

“Brides of Shame”

On 19 April 1994 a publication of the Inter-Church Steering Committee on Prison Reform, *Prison - Not Yet the Last Resort*, was launched in Sydney. Peter Hidden QC and Michael Adams QC took part in the work of the Committee.

The report is accompanied by a six-page summary targeted at politicians, judges, magistrates, the media, correctional authorities and others with hoped-for influence on the New South Wales correctional system. Amongst recommendations made by the Committee are:

- Support of a bipartisan approach to prison policy to remove “quick fix” pressures for higher punishment from the media;
- Call for review of the *Sentencing Act* and reconsideration of remissions for good conduct;
- Emphasis upon support by the prison system, not more and longer deprivation of liberty;
- Increase in the provision of educational programmes for prisoners;
- Assistance by the Judicial Commission to judicial officers to make them more aware of the range of sentencing options other than imprisonment;
- Special attention to overcrowding and lack of humane visiting facilities for affected women prisoners, particularly those with children; and
- Introduction of urgent measures to reduce the number of Aboriginal Australians in prison.

Launching the report, the President of the Court of Appeal, Justice Michael Kirby, drew attention to the historical origins of New South Wales as a prison settlement. He pointed to the historical tension between reformers and hardliners. He said that when Governor Macquarie had decreed that emancipated prisoners were to receive a basic wage to provide for their dignity, he was assailed both in the colony and in London for his reforms. But, in fact, he contributed notably to the success of the Australian settlement. Justice Kirby said that similar enlightenment was required in every generation.

The average prison numbers have risen in New South Wales from 4,124 in 1988 to 6,500 today. This was an increase of more than 50% in five years. In part, at least, the increase was attributable to the operation of the *Sentencing Act*, which had abolished remissions and parole and substituted determinate sentences. The result was a rapid increase in the prison population. It had required the building of five new prison facilities, some of them to be run by private enterprise and some at a considerable distance from the family and friends of prisoners.

Justice Kirby pointed out that, at current rates of increase, New South Wales would celebrate the Olympics with nearly 10,000 prisoners. This was extremely expensive, both in emotional and social terms, and also in sheer *per capita* costs.

The judge drew attention to the imprisonment rates revealed in the inter-Church report. They showed an increase in the number of prisoners per 100,000 of the population from 90 (1983) to 147 (1993). Although levels of crime in the State had remained relatively stable, rates of imprisonment were growing significantly. New South Wales was now a high imprisoning community. In Victoria in 1991 the equivalent rate was 69.1. In Western Europe equivalent rates averaged between 40 and 50 prisoners per 100,000 of the population.

So far as Aboriginal Australians were concerned, they were 18 times more likely to be incarcerated than other Australians. Within their own population the rate per 100,000 undergoing imprisonment was 1,738. Justice Kirby said that it would be ironical if, before 2000, this figure reached 1,788. There was an urgent need to follow up the report of the Royal Commission on Aboriginal Deaths in Custody and to address the special problems of Aboriginal prisoners and the causes that led to their anti-social conduct and punishment.

Justice Kirby said that prison was required as the ultimate punishment for many offenders, but there was an urgent need to provide effective alternatives to prison throughout the State and to reduce the unnecessary use of imprisonment where non-custodial alternatives would suffice.

Justice Kirby closed his speech at the launch of the inter-Church review by quoting the poem by Oscar Wilde in the *Ballad of Reading Gaol* (1898):

“Every prison that men build
Is built with bricks of shame
And bound with bars lest Christ should see
How men their brothers maim.”

The work of the Inter-Church Committee was supported by a grant by the Law Foundation of New South Wales. □

On the Ball

Jenkyn: Q. And isn't golf your weekend recreation?
A. Yes, sir.

His Honour: Q. What's your handicap, Mr Sevenoaks?
At golf, I mean.
A. It's 15, sir.

Jenkyn: Q. My God.
Can you give me some lessons?
A. I can put you onto a bloke who will.

(Cor. Herron DCJ, *Sevenoaks v GIO*, 1 March 1994.) □
