

20 June 2023

Inquiry Secretary  
Legislative Council Select Committee  
Parliament House  
Hobart TAS 7000  
attn: Secretary

via email: [csjs@parliament.tas.gov.au](mailto:csjs@parliament.tas.gov.au)

To Simon Scott,

**Re: Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters**

Several months ago, Community Legal Centres Tasmania (CLC Tas) and JusTas provided a submission to the Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters ('the Inquiry'). Our submission focused on two of the most significant factors giving rise to recidivism namely a lack of housing and problematic drug use.

Unfortunately, a Right to Information response was unable to be incorporated into our submission within time. This short supplementary submission seeks to address one further matter, namely the number of out of cell hours in Tasmania's adult correctional facilities.

### **Out of Cell Hours**

Out of cell hours or time out of cell is defined by the Tasmanian Prison Service as the number of hours persons in prison are not confined to their cells or accommodation units.<sup>1</sup> The higher the number of out of cell hours, the greater the likelihood that persons attend educational, treatment and rehabilitative courses and the more likely that persons will better reintegrate upon their release.

The importance of out of cell hours is also important given that there are up to 662 persons imprisoned in a Tasmanian adult correctional facility on any given day. According to the Custodial Inspector, the Risdon Prison Complex has capacity to house 303 persons, whilst the Ron Barwick Prison which includes the O'Hara Cottages has capacity to house 248 persons, 46 persons in the Mary Hutchinson Women's Prison, 36 persons in the Hobart Reception Prison and 29 in the Launceston Reception Centre.<sup>2</sup>

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<sup>1</sup> Custodial Inspector of Tasmania, *Lockdowns Review 2021* (June 2021) at 7.

<sup>2</sup> Custodial Inspector of Tasmania, *Custody Inspection Report – Inspection of Adult Custodial Services in Tasmania, 2018* (August 2019) at 13.

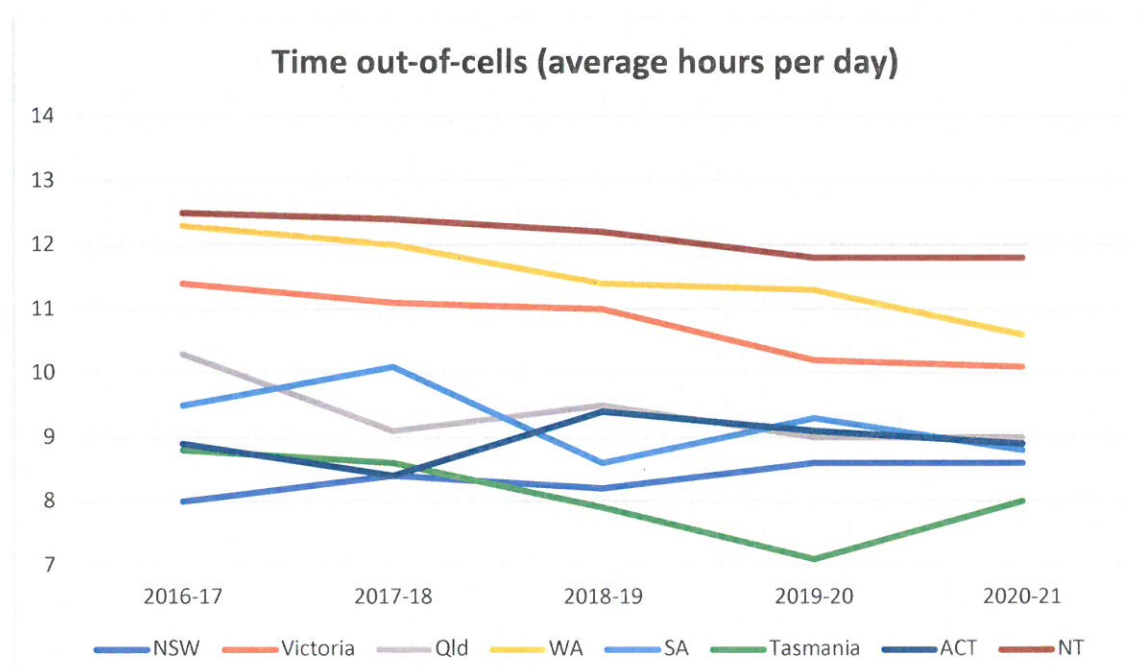
In a Right to Information response provided by the Department of Justice, data was provided on the number of out of cell hours by facility operated by the Tasmanian Prison Service for the period 2016-17 to 2021-22.<sup>3</sup>

Facility	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Hobart Reception Prison	7.1	6.4	6.1	4.5	5.5	5.7
Launceston Reception Centre	7.9	7.6	7.2	6.1	6.9	5.1
Mary Hutchinson Women's Prison	9.3	8.8	8.2	8.5	8.2	7.1
Risdon Prison Complex	7.2	6.6	6.0	5.0	4.5	3.7
Ron Barwick Prison	10.7	10.7	9.9	10.0	12.7	13.9
O'Hara Cottages	16.8	16.7	16.8	16.5	16.5	15.5
<b>Total Secure</b>	<b>8.6</b>	<b>8.4</b>	<b>7.7</b>	<b>7.0</b>	<b>7.8</b>	<b>7.4</b>
<b>Total Open</b>	<b>16.8</b>	<b>16.8</b>	<b>16.8</b>	<b>16.5</b>	<b>16.5</b>	<b>15.5</b>
<b>Total</b>	<b>8.8</b>	<b>8.6</b>	<b>7.9</b>	<b>7.1</b>	<b>8.0</b>	<b>7.7</b>

Source: Department of Justice, Request under the *Right to Information Act 2009* (dated 13 April 2023)

The data demonstrates that over the last six years, out of cell hours has declined in all prison facilities except the Ron Barwick Prison, Tasmania's minimum security facility. As well, out of cell hours in the Risdon Prison Complex where all medium and maximum-security persons are housed has almost halved over the last six years from 7.2 hours in 2016-17 to 3.7 hours in 2021-22.

It is also concerning that the most recent data published by the Productivity Commission demonstrates that Tasmania has the lowest out of cell hours in Australia at 8 hours per day.



Source: Productivity Commissioner, *Report on Government Services 2022 - Justice*, Table 8A.13.

<sup>3</sup> These figures exclude prisoners accommodated at external facilities not under the control of the Tasmanian Prison Service such as the Wilfred Lopes Centre and public hospitals.

In 2018 the Custodial Inspector of Tasmania noted that lockdowns reduce the chance of a successful reintegration with education, rehabilitation and family programs all being impacted detrimentally:<sup>4</sup>

*The impact of lockdowns is severe and wide ranging. During lockdowns, prisoners have limited access to education, therapeutic counselling and criminogenic programs. Additionally, lockdowns have an impact on family and significant relationships, with planned visits cancelled at short notice, and prisoners experiencing difficulties accessing telephones. The inspection also found that lockdowns limit TPS [Tasmanian Prison Service] in delivering reintegration and rehabilitation services.*

The Custodial Inspector of Tasmania also found that lockdowns impact heavily on correctional staff workloads which leads to “higher amounts of stress on already overworked staff. This in turn tends to result in even more cases of sick leave and workers compensation, and, in turn, more staff shortages and perpetuating lockdowns”.<sup>5</sup>

### Summary

We are safer when people exiting prison have accessed the education, treatment and rehabilitative programs that they need to better reintegrate upon their release. Lockdowns mean that many persons exiting prison are not being provided with the access to programs they need. Lockdowns also have an impact on staff resulting in sick leave, workers compensation and staff shortages.

### Recommendation:

That the Tasmanian Government commit to the recommendations set out in the Custodial Inspector of Tasmania’s *Lockdowns Review 2021* including a commitment that there will always be sufficient staff to ensure that there are no lockdowns due to staff shortages.

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl  
Policy Officer  
**Community Legal Centres Tasmania**



Don McCrae  
Chief Executive Officer  
**JusTas**

<sup>4</sup> Custodial Inspector of Tasmania, *Custody Inspection Report – Inspection of Adult Custodial Services in Tasmania, 2018* (August 2019) at 5.

<sup>5</sup> Custodial Inspector of Tasmania, *Lockdowns Review 2021* (June 2021) at 7.

## Department of Justice

OFFICE OF THE SECRETARY

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Mr Ben Bartl  
Community Legal Centres Tasmania  
166 Macquarie Street  
HOBART TAS 7000

By email: [ben@tenantstas.org.au](mailto:ben@tenantstas.org.au)

Dear Mr Bartl

### **REQUEST UNDER THE RIGHT TO INFORMATION ACT 2009**

I am writing regarding your applications for assessed disclosure to the Department of Justice of 22 and 24 February 2023 which were received by email of the same date.

I hold a delegation under section 24 of the *Right to Information Act 2009* (the Act) to assess both applications.

I note that you seek to have the application fee waived under section 16(2)(c) of the Act as you intend to use the information for a purpose that is of general public interest or benefit. Specifically, you intend to use the information to make a submission to the Legislative Council Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters. I agree that it is appropriate to waive the fee in this instance.

On 4 April 2023, I wrote requesting that you refine your applications.

As a result of further discussions, it is our understanding that the enclosed document now summarises the information you request.

I note that submissions to the Legislative Council Inquiry closed on 31 March 2023, but you have negotiated an extension until 14 April 2023 to submit material on behalf of Community Legal Centres Tasmania. You may be able to further extend that timeline by making a supplemental submission at a later date.

In recognition of this, I propose to release the information that I currently have in my possession, noting that I am still waiting on information from the Community Corrections division of the Department.

Information relating to:

- the number of persons who exited an adult custodial setting (Risdon Prison and/or Remand Centre) over the last decade after serving a term of imprisonment; and
- the number and duration of lockdowns at Risdon Prison over the last decade,

is contained in the enclosed document.

In relation to lockdown information, I note that it was agreed that the Department should provide the information used to calculate the lockdown information contained in the *Productivity Commission Table 8A.13 Time out of cells* document, a copy of which has previously been provided to you.

Following discussion with the Tasmania Prison Service, it has been established that the information is contained in a number of databases and it is not possible to provide the raw data in a meaningful form. As a compromise, I am providing you with details of out of cell hours by facility operated by the Tasmania Prison Service for the period 2016-17 to 2021-22. These figures exclude prisoners accommodated at external facilities not under the control of the Tasmania Prison Service – e.g. the Wilfred Lopes Centre and public hospitals. The Productivity Commission information is weighted by number of detainees in each facility. In regards to time out of cell data from 2020 onwards, the impacts of COVID-19 should be noted, as some lockdowns were unavoidable due to the need to implement a range of preventative measures to minimise the risk of COVID-19.

I trust that this will be sufficient to allow you to prepare your submission.

I will write to you further when I have received information from Community Corrections.

Finally, I advise that I have partially transferred that part of your request relating to mental illness to the Department of Health under section 14 of the Act as the subject matter of the information requested is more closely connected with the functions of that public authority than the Department of Justice. The Department of Health will respond to you in due course.

If you are dissatisfied with my decision, you may seek a review under section 43 of the Act within 20 working days after notice of this decision has been given. Applications for review should be addressed to:

Ginna Webster  
Secretary  
Department of Justice  
GPO Box 825  
HOBART TAS 7001

Email: [secretary@justice.tas.gov.au](mailto:secretary@justice.tas.gov.au)

Please contact me if you have any questions in relation to this decision.

Yours sincerely



Tom Saltmarsh  
**RTI Delegated Officer**

13 April 2023

## Number of person exiting detention

Year	Female	Male	Unknown	Grand Total
2013	127	1,025		1,152
2014	149	1,120		1,269
2015	179	1,299		1,478
2016	235	1,321		1,556
2017	242	1,368		1,610
2018	267	1,560		1,827
2019	266	1,601		1,867
2020	234	1,405		1,639
2021	246	1,356		1,602
2022	224	1,312	1	1,537
Total	2,169	13,367	1	15,537

## Out of cell hours

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Total Open	16.8	16.8	16.8	16.5	16.5	15.5
Total	8.8	8.6	7.9	7.1	8.0	7.7