

Women's Imprisonment: The Politics of Difference

In 1985, the New South Wales Task Force on Women in Prison made a wide-ranging and visionary report to the last Labor Minister for Corrective Services, John Akister. His notorious successor, Michael Yabsley, abandoned the working party and funding for the implementation of that report's recommendations.

When we think about the condition of women's prisons today, and the many reforms which undoubtedly still need to be made, it is important to remember that it is only five years ago that Mr Yabsley was attempting to confiscate from the women of Mulawa their wedding rings and children's photos, and that major unrest at the gaol was only narrowly averted. Whatever other problems may beset us, we have at least progressed beyond that type of punitive and catastrophic policy.

By 1994, it was widely recognised that Mulawa was a gaol with serious problems. A surge in self harm attempts was the most alarming indication of this.

The Women's Action Plan of 1994 which, to give credit where it is due, was introduced by my predecessor, was an attempt to come to grips with the problem of prisons for women within the state.

The plan lacked the fire and vision of the Task Force Report prepared by Ann Symonds and others a decade earlier. Where the Task Force had concerned itself with the broader context of women's criminalisation, and in particular the plight of non-English speaking and indigenous women, the Action Plan looked at the bread and butter problems of running institutions more efficiently.

However, the Action Plan did contain excellent and important recommendations for improving the lot of women in gaol, most of which are well on the way to being implemented. Major changes have been made to the physical structure and management at Mulawa and a minimum security facility at Emu Plains has been established. The Women's Services Unit within the Department, abolished during the Yabsley era, was reborn, and I would like to pay tribute to the work that unit is doing in addressing such issues as the classification of women prisoners and the dilemma of mothers in prison.¹

What the Women's Action Plan, as a departmental document, could not deliver — what can only be delivered at the political level — is diversion of greater numbers of women from gaol, or at least full-time gaol, altogether. It is in this area of diversion that I hope some current initiatives will shortly begin to bear fruit. In addition to those initiatives which I will shortly outline, the Government is awaiting the outcome of the sentencing reference to the New South Wales Law Reform Commission. Much of the promised diversion of minor offenders from the prison system will flow from that review. A discussion paper on phase one of the sentencing reference was recently released by the Law Reform Commission (1996).

The Government is committed to ensuring that women have better access to alternatives to full-time imprisonment. To date, periodic detention places have really only been available to women from the Sydney metropolitan area. In the 1995 Budget, funding was allocated for new Periodic Detention Centres (PDC) at Bathurst and Broken Hill and refurbishment of an existing facility at Tomago, near Newcastle, as well as redevelopment

1 See Bernadette O'Connor's paper in this volume which discusses the issue of mothers in prison.

of the existing women's PDC at Emu Plains. Tomago and both of the new Centres will include accommodation for female detainees, as will new accommodation for female inmates at Grafton. The Bathurst, Broken Hill and Grafton Centres should particularly assist in reducing the over-representation of Aboriginal women in full-time custody. It is not widely recognised that the over-representation of Aboriginal women in the gaols is in fact greater than that of Aboriginal men.

With this in mind, I have asked the Department of Corrective Services to examine the possibility of establishing a community-run program for Aboriginal women offenders along the lines of the Women's Healing Lodge, established by First Nations women in Canada in 1995. I have also embarked on a round of consultations with Aboriginal communities in the west and north of the state about community-based options for Aboriginal offenders generally.

I introduced legislation in the Autumn Parliamentary session to expand and formalise the pilot home detention program — or Intensive Community Supervision, as it is known. One of the factors which convinced me of the usefulness of Intensive Community Supervision was the relatively high number of women being diverted from full-time custody onto the pilot program.

I have instructed the Department of Corrective Services to ensure that the program caters for the special requirements of particular categories of offenders, such as women and Aboriginals. All too often, programs and policies are based only on the needs of the majority Anglo-Celtic male population, as though their experiences were generic to the inmate population as a whole.

I also want to emphasise that careful watch will be kept on diversionary programs such as home detention, to ensure that they are truly attracting offenders who would otherwise have been imprisoned and are not simply "widening the net" to catch those who would previously have received only a Community Service Order or probation.

While diversion is my first priority, it is also essential that the needs of women who do end up in prison are more adequately addressed.

On 3 April 1996 I announced a historic restructuring of the prison system in New South Wales. The changes for women inmates are substantial and will permit the realisation of a number of reforms, some recommended as long ago as the 1985 Report of the Task Force on Women in Prison mentioned earlier.

Briefly, Norma Parker Correctional Centre will be closed and genuinely minimum security accommodation will be provided at Emu Plains and in new Transitional Centres (the first of which opened in Parramatta in June 1996). For some time now, the physical restrictions of age and heritage considerations at Norma Parker have meant many inmates prefer to remain in medium security at Mulawa, than progress to the relatively primitive conditions at Norma Parker.

The completion of Emu Plains will also enable the implementation of a new classification system under development specifically for women inmates. Existing security ratings were developed with reference only to male inmates and are in many respects unsuitable for women. This becomes increasingly critical as individual case management for inmates is introduced. Under case management, classification is no longer simply a security exercise, but plays a vital part in determining educational, vocational, work and/or treatment programs, and in progress towards release.

Emu Plains and the Transitional Centres will also provide suitable environments for women with babies and young children to keep their children with them in custody. Suffice to say here that it is of course preferable that women offenders with sole responsibility for children be given non-custodial sentences wherever possible.

In summary, it is fair to say that there have been considerable improvements in the care of female inmates since the appalling levels of self harm recorded at Mulawa in 1994 — and

these are reflected in a dramatic decline in such incidents of 78 per cent. Innovations such as the drug-free wing, a unit for older, long-term inmates and a number of other management initiatives, will soon be joined by a crisis support unit.

However, there are areas which require much more work.

Firstly, I have concerns about the internal complaint handling and investigatory processes within the Department, and will be looking at policy changes in that area in the very near future. Women inmates and ex-inmates over the years have raised these concerns particularly acutely.

Criticisms have also been made over the years of the way in which the internal disciplinary system for inmates impacts upon women inmates. I am satisfied that in recent years the system has become much more objectively and predictably applied, but from time to time concerns are still raised that women are punished disproportionately for particular categories of offence. In other words, behaviour which is tolerated in men is not tolerated in women. I know that the present management of the women's prisons are acutely aware of this potential problem, and our officer training also seeks to raise the awareness of all staff about this issue; but we will be having a close look at the regulations and their implementation to address the more systemic problem.

Finally, I would like to note that the whole question of women's imprisonment cannot be isolated from broader issues of social justice. That poverty in modern Australia has a feminine face should by now be well recognised. Nor should it surprise us that those who are excluded from the benefits of belonging to society will not feel much respect for its rules and values.

In this context, I am particularly concerned at emanations from the new Government in Canberra, which seem to be signalling a return to that old distinction in social policy between the deserving and the undeserving. This does not augur well for women offenders.

However, at the State level, the Government will continue to increase grants to the community organisations that provide post-release services, such as the Aboriginal Women's Ex-Inmate Support Project and Women at Work. Funding for the community grants program was increased by more than 50 per cent for the 1995/96 financial year, again in the current budget and further increases are planned over the next few years.

I will also continue to play an active role in the overall social justice strategy of the Government — and its implications for offenders past, present and future — through my membership of the Social Justice Committee of Cabinet.

Bob Debus

Minister for Corrective Services

An earlier version of this paper was presented at the seminar 'Women's Imprisonment: The Politics of Difference', organised by the Institute of Criminology, Faculty of Law, University of Sydney, 4 April 1996.

REFERENCES

New South Wales Law Reform Commission (1996) *Sentencing*, Discussion Paper No 33, New South Wales Law Reform Commission, Sydney.

New South Wales Task Force on Women in Prison (1985) *Women in Prison*, New South Wales Department of Corrective Services, Sydney.