 

20 June 2023

Inquiry Secretary

Legislative Council Select Committee

Parliament House

Hobart TAS 7000

attn: Secretary *via email:* *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.[[1]](#footnote-1) 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.[[2]](#footnote-2)

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.[[3]](#footnote-3)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **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  |
| **Total Secure** | **8.6** | **8.4** | **7.7** | **7.0** | **7.8** | **7.4** |
| **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** |

 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.

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:[[4]](#footnote-4)

*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”.[[5]](#footnote-5)

**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 Don McCrae

Policy Officer Chief Executive Officer

**Community Legal Centres Tasmania JusTas**

1. Custodial Inspector of Tasmania, *Lockdowns Review 2021* (June 2021) at 7.  [↑](#footnote-ref-1)
2. Custodial Inspector of Tasmania, *Custody Inspection Report – Inspection of Adult Custodial Services in Tasmania, 2018* (August 2019) at 13.  [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. Custodial Inspector of Tasmania, *Custody Inspection Report – Inspection of Adult Custodial Services in Tasmania, 2018* (August 2019) at 5.  [↑](#footnote-ref-4)
5. Custodial Inspector of Tasmania, *Lockdowns Review 2021* (June 2021) at 7.  [↑](#footnote-ref-5)