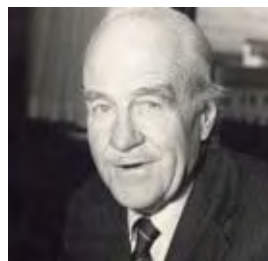


### John Hailes Flood Nagle, 1913-2009 - royal commissioner into NSW prisons



John Hailes Flood Nagle, born in Albury on July 10, 1913, the second of nine children of a solicitor, Valentine Flood Nagle, and his wife, Margaret (nee McDonald), was one of Australia's great jurists, an unassuming man who never lost his compassion and sense of fairness. He left his mark on public administration in Australia by his landmark report, in 1978, on conditions in the NSW prison system, and one of the great frustrations of his life was that implementation of his report became mired in politics.

He was certainly bred into the law. His great-grandfather, William Nagle, had practised law in Dublin. Nagle's grandfather, also named Valentine Flood Nagle, migrated from Ireland in 1857, graduated in law and moved to Albury, where he set up a legal practice in 1875. Nagle's father became a solicitor in Albury.

John Nagle, educated at Christian Brothers College, Albury, arrived in Sydney at the age of 15, entered St John's College, Sydney University, and did an arts degree, graduating in 1932. He completed his law degree with honours in 1936. Some time after that, he turned out for a Riverina rugby league team against a visiting English team.

Nagle was admitted to the bar in 1939 and, a few months later, Australia declared war on Germany. Nagle enlisted and as Gunner Nagle, VX1143, he served in the Middle East with 2/5 Field Regiment AIF. He also served in the south-west Pacific as a paratrooper. His younger brother, Val, was killed in action in New Guinea. Nagle married Stephanie Scott in 1944 and by the time the war ended he was a major and second-in-command of his battalion.

His interests were expansive, one being the importance of education, which he retained for the rest of his life and which inspired him to push for the extension of tertiary education in the Riverina. Another passion was good, powerful cars. In 1951, he was one of an English Jaguar motor racing team that took second place in the Monte Carlo rally. He had one child, Winsome, but his marriage ended in the early 1950s and he did not remarry.

Nagle joined the Bar Council from 1954. In 1959 he became secretary of the Bar Association and was appointed a QC. Among his friends and contemporaries were the future prime minister Gough Whitlam and the future governor-general Sir William Deane. Nagle, whose nickname among friends was "Gaffer", practised mainly in common law and in commercial and criminal law. He became a judge of the Supreme Court in 1960, and was soon widely known as a protector of individual rights and a judge who treated all who came before him as equal in the eyes of the law.

In 1977 Nagle was made royal commissioner into NSW prisons. He went on a seven-week

### A Word from the Editor - Brian Clarke \*

*\*A member and supporter of CRC, Brian is a retired school principal from the UK, currently residing on the Central Coast of NSW. Brian has authored / compiled the Spring Edition of the CRC Newsletter on behalf of the staff of CRC.*

What is the purpose of the CRC newsletter? To keep the reader informed about the work done by CRC is obviously of paramount importance to me. To give an insight into the organisation of CRC is also important so that readers can be made aware of the multi-stranded approach that is needed in order to give help to those who are released from prison and who, unless support is made available, may return to prison. Another purpose is to emphasise the difficulties faced by ex-prisoners who often feel ill-equipped to take their place in society. What to do for money? What to do for accommodation? What help can be given to help with issues of addiction, physical and mental health?

Nevertheless I feel to restrict the newsletter to CRC issues would be to constrain the newsletter unnecessarily. Surely it is important to look at the broader canvas? Good practice in NSW, in Australia, in the UK and in America is a pointer to the way things should be done. Bad practice is an illustration of things that should not happen. Our judiciary should learn from the good and the bad.

Another aim of the newsletter is to highlight the social causes of Poverty, social marginalisation, peer pressure, drugs and alcohol, education, mental ill-health and family stress and breakdown factors, often outside the control of the individual.

Finally I hope the newsletter will alert your sensitivities. To describe the skeleton of the CRC's structure is important; to flesh out the structure with true life stories of the impact that CRC has upon its clients is even more important. It is not always easy for people to talk about their pre- and post-release experiences. Can you help? Do you have a story that you feel would help others? If you do, please contact CRC staff on 02 9288 8700 or email me at [brian@crcnsw.org.au](mailto:brian@crcnsw.org.au). Thank you.



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## *John Nagle continued*

tour of jails in North America and Europe, then began a detailed look at NSW prisons, where he was horrified by the conditions and the brutality. The inquiry, in which Nagle was assisted by David Hunt, QC, led to a hard-hitting report, which among other things led to the closure of the maximum security unit, the “electronic zoo”, Katingal, at Long Bay. The then chief justice of NSW, Sir Laurence Street, was to say: “After months of careful and thorough inquiry, Justice Nagle produced a report which has justly earned acclaim from all political parties and throughout the various strata of our society.”

Nagle himself was reluctant to talk about the commission. He remained a very private person and only wanted the sparsest details recorded in Who’s Who in Australia. He was disappointed that more was not done with his report but he said on the record: “I hope that it changed the attitude of the public to prisons; that people came perhaps to realise you can’t lock prisoners up and forget about them. I have maintained my interest in prisons. I read a lot about them. But I’ve never visited one since.”

In 1977 Nagle was appointed the president of the board of trustees of the Art Gallery of NSW. In 1979 he was appointed the chief judge at common law and in 1981 he was made an officer of the Order of Australia. He retired on July 7, 1983, at the time the longest-serving judge of the NSW Supreme Court. In retirement he went to a 700-hectare property at Brae Springs, near Albury, where he grew oats and ran sheep and cattle.

Nagle was recalled in 1986 to head a special commission of inquiry into the NSW Police handling of the murder of the anti-drugs campaigner Donald Mackay. In the report, Nagle was critical of the police officer handling the investigation, Joe Parrington. He was severely critical of the former MP Al Grassby, who he said had propagated the “scurrilous lies” about the Mackay family at the behest of groups within the Griffith community.

In 1991 a group of academics led by Dr (now Judge) Greg Woods, QC, wrote a letter to the Herald in which they appealed for penal reform: “In our view the public is not protected if the penal system is based on increasingly heavier punishments inflicted in increasingly degrading and neglected prisons. There needs to be a recommitment by the legislature and prison administrators to the principles set out in the very valuable 1978 report into NSW prisons by the royal commissioner, Mr Justice Nagle.”

John Nagle died on September 16. He is survived by his daughter, Winsome Anne Duffy, his grandchildren, David, Eve McBean and Sean, and six great-grandchildren.

*Malcolm Brown, Sydney Morning Herald*

## Getting Out

### *Your guide to surviving on the outside*

Last year, CRC in partnership with the Department of Corrective Services published “Getting Out”, a booklet originally published in Victoria (by the Victorian Association for the Care and Resettlement of Offenders) and adapted by CRC for use in NSW. It is an excellent book with 160 pages of essential advice for the soon-to-be released prisoner. It talks directly to people in straightforward language. Its very first paragraph entitled “Get out and stay out” exemplifies the directness of the book. It says “This booklet is a guide for ex-prisoners and prisoners who are about to be released. Freedom presents many day-to-day challenges, like finding a place to live, understanding how Centrelink works, organising your money, or getting in touch with your family and friends. These things can put a lot of stress on someone who’s just been released. Although you may have heard that many prisoners released from custody end up back in prison sooner or later, there are many others who succeed in making a new start. The first few weeks and months are critical and this booklet is here to help you through this time.”

Each chapter contains a quick guide to give answers to those who need quick answers or are in a hurry. The quick guides are then



expanded to give full explanations and comprehensive guidance. No detail seems to have been spared. In the chapter “Eating Well” there are even recipes to, as the book says, “get you started if you haven’t cooked in a while”. Each chapter gives a list of valuable contact numbers and there is even space for the reader to make his or her own notes. The large amount of information is humanised by the addition of cartoons and true life stories. The true life stories are important mirroring the thoughts that many of those, soon to be released, may have. For example, under the heading of “Sometimes I miss prison” Kerry describes her reaction on meeting her probation officer six months before her release. “For the first time it hit me that I was going to be leaving. I had to talk about my crime, and why I deserved

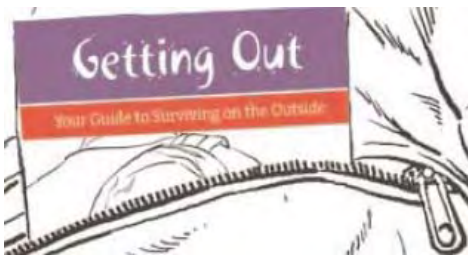
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## Getting Out continued

to get out. I felt terrible having to go over it all again with someone I didn't know. I thought "If this is what freedom is like, then I don't want it". Eventually she was released and talks about her early days of freedom. "The first day I went to Paddy's Market and bought some shoes just because I could. It was great to see my family, but after a while that day I needed to be on my own. I wondered if I would miss being locked in, but I didn't."

Kerry needed a bank account and went to the bank where she'd previously held an account. The counter staff were rude and unhelpful, so she visited a different bank the next day. "I took in every scrap of personal paper I had and put them all down on the counter. I had my birth certificate, an interim card from Medicare, my rent papers, my forklift licence and my discharge certificate. The lady at the bank was fascinated when she realised I'd been in prison; she asked "What was it like?" When I said "Am I going to get an account?" she said "Of course" and I did." Twelve months later when the bank invited her to get a credit card, Kerry was thrilled.

In short I feel the book is a must-have for every prisoner prior to release. It is a bible for those who, undeniably, will face challenges and pressures sometimes beyond understanding. ■



## Our Patron – the Honourable Justice Michael Kirby AC CMG

We have pleasure in including in this newsletter the words of CRC's Patron, the Honourable Justice Michael Kirby. In a message that prefaced last year's Annual Report he said "I am delighted to be associated with the Annual Report of the Community Restorative Centre in New South Wales.....the Centre has performed remarkable and useful work, within a very small budget..... The Centre is living proof of the truism that people who are imprisoned or detained by society must be helped in their restoration to society; otherwise there is a real risk of reoffending, in part because of force of circumstances."

He continued "When I was a young legal practitioner, the judges and magistrates were closely involved in half-way house measures, designed to contribute to this restoration. In these more punitive times, there has been something of a falling-off in judicial involvement. I do not doubt that many judicial officers remain concerned and willing to contribute to the work of bodies such as CRC. I have, in recent months, endeavoured to attract the interest of the courts at every level in New South Wales. The response has been good. I will continue these endeavours.

I have also been having discussions with knowledgeable ex-prisoners who have returned to society and are willing to offer ideas to CRC on the way ahead.

It is in society's interest to support CRC. But it is also a moral challenge for us all. Each of the world's great religions, and all major schools of moral philosophy, teach that we must help people to have a second chance. It is not only in our interest. More importantly it is a moral imperative."

Interestingly, he re-emphasises this moral imperative by saying, in his preface to the 2009 Annual Report that the work of CRC "is truly work of great importance for our society. But it is also highly moral work. All of the world's great religions teach the importance of helping the vulnerable and the disadvantaged. Because virtually all prisoners will one day return to society, it is in society's interests to support CRC and to fund the essential work performed by its staff and volunteers."

*For those not totally familiar with Justice Kirby's history, a biography issued by the High Court ends with "In 1991 Justice Kirby was awarded the Australian Human Rights Medal. In 1997 The Bulletin magazine included him amongst Australia's "Ten Most Creative Minds". In 1998 he was named Laureate of the UNESCO Prize for Human Rights Education. In 2005 the Sydney Morning Herald named him as one of Australia's "Top Ten Public Intellectuals".*

## A StAMP Mentor Speaks

Many of you will be aware of the great work done by the CRC's StAMP mentoring program. Elizabeth, a new mentor, writes about her initial reactions to the program. Hopefully in subsequent newsletters she will be able to give us further insights into the development of the mentor/mentee relationship. She writes:

"Ask anyone who is unaware of the state of our criminal justice system what they think about volunteering to mentor an ex-inmate, and they'd probably tell you it was a fairly precarious proposition.

Up until recently, I had no idea that a program like this existed. Part of my study in welfare required me to explore a range of agencies within the community services and health industry. Having only a brief description of CRC, I went along to a TAFE talk with little idea of what to expect. What I observed was an agency working exceedingly hard to improve the livelihood of those incarcerated or affected by the criminal justice system. Intrigued and somewhat disheartened about the horrendous condition of our criminal justice system, I approached Cathy (StAMP Mentor Program Co-ordinator) at the end of the meeting to find out how I could get involved. This was my first introduction to the StAMP Mentoring Program.

Sending my application in, I felt strangely nervous at the prospect of it going any further. Not having much experience in the industry, I began to wonder whether I had the qualities and knowledge to be such an influential person in somebody else's life. Throughout the process, I reflected on my personal values and found myself becoming more interested and keen to contribute.

After hearing a short profile of my proposed mentee, I was pleased to find that we had some ironic similarities so we set up a casual 'meet and greet'. If I thought I was nervous before, it was nothing compared to how I was feeling waiting at the coffee shop. Starting off a little unsure and after a couple of awkward silences, the conversation started to flow and by the end of the hour we were chatting away over hot chocolate and marshmallows.

Through my involvement with CRC, I've not only expanded my knowledge of the complexity of the issues faced by prisoners and ex-prisoners, but have been given the opportunity to work alongside an agency who are dedicated to meet the needs of those disadvantaged by the criminal justice system.

Our next meeting, and our first one-on-one is coming up next week. Not sure if I'll be nervous... maybe just not as much!" ■

## Wake-Up Call

*Is this a hellish nightmare that I have to awaken from?*

*Caged and confined, thinking and pondering,  
I wonder what human is this*

*that he should be subjected to imprisonment  
that neither improves nor corrects his soul?*

*Is there no compassion for restoring a man  
to contribute to this nation?*

*Or does the dark side of humanity  
see offenders of the law as utter undesirables  
unworthy of aid and therapy?*

*Society, I have been tried and sentenced.*

*Serving time for violating the law  
is not supposed to be a picnic.*

*But demoralizing and dehumanizing a man  
to the dust of the ground does not correct  
behaviour*

*which got him incarcerated in the first place.*

*This only fuels the fire,*

*a fire which, if not handled properly,  
will in time burn everything in its path.*

*Now who is the real criminal?*

*by Douglas Duncantell, Crescent City, California*

## Jailbreak

With music, stories, opinions and handy information, Jailbreak is a half hour radio show for prisoners, families and the community. It broadcasts each Tuesday at 6.30 to 7.00pm on 2SER107.3 FM in and around Sydney. Listen now: <http://www.2ser.com/podcasts/#topdiv15>



**On AIR**

## The Judy Lazarus Transition Centre

In January of this year "The Australian" reported that "Almost 40 per cent of Australian prisoners released after serving their sentence return to jail within two years. The Northern Territory, with a high proportion of indigenous prisoners, had the highest rate of recidivism - 44.8 per cent - in 2007-08, according to a Productivity Commission review of government services. NSW was not far behind with 43 per cent while South Australia had the lowest rate at 33.2 per cent. Victoria and Tasmania are the only states to have significantly reduced their recidivism rates since 2003-04. Victoria's rate has dropped by about 12 per cent in five years to 35.6 per cent, while Tasmania's rate has dropped to 36 per cent from 39.1 per cent. The national rate of 38.2 per cent has changed marginally during the same time."

Preventing recidivism must be a prime aim for state judiciary; if one state can achieve improved figures, why not the others? There is no single answer. Success in preventing ex-inmates from returning to prison is part of a complex matrix. In NSW we are pleased to say that the CRC plays its part; recall the figures quoted in our last newsletter - "69.1% of the NSW prison population have been in prison before, and close to 45% will return within two years.....Only 7% of CRC's medium to high-risk transitional client group returned to prison over the last year." An amazing statistic!

Even more amazing is the statistic generated by Victoria's experimental "Judy Lazarus Transition Centre". The transition centre boasts a 4% rate for recidivism compared with the State's 35.6%. The "Judy

Lazarus" holds 25 residents, classified as low risk prisoners, incarcerated because of offences involving theft, traffic, drugs and violence. Before the centre was set up the neighbouring community was consulted and it was mutually agreed that sex offenders would not be included in the clientele. The inmates are reaching the end of their sentences of up to 4 years and spend their last three to six months in transition.

What does the centre offer? Normality would seem to be the key. Residents have separate bedrooms and communal cooking, living and laundry facilities. Working in groups of five they are responsible for their own day-to-day welfare. There is an open door policy that enables them to benefit from work experience or involve themselves in voluntary community work. A local art co-operative, housed in a prestigious but run-down ex-convent, provides opportunity for the development of work-skills particularly in building maintenance and horticulture. As they leave the centre the residents give details of their itinerary for the day. The mornings could well be spent at work, including community work, whilst the afternoon could be a little more self-indulgent with personal shopping, fitness and study being high on the agenda. The itinerary must be adhered to.

At 7.00 pm normality ends. On return from their day of relative freedom, the residents are checked for drug and alcohol abstinence and from 7.00 pm to 7.00 am the unit is locked up. One of the inmates said that the sense of freedom was "mental" but it was infinitely preferable to being razor-wired within a traditional prison. He felt that he was being set up with the right tools to succeed. He had been given a lot more self respect and a lot more respect for members of the community. He now felt responsible for his own actions. Importantly he said that he had no intention of returning to a walled facility. ■

## The NSW Liberals & Nationals Social Policy Framework

The NSW Liberal & Nationals recently released their new Social Policy Framework covering Justice and Police. They say their aims are to:

1. Prevent and reduce the level of crime and criminal recidivism.
2. Build stronger partnerships between police and communities, especially in relation to anti-social behaviour.
3. Align the court system with community expectations in relation to sentencing and support for victims.
4. Better manage risk to improve community safety.

According to their background paper they see a lack of funding as one of the reasons for NSW's high imprisonment rate.

"One reason for increased crime is the failure to properly resource rehabilitation programs and put a halt to the 'revolving door' at the justice system. It is estimated that 47 per cent of NSW prisoners return to some form or corrective services within two years of being released. In the past decade the recidivism rate has increased by almost 25 per cent.

Recidivism is particularly a problem amongst juvenile offenders, With one in two young offenders re-offending within two years, compared to one in three adults.

A NSW Auditors General's report found further Inadequacies with the provision Of rehabilitation programs. For example the demand for intensive violence and sex-offender programs exceeds available places, and while prisoners with sentences of six months or less account for more than half of the prisoners released each year, there are no offence-based programs for them to participate in."

## Briefs

## Trained for work in jail

Northern Territory Corrections Minister, Gerry McCarthy, says he is confident prisoners involved in a construction program at Berrimah jail will be employable when they are released. Fifty minimum security prisoners have so far taken part in accredited training and have almost finished building a relocatable 25-bed cell block. Mr McCarthy says the project is a rehabilitation process which will ultimately help them move back into employment outside prison.

People in the prison system - some have never had a job in their life and this is the first time that they're experiencing real construction sites, real industry standards.

And they're going to leave our prison with a whole lot better preparation to be accepted into the community and then the challenge is to keep going in the real world."

*Anna Henderson  
ABC News*

## Old prisoners kept in dark on transfers

Queensland's Department of Corrective Services has broken the law by failing to provide adequate reasons for transferring prisoners and changing their security classifications, an investigation has found.

The Queensland Ombudsman on Thursday made 15 recommendations to improve prisoner transfer and classification procedures after reviewing the records of 200 long term prisoners.

The report, tabled in State Parliament on Thursday morning, found the department had failed to give prisoners adequate reasons for decisions about security class, in clear breach of the Corrective Services Act.

Officers also failed to record and give prisoners adequate justifications for placement decisions and failed to advise inmates of their right to challenge those decisions.

The investigation flows on from a previous inquiry into the transfer of a prisoner to a jail in 2007. That prisoner had complained about his level of security classification.

Ombudsman David Bevan previously investigated the complaint and recommended at the time that reasons should have been given for security classification decisions. It was not followed.

This latest report calls for a major review of prison transfer procedures by December 2010.

*Daniel Hurst  
Brisbanetimes.com.au*

## Uproar over new Vic prison contract

A PRIVATE company that contributed to the death of a man in custody has won a multimillion-dollar prison transport contract in Victoria.

Private security company G4S last week began a five-year contract, despite the West Australian coroner finding it had contributed to the "wholly unnecessary and avoidable" death of a 46-year-old Aboriginal man in its custody in January 2008.

Prisoner advocates say G4S, which was already providing prisoner transport services in Victoria, should have been banned from the tender. They say the coro-

ner's finding on the death of Ian Ward, who died of heat stress during a 360-kilometre journey in the back of a G4S custody van, was one of many complaints against the company.

These include a coroner's finding in July that it contributed to the 2005 death of Ian Westcott, who died of an asthma attack in the G4S-run Port Phillip prison. A note found near his body read: "Asthma attack. buzzed for help. no response." In 2000, a coroner found G4S had failed to provide a safe environment at Port Phillip when four men hanged themselves in 1997.

A 2006 report by the Victorian Ombudsman and the Office of Police Integrity also found inadequacies in the way prisoners were transported, with insufficient attention paid to their conditions, including "basic amenities for long trips".

Prisoners' Legal Service advocate Charandev Singh said: "There are serious questions about the company's fitness to be operating any prisoner transport in the light of the repeated records of serious human rights abuses of people in their custody and care."

G4S, formerly GSL, was re-appointed Victoria's prisoner transport contractor in March, although this was never publicly advertised as required under Government guidelines. A Corrections Victoria spokeswoman said this was because of "human error". The WA coroner's report on Mr Ward's death was released in June.

*Melissa Fyfe  
The Age*

## CRC training calendar October &amp; November

Two one-day workshops on

- working with clients who are transitioning from prison back to the community.
- working with people who have a family member in prison

Click below for details

<http://www.crcnsw.org.au/services/training.htm>

### Advocates for women in prison

The Women in Prison Advocacy Network (WIPAN) was established by a volunteer committee of women in 2007 to address the needs of women in prison and post-release in NSW. Inspired by a Sisters Inside Conference in Darwin in that year, the women returned to Sydney to establish a similar organisation to their QLD counterparts to advocate for and support women embroiled in the criminal justice system in NSW.

By April 2008, a management committee was elected, officially forming WIPAN as an incorporated not for profit organisation, with charity status. The committee comprises women with lived prison experience, women working in the welfare sector, journalists, solicitors from community legal centres and Intellectual Disability services and community sector policy makers.

Since incorporation WIPAN has:

- Continued to meet monthly;
- Been successful in receiving funding from the Office of Women to fund 2 part-time project coordinators to formalise the organisation and coordinate a mentoring program;
- Received several small grants from philanthropic agencies and a church foundation to establish the WIPAN website and produce resources, and
- Met with government and non-government agencies and various organisations who are the key stakeholders in the issues affecting women in prison and post release.

WIPAN has a steadily growing membership base and we hope that by promoting group strength we can help individual women who have been affected by their experience of the criminal justice system speak up for their own solutions and futures. If you would like to find out more about WIPAN or to become a member see :

[www.wipan.info](http://www.wipan.info)

### THE CRC BUS CONNECTING PEOPLE

To help people stay in touch, CRC provides a low-cost bus service for visits to the correctional centres listed below.

To book a seat, please call CRC on (02) 9288 8700 between: 9.00am and 5.00pm Monday, Tuesday, Thursday & Friday (we're closed for lunch 12.30 to 1.30).

Bookings open the Monday before the bus travels. Book early as seats are limited.

#### *Where do we go ?*

Bathurst, Lithgow &  
Kirkconnell  
Oberon  
Berrima & Goulburn  
Cessnock  
Junee  
St. Heliers



#### *Pick Up & Drop Off*

Central  
Strathfield  
Parramatta  
Penrith  
Hornsby  
Liverpool  
Campbelltown  
Tuggerah

## Counting the cost of wrong emphasis in crime reduction

The obvious answer to crime is apparent to most people and certainly to talk-back hosts who have so much to say on the subject: get tough. Stop pussy-footing around. Show the offenders we mean business. Increase penalties. Jail more perpetrators. Zero tolerance.

I find it suspicious that we show such remarkably little interest in checking to see how well the crackdown is working. If you are interested, it is working - though not for the reason we expected and not to the extent we had hoped. It's also costing taxpayers a fortune and has reached the point where increased spending isn't doing any more good.

The media and its customers gain so much entertainment from carrying on about how terrible crime is that much of what follows may come as a surprise to you. It comes from a paper written last year by Dr Don Weatherburn, director of the NSW Bureau of Crime Statistics and Research. Sometime in the 1970s a marked increase in crime began. Between 1978 and 1988, the recorded rate of robbery doubled, the rate of home burglary doubled, the fraud rate rose by 185 per cent, the rate of car theft rose by 70 per cent and the rate of general theft rose by 55 per cent.

This seems to have been caused by the rise in drug-taking, particularly heroin use and heroin-related crime. Similar problems arose in the United States and other developed countries, and there may also have been a link with the rising unemployment caused by the re-

cessions of the time. By 1983, nearly one Australian household in 10 had been victim to some form of household property crime in the previous year. Crime had moved out of the poor, working-class suburbs and was now affecting middle-class suburbs.

Not surprisingly, it was about this time the public became more concerned about crime and the media began reflecting, and thereby magnifying, this concern. Not long after, the politicians began responding to popular pressure for "something to be done".

If you gain your information only from the more excitable parts of the media, you could be forgiven for believing the treatment of offenders is as lax as it ever was. That is because the media highlight individual cases of seeming laxity, ignoring the more general picture.

In fact, a host of get-tough policies have been introduced around the country: abolition of prison remissions, introduction of "three strikes" sentencing legislation, creation of mandatory minimum penalties, introduction of more restrictive parole laws, introduction of "life means for life", introduction of electronic monitoring of offenders and, most recently, progressive toughening of bail laws.

The effect was a rapid increase in the rate of imprisonment. Between 1985 and 1995, the Australian prison population grew three times faster than the adult population. Some of this increase came from rising

crime but most came from changed policy. The abolition of remissions produced an immediate surge in the rate of imprisonment. The courts responded to public opinion by increasing the proportion of convicted offenders sent to jail. Though it's rarely acknowledged, more people in jail means more cost to taxpayers. Over the decade to 1994-95, national spending on corrective services almost doubled to \$880 million a year, even after allowing for inflation. That is real growth of more than 5 per cent a year.

Some state governments made quiet efforts to control the growth in the prison population, including introducing intermediate sanctions such as community work and periodic detention. It backfired. Reacting to public pressure, the courts used these intermediate sanctions not to send fewer offenders to jail but to increase the penalties on offenders they formerly would have let off with a bond or a fine.

Worse, although none of the intermediate sanctions was designed to reduce the risk of re-offending, they were presented as the offender's last chance to avoid prison. So when they re-offended, that is where they had to go.

Meanwhile, police began targeting repeat offenders and seeking to have their bail refused. Over the decade to 2007, the number of prisoners on remand in Australian jails rose by 42 per cent, meaning that now more than one prisoner in five is on remand, that is, yet to be found guilty.

By 2006-07, the recurrent cost of corrective services nationally had risen to \$1.8 billion a year, a real increase of 72 per cent since 1994-95. Add the cost of building new jails and the cost rises to more than \$2.3 billion a year.

From about 2000, recorded rates of property crime began to fall. Repeat: the crime wave has diminished. Studies suggest this is mainly the result of a fall in

### *Counting the cost continued*

heroin use, but longer prison sentences have also helped. The rule of thumb seems to be that a 10 per cent increase in the prison population gets you a reduction of 2 to 4 per cent in serious crime.

However, the reduction comes not so much from deterrence as from incapacitation. That is, when a bad-die's locked up, he can't rob you. So the more bad-dies you have locked up at any time, the less crime. The catch, however, is what economists call the law of diminishing returns. You can't keep locking up more and more of the offender population and get the same degree of reduction in crime. Indeed, we seem already to have hit diminished returns. Taking the figures for NSW, between 2000 and March last year the prison population rose continuously. The amount of property and violent crime fell between 2000 and 2004, but since then has begun to level off.

If we had any sense we would switch to policies aimed at reducing the rate of re-offending. Any success would reduce crime and save money. Recent research says many types of rehabilitation programs work. But since most of us enjoy worrying about crime, and the media make money amplifying our fears, don't expect to see sensible policies introduced soon.

Just remember, the next time you wonder why state governments don't spend more on health and education that our emotion-driven approach to crime is consuming an ever-growing share of the taxes we pay.

*Ross Gittins  
Sydney Morning Herald*

## Community Restorative Centre Notice of 58th Annual General Meeting

Thursday 5th November 2009 - 4.30pm  
Redfern Community Centre  
29-53 Hugo Street Redfern

Followed by:

Launch of 'The Justice Maze' - a DVD produced by CRC

The Justice Maze DVD is a video that explains the many issues that need to be dealt with when a family member is arrested, appears in court, goes to prison and is released.

Plus a unique opportunity to hear the clients of CRC share their personal stories & experiences

**MARK THIS DATE IN YOUR DIARY!**



### COMMUNITY RESTORATIVE CENTRE APPLICATION FOR MEMBERSHIP

Name:.....

Address:.....

Home Phone:.....Work / Mobile Phone:.....

Email:.....

Please select your membership type below

Voting member:

- Full member \$ 11.00 incl. GST
- Concession member \$ 5.50 incl. GST
- Organisation \$ 11.00 incl. GST

Person nominated to vote on behalf -  
of organisation.....

Non-Voting member:

- Individual \$ 11.00 incl. GST
- Concession \$ 5.50 incl. GST
- Supporting Organisation \$ 11.00 incl. GST

Donation Enclosed (Donations to CRC of \$2 and over are Tax Deductible)\$.....

TOTAL PAYMENT ENCLOSED \$.....

Mailing & Update Options:

CRC regularly sends out media articles of interest via email, as well as notification of upcoming events and updates on our activities. If you would like to receive these emails please tick the box below. You can opt out at any time if you change your mind.

- Yes - Please send me regular email updates

Waived - Membership is FREE for NSW prison inmates, CRC volunteers and current CRC clients.

The fee can also be waived if you are experiencing extreme financial hardship, simply enclose a note requesting a waiver with your application form. Members retain full voting rights.

- Waived \$ FREE

Signature:.....

Date of application:            /        /

Please make cheques & money orders payable to Community Restorative Centre Inc.

Please return form and payment  
(if applicable) to:

**C.R.C.**  
**174 Broadway (cnr. Shepherd Street)**  
**BROADWAY NSW 2007**