises prisoners' fundamental human right to access educational programs. Further, it severely limits the practical benefits that such educational programs could have upon prisoners and communities, which include improving a prisoner's rehabilitation process and assisting in a successful transition from incarceration to post-release employment. This report has identified the many cultural, institutional and personal barriers that prisoners currently face in attempting to access education programs, and listed a number of recommendations that will assist in overcoming these identified problems. It is strongly urged that these recommendations are promptly acted upon.

Chapter 4

Throughcare

Throughcare systems are a vital part of prisoner rehabilitation in prisons in most jurisdictions. Effective throughcare systems substantially decrease the likelihood of recidivism once a prisoner is released from prison. In Queensland, current throughcare systems are relatively ineffective at achieving this goal in comparison to alternative jurisdictions such as Victoria (Australia), Canada and Scandinavia (Norway, Sweden and Finland).

Recent evaluations of Queensland prisons have demonstrated that, in general, effective throughcare systems are not being provided when compared to those offered in other jurisdictions both within and outside Australia (Walsh 2006). The ineffectiveness of the current systems may result in high incidence of recidivism once prisoners are released, placing both the individual and the community at risk (Stuart & Williams 2006). Studies show that the implementation of adequate throughcare systems in prisons in other jurisdictions has reduced the likelihood of recidivism (Burrows et al. 2001; Blud et al. 2003; Fox et al. 2005). Throughcare is focused on meeting any criminogenic needs as well as providing health care, education and training services, thus reducing the likelihood of reoffending (Walsh 2006).

Most western liberal jurisdictions classify prisoners in order to provide a structure that encourages prisoners in the course of their custodial sentence to progress through the classifications by demonstrating “good conduct and industry” (Walsh 2006). In Queensland, those classifications are high or low. Over the past decade changes have been made to classifications including the removal of a ‘medium’ classification. Best-practice suggests that these types of classification systems should be used to create tangible goals that prisoners can aim to achieve. The *Standard Guidelines for Corrections in Australia* (2004) asserts that classification should be predictable, structured and transparent. If the classification system is not clear and understandable, prisoners lose morale and have little to aim towards during their time in prison (Walsh, 2006).

An important factor for throughcare models is vocational education and the development of work-related skills among prisoners. The link between criminal offending and social disadvantage has been widely acknowledged (Borzycki & Baldry 2003). Many individuals who enter the prison system end up there because they have been confronted with an array of social challenges, some of which include limited educational attainment and employment prospects, poor physical health and social and communication skills as well as alcohol, drug and mental health issues (Graffam, Shinkfield, Mihaildes & Lavelle 2005). Prison generally has the effect of exacerbating marginalisation, ensuring that if adequate support and rehabilitation for these issues is not provided while imprisoned, the risk of reoffending is greater (Callan & Gardener 2005). Addressing social disadvantage and the causes of criminal behaviour while an prisoner is in prison has been found to be the most successful method of assisting people to effectively reintegrate into the community, reducing the risk of recidivism (Borzycki & Baldry 2003).

In Queensland, the throughcare approach should provide prisoners with the opportunity to engage in prison work throughout the course of their incarceration (Queensland Corrective Services 2003; Kinner, 2006; Walsh, 2006). However many prisoners report that employment is often not available. Educational and vocational skills programs are offered in Queensland prisons including: accredited courses for a range of skill areas including construction, first aid,

and computer studies (Queensland Corrective Services 2008) however prisoners' access to these programs is restricted. Prisoners do not have free access to these education and vocational programs with access being granted by Corrective Services according to an assessment of each prisoners needs (Queensland Corrective Services 2008). Prisoners who are serving a sentence of 12 months or less cannot access these programs (Callan & Gardener 2005). For longer-term prisoners, access to these types of programs often occurs late in their incarceration period, often occurring after their parole eligibility date.

The Bearing Point Review (2003) presented a comprehensive review of the education and vocational skills training programs facilitated within Victorian (Australia) Corrective Services. Following the release of this report, the Corrections Victoria Bearing Point Implementation Committee was established. This Committee is responsible for planning and implementing changes and programs that the review recommended to assist prisoners with community reintegration through increased employment opportunities (Halliday & Wynes 2007b). This included establishing agreements between tertiary providers and prison management that allow prisoners access to educational and vocational training while imprisoned (Halliday & Wynes 2007a). Programs are aimed to equip prisoners with education and work experience while imprisoned so once they were released they could secure and maintain employment which would in effect reduce the likelihood of recidivism (Graffam & Hardcastle 2007).

Corrections Victoria implemented an assessment tool that assesses prisoners' language, numeracy and literacy skills and suggests courses and skills programs to improve areas where skills are lacking (Halliday-Wynes 2007a). Once the needs and aspirations of the prisoner are identified they are provided with direct employment and education assistance through work preparation programs such as assistance with resume writing and interview skills, work placements and the opportunity to undertake accredited tertiary courses (Graffam & Hardcastle 2007; Graffam, Shinkfield, Mihaildes & Lavelle 2005). Prisoners can also obtain a variety of licenses essential to working in some industries, including forklift tickets and construction induction cards (Corrections Victoria 2010).

The CSEPP proved successful with a 40% placement rate after only 3 years in operation (Graffam, Shinkfield, Mihaildes & Lavelle 2005). A reduced rate of recidivism was also evident from prisoners who had participated in the CSEPP (Graffam, Shinkfield, Mihaildes & Lavelle 2005). Victoria is the most advanced and innovative Australian state in terms of the provision of education and employment opportunities to prisoners (Hinton 2004). This appears to be supported by the state's level of crime rate, with Victoria having *substantially lower crime and recidivism rates* compared to all other Australian jurisdictions, including Queensland (Department of Justice (Victoria) 2010).

All prisoners in Victoria have access to voluntary education and training programs, whereas in Queensland access is not guaranteed (Halliday-Wynes 2007a). Participation in educational and vocational training program is in most states, including Queensland, a privilege and not a legislated right. In Queensland, correctional policy states that individuals must be imprisoned for more than 12 months to access rehabilitation programs such as educational courses (Callan & Gardener 2005).

In the Canadian system the initial prisoner processing begins with the professional assessment of inmates, and thus determining any criminogenic issues such as anger management that needs to be addressed. Once the inmate's needs have been assessed the development of a correctional plan follows (Bonta & Andrews 2010). Specialised correctional

plans and programs have also been designed which aim to help Indigenous prisoners and focuses primarily on parenting, substance abuse, Indigenous spirituality, violence prevention, living skills, education and employment training (Brade, Duncan & Sokal 2003). The Corrections and Conditional Release Statistical Overview 2009 reported Canada's lowest total crime rate in the last 25 years. This decline in crimes committed includes decreased property and violent crime among others (Corrections and Conditional Release Statistical Overview 2009).

Scandinavian countries have a large number of small prisons that often incarcerate 100 or fewer individuals (Helgesen et al. 2011; Pratt 2008). This form of prison organisation allows most prisoners to renounce social dislocation and displacement. Social distance remains relatively short, allowing stakeholders to have direct input into prison governance. For example, inmates in Swedish prisons have the right to meet and discuss issues of mutual interest. In Norway, prisoners are involved in legislative critiques with custodial service providers (Von Hofer & Marvin 2001; Pratt 2008). There is confidence that state-provided employment services and regulation can reduce crime problems and in doing so, provide social solidarity, without recourse to exclusionary sanctions. The development of employment programs has remained expert-driven and research-led, rather than politically opportunistic and ad hoc (Pratt 2008). Therefore, the underlying importance of maintaining relationships and reducing tension assists the successful integration of community based employment and training services.

In Finland's prisons, inmates are reported to work or receive full-time education well beyond remedial level, while many are encouraged by penal authorities to study for degrees by distance education. The fields of production in Finish prisons include carpentry, metal work, agriculture, packing and assembly, and sign production. Similarly the structure of the open prison enables prisoners to partake in vocational services outside of the facility (Pratt 2008) and many serving short sentences are allowed to continue with their previous employment.

Recidivism rates in Queensland are high, at around 60.4% (Australian Bureau of Statistics 2006), suggesting a failure by Queensland Corrective Services in achieving their goal of reintegration, and would indicate that released prisoners in this Queensland are ill equipped for life in the community.

As stated earlier in this report, Queensland, correctional policy is such that prisoners serving sentences of less than 12 months are ineligible for many rehabilitative throughcare programs (Kinner & Williams 2006). This sets up a "revolving door phenomenon" (Kinner & Williams 2006), with the same prisoners moving in and out of prisons, which indicates a strong need for the resourceful planning to address basic rehabilitative needs of prisoners.

It is noted that prison education offered in the Scandinavian countries only accounts for a small fraction of the cost of a place in prison. The Nordic Council of Ministries (2011) states that educational and vocational training agenda in Scandinavian prisons' is an investment in crime prevention in the sense that prisoners will seek to continue their education when released from custody.

Throughcare is an important step in the pathway through a prison sentence. Research evidence suggests that adequate throughcare can reduce the likelihood of re-offending in many jurisdictions, both within Australia and internationally. Currently, the throughcare systems in place in Queensland prisons are not effectively achieving a decreased rate of

recidivism and as such three alternative jurisdictions have been considered in order to provide examples of successful throughcare provision.

In each jurisdiction it was concluded that effective throughcare models focus on providing prisoner-centred workplace and education programs early in the period of incarceration rather than commencing towards the end of the sentence. Also, research suggests that the most effective models of throughcare in relation to education and work skills provided intensive real-life employment scenarios – providing the prisoner with tangible experience. These jurisdictions provide tangible examples to Queensland of effective throughcare models resulting in decreased levels of recidivism and greater involvement in legitimate employment post-release.

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