

Paul Toohey | *March 28, 2009*

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FEMALE prisoners at Darwin's Berrimah jail are sleeping in shipping containers. They have airconditioning, so it's not a human rights issue. It does give an insight, however, into the levels of crowding in the two main Northern Territory prisons in Darwin and Alice Springs.

Territory prisoner numbers reached record highs this year. Last week there were 650 prisoners in Darwin and 480 in Alice. The prisons were built to house 400 and 350 prisoners respectively, though they have been upgraded to take more through time.

The NT Government is planning to complete a new Top End facility at Weddell, just south of Darwin, for 1000 prisoners in 2012, to replace Berrimah. Incarceration trends suggest the new prison will be overcrowded on the day it opens.

Crowding has led to increasing inter-tribal tensions in Berrimah. Double bunks are being installed in dorms and there have been increased alerts and lockdowns.

"When you put large groups of prisoners in small areas there will be tensions," Prison Officers Association secretary Andrew Fidler says. "Increased prisoner numbers means we don't have staff to look after them and that means prisoners need to be locked away.

"We have enough beds for everybody today, though last week we had to ask the police to hold on to some prisoners in their watch-house because there was no space."

The Government has committed to build more than 170 new beds in temporary accommodation during the coming year and prefab cell blocks are already going up in a hurry. Meanwhile, to cope, Berrimah's art centre has been turned into a dormitory. Prison visitors -- not just family but lawyers -- complain it is harder to see prisoners because of queues.

NT jails have never been considered as brutal as Melbourne's Pentridge or Sydney's Long Bay but one prisoner told *Inquirer* of seeing something he'd never noticed before: men sitting around staring and seething.

Inquirer understands some Darwin magistrates would entertain arguments from lawyers that sentences should be reduced to factor in the present conditions.

The North Australian Aboriginal Justice Agency represents most Top End prisoners. Principal lawyer Glen Dooley says the Government wants to be seen as tough on crime. He says it has got its wish and it can't cope.

There are three factors to the overcrowding, according to Dooley: a toughening of the Bail Act, which has led to many more people being held in remand; an unflinching parole board, which consistently declines applications; and an extra police presence in communities as a result of the federal intervention.

Dooley says the cops, in doing their job, are issuing traffic infringements, then finding they have outstanding warrants. As a result, he claims, there are 400 to 450 Aboriginal prisoners serving short sentences for traffic matters, the main cause of the overcrowding.

In other jurisdictions, he says, any sentence of less than six months would attract community service.

New NT Corrections Minister Gerry McCarthy is a candid and -- in the best sense of the word -- naive politician.

He has worked closely with Aborigines in the bush for decades. "My task is to reduce those numbers," McCarthy says. "Low-level offending is having an impact on the jails. I want to see a better understanding of road safety and its relationship to the justice system. I would like to see compulsory road-safety awareness campaigns."

This may not go as far as Dooley wishes, but this would be of value. Bush Aborigines have little regard for issues of vehicle roadworthiness, drink driving or possessing a driver's licence.

McCarthy is strongly committed to re-education but acknowledges it is difficult to provide in crowded jails. He commits to doing all he can. "I'm going to give this (portfolio) a good shake," he says.

Meantime, Dooley says pre-release programs are almost nonexistent. "It's a farcical catch-22," Dooley says. "My clients say they're knocked back for parole because they didn't do courses that didn't exist."

Dooley is also concerned that some of the sexual offenders he has represented are being released without education.

"I know a man who was convicted of a very nasty rape in Pine Creek," he says. "I was his lawyer. He was 17 at the time. The judge slotted him for 10 years. He was given a non-parole of six years, but he was never given parole. He was released only two weeks ago after serving the full 10 years. I sense he's an articulate person who is seeking some understanding of what he did. They just let him out. There's no one looking after him, no one keeping an eye on him.

"Because he wasn't paroled with all sorts of conditions, such as keeping off the piss, he can do whatever he likes. Let's hope he kicks goals, but it really worries me.

"There's such little money put into post-release plans. There's no money into halfway houses to help people make the transition. No one is getting out on parole."

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