Questions and answers about Australian Corrections

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Question 1: Are there local institutions of incarceration in each of the states? Can a sentenced prisoner receive a sentence to do his time in a local institution? Or, once sentenced, are all inmates dispatched to state prisons?

Comments: All states and territories have their respective institutions of incarceration. The Federal government, (and until recently, the Australian Capital Territory government), do not have institutions of incarceration that they directly manage. As of 2005, there were 81 government operated prisons, 15 periodic detention centres, and 8 privately operated prisons managed by the states and territories. The prison population has increased significantly over the past 15 years, from 15,559 (89/100,000 population in 1992, to 25,353 in 2005. There are police cells and court cells managed by state governments, but these are not regarded as institutions of incarceration. Rather, they are viewed as temporary custodial sites pending investigation and court appearance/ sentencing. To that extent, most police and court cells are managed by the police services of the regions in which they are situated. Once sentenced, all inmates are dispatched to state prisons. Federal inmates are also sent to state prisons under contract arrangements. In some states such as South Australia, community prisons such as Elizabeth Community Corrections Centre have been established in partnership with community-based Aboriginal organizations to facilitate culturally appropriate rehabilitation of imprisoned Aboriginal people.

Question 2: When must an arrested person be brought before a magistrate? One day? Two days? What happens if the magistrate refuses to release the arrested person on "his own recognizance," or the arrested person cannot make bond? Is it possible for a prisoner to serve a short sentence in a police lockup?

Comments: Australia operates a constitutional democracy with a federal parliamentary government. Each of the country’s six states and two territorial jurisdictions has a separate police force which enforces its laws. Legally, the police may detain an individual for questioning for four hours, which may be extended by a further eight hours (maximum) following a warrant from an authorized justice. The Federal Police enforces Commonwealth laws. The magistrate courts adjudicate lower level criminal cases, and conduct preliminary hearings. Particularly in sensitive criminal cases, extensions may be granted for up to 72 hours before a detainee is released or charged. If the magistrate refuses to release an arrested person, or the arrested person cannot make a bond, the individual is transferred to a state prison pending the outcome of the judicial process.

Question 3: Is there such a thing as pretrial diversion in New South Wales? That is, when a person is arrested, the police will take him to an agency which offers alcohol/drug treatment, mental health counseling, day reporting, etc.

Comments: What we have in most Australian penal systems is post-trial diversion. A notable exception is the state of New South Wales (NSW), which has a pretrial offenders’ act (http://www.austlii.edu.au/au/legis/nsw/consol_act/pdooa1985320/). Posttrial diversion implies that an individual may be found guilty of an offence and given voluntary or court-based treatment program instead of a prison sentence. In the event that
these individuals fail to fulfill the conditions of the treatment program, they may be incarcerated and sometimes encouraged to undertake a prison-based correctional drug treatment program (http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/5f584b237987507aca256d09008051f3/ecd8462cc140eeec7ca256e9d0039f3e61OpenDocument).

**Question 4:** What kind of cooperation with ancillary agencies in the communities is offered when a person is released from serving a sentence?

**Comments:** There are fairly strong links between the correctional system and government welfare agencies such as Centrelink (for unemployment benefits) and non-government agencies such as St. Vincent De Paul. There are also NGOs that assist released prisoners with drug addiction and social rehabilitation issues. Aboriginal community-based organizations have also become more involved with sentencing and rehabilitation activities involving Aboriginal people in contact with the criminal justice system.

**Question 5:** Is there any research being done by universities or government agencies in regard to the value of criminal justice treatment programs? That is, does evidence exist that some of the treatment, education, vocational training programs succeed in keeping released prisoners from rearrest?

**Comments:** Yes, there are a number of studies in this area in Australia (e.g., http://www.aic.gov.au/conferences/2005-cp/bolitho.pdf) in the area of public health, the value of prison-based methadone treatment programs have been shown to be significant in reducing recidivism, as well as in weaning drug-addicted prisoners from intravenous drug use (http://pt.wkhealth.com/pt/re/addi/abstract.00008514-200506000-00015.htm;essionid=GlDffGrydncpZG3TxYkJLkQn7ks8SKryBwv2sSNGJtMyyh3bvn4p!1267112738!1811956298!9091!-l). I am not familiar with studies relating to education and vocational training programs.

**Question 6:** Do the states of Australia ever hold an annual training conference in which correctional and treatment staff meet? Every year the American Jail Association has its annual training conference as you know since you get the magazine. We usually have 40 to 50 panels of different presenters.

**Comments:** In NSW, a prison health conference is held biennially. I’m not aware of annual conferences for correctional and treatment staff in any Australian state. Generally, correctional staff have separate meetings from health/ treatment staff. C3

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