



DEPARTMENT OF JUSTICE

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In reply, please quote

30 July 1981

Hon Mr Justice Casey
Chairman
Penal Policy Review Committee

INTERIM REPORT OF WORKING PARTY 4

1. TERMS OF REFERENCE

(h) "Consider and recommend a policy for the provision of work in prisons, remuneration for work, and to clearly determine the objectives of a prison industry scheme."

2. EXISTING POLICY AND PRACTICE

The existing situation regarding work and remuneration is :

2.1 WORK

2.1.1 The Department's policy as to work is outlined in the role and objectives of the Penal Division - i.e.

Objective (III) "To provide constructive work for all inmates and the opportunity for inmates to learn work skills and discipline in order that they may better adjust to living within the community upon release" and (IV) "To reduce the costs of maintaining penal institutions by promoting the production of food, clothing and equipment for sale or consumption and attending to internal maintenance and construction work wherever possible."

2.1.2 In practice the theme of the objectives is followed. However, the important ingredient of promoting work for all inmates has not been achieved. It is also obvious that some of the work that is provided is not of a constructive nature.

2.2 REMUNERATION

The present earnings scheme, introduced many years ago, provided for a graduated scale of payments designed to (a) promote good conduct and industry and (b) to provide funds for the purchase of canteen items such as tobacco, sweets and toilet requirements, the amount available being determined by conduct and industry and, (c) to provide an amount of money for release. The scheme originally allowed an inmate to spend 40% of his earnings on canteen items, the remaining 60% being held for his release.

2.2.1 In practice changes which have occurred have had important effects on the scheme's intention. These are :

(a) There has been no increase in the present rates of payment since 1974 and the usefulness of the scheme in terms of meeting its objectives has therefore suffered through inflation.

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cont'd)

(b) Over the years there has been a liberalisation in areas such as recreation, hobbies, and the obtaining of articles such as radios etc. The provision and maintenance of these has resulted in use of some monies that were previously held for release.

(c) In order to combat the inflationary effect on canteen items the Department in 1974 authorised a price freeze on canteen items thus subsidising the account from other funds. Further, in 1975 the percentage of earnings for canteen items was increased to 50%. This move was related to maintaining the level of purchasing power. It would seem that a loss had occurred between the wage fix and the price fix that followed.

SUBMISSIONS

Although a good number of submissions pertaining to industry and remuneration were received there was very little offered as to how the suggestions were to be put into effect and more importantly it would seem little thought had been given to the administration and other problems of implementation.

Many submissions spoke in very general terms but the following main thrusts in order of numbers did emerge :

- (a) The payment of award wages in order to pay for keep and committments.
- (b) The increase in earnings in order to provide help to their family.
- (c) Relate institution work to outside work in order that the inmate is trained for particular work on release.
- (d) Extend the Release to Work on Parole Scheme.

RESEARCH

Research material was provided by Mr Ritchie of the Planning and Development Division of the Justice Department. Lengthy papers on his research into the history of prison industries in New Zealand and his particular studies into the present situation in England were received.

This material was prepared in a very readable style. They were concise and where conclusions were made they were very much based on balance and logic. All in all a very commendable effort.

In addition a publication, Prisons Education and Work by John Braithwaite, first published 1980, was received. This book looks closely into the prison industry situation in Australia.

VISITS AND INVESTIGATIONS BY WORKING PARTY

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Three members of the party as a group visited Auckland, Mount Eden, Waikeria, Hautu, Waikune and Manawatu Prisons. The other member visited Auckland, Mount Eden and Invercargill Prisons. All members visited Paparua, Rolleston and the Christchurch Women's Prison.

5. 2 Investigation into the industry accounting system and earnings sheme were undertaken by Mr R Nurse, the Accountant's Society member of the Committee.

5.1.3 OBSERVATIONS OF THE WORKING PARTY

It became quite clear to the members after their visits to various institutions that a narrow and uniform policy for the provision of work would be difficult to implement and could create problems. It was found that institutions differed widely because of many factors.

- (a) Type of inmate - youth or adult - recidivist or first imprisonment.
- (b) Type of sentences - short, medium or long.
- (c) Type of security - minimum - medium - maximum - or mixed.
- (d) Location -
- (e) Type of programme offered.
- (f) Historical influences - i.e. original reasons for institution.

These factors caused us to believe that a flexible policy as to work should be retained in order that institutions could use work and it's emphasis according to it's programme and in relation to it's objectives and type of inmate therein.

6. CONCLUSIONS

6.1 PROVISION OF WORK

- 6.1.1 The Committee were of the opinion that work was an important ingredient for any person's well being. Work, therefore should be provided for all inmates and such work should be meaningful.

6.1.2 REQUIREMENT TO WORK

We believe that in the interests of good management and discipline, inmates unless exempted for medical, educational or other appropriate reasons, should be required to work. However, from discussions with various Prison Superintendents it was obvious that there is a small number of inmates who do not wish to work and indeed can cause damage to workshop machinery if forced to work.

It was therefore felt that in cases where inmates refused to work or mismanaged their work, the Superintendent at his discretion, and in addition to any penalty imposed for an offence under Section 32 (1) (b) of the Penal Institution Act 1954, could place an inmate in an unemployed status with a subsequent loss of recreation type privileges.

- 5.1.3 There was mention in some of the submissions that inmates should be given employment comparable to that found in the community thus giving the inmate the opportunity of being trained for a job on his release.

.1.3
cor'd)

The Committee felt that while this had merit an institution could hardly cater for such a wide spread of employment avenues. We therefore believed that it was sufficient for the system to concentrate on full employment, the teaching of good work habits, and such skills which could be useful to inmates in obtaining work on release.

The type of work that should be provided was discussed and after viewing the range of work in various institutions it was agreed that the Department's objective (IV) "to reduce the costs of maintaining penal institutions by promoting the production of food, clothing and equipment for sale or consumption and attending to internal maintenance and construction work wherever possible" was appropriate in terms of providing meaningful work.

However, it was very apparent that in medium security institutions there is not sufficient work available. In addition to unemployed inmates there is a degree of over employment in areas such as cleaning which, when taken into account would increase the true unemployment numbers.

To overcome this, work unrelated to the needs of the institution would have to be found and this in itself is a very difficult task.

It was found that the present workshops inspected were not working to capacity because of insufficient orders being received from the public sector. Indications were that this was due from either lack of funds to purchase or items, mainly joinery, being purchased elsewhere. The latter perhaps through the inability of some workshops to produce a uniformed good quality product.

.1.4

FARMING

The present prison farms commenced as land clearance and breaking in projects which however were kept on when they became productive. This was despite a shift in policy towards work relative to a city inmates employment needs. It is suggested that the profits from these farms was a determining factor.

Setting aside that consideration the Committee were of the view that the farms provide a much improved environment for minimum security inmates, they provide work and can teach good work habits.

.1.5

PRISON INDUSTRIES - COMPETITION WITH THE PRIVATE SECTOR

A number of submissions suggested that inmates should be employed in work applicable to that found in outside industries. To meet that ideal new industries would be required with the likelihood of competing with the private sector.

The research paper - History of prison industries in New Zealand - indicates that this aspect has been considered from time to time over many years.

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6.1.5
(cont'd)

It is quite clear that the policy has been against competition with perhaps a hardening in recent times i.e. the Wi Tako Prison laundry tender with NZ Railways is an example.

The political considerations and lobbying that will undoubtedly occur within the private sector, together with the views of the Federation of Labour (see submission No 213 Pages 8/9) indicated to the Committee that it would be unwise to enter into competition with the private sector until such times as a thorough evaluation of the needs of the Government Agencies can be undertaken. This should include the manufacture of new products if appropriate and extend the area of sales to include charitable organisations.

6.1.6

SUMMARY

The Committee therefore submit that :

- (a) Work should be provided for all inmates.
- (b) That work should be of a meaningful nature.
- (c) That all sentenced inmates be required to work unless exempted for medical, educational, other appropriate or disciplinary reasons.
- (d) That work should be geared to the teaching of good work habits and such skills which could be useful to an inmate in obtaining work on his release.
- (e) That the first call on the labour force be for the purpose of upkeeping the institution in terms of food, clothing, equipment for consumption and attending to the internal maintenance and appropriate construction.
- (f) That surplus labour be directed to providing products or services to other Government Agencies or charitable organisations.

7.

REMUNERATION FOR WORK

7.1

PAYMENT OF AWARD RATES

Of the submissions that mentioned the question of remuneration the majority opted for the payment of award rates of pay. Funds accrued from such a system were to be used for the payment of keep, dependants' benefits, restitution and other debts etc.

While the committee supported the principle of inmates paying their way, anomalies and administration difficulties were very apparent.

These were :

7.1.1

The setting up of such award rates bearing in mind the range of work within an institution, the range of abilities amongst the prison population, and the exclusion from some avenues of employment to some because of security conditions.

7.1.2

The need to set up a costly administrative backup to deal with the disbursement of funds which for an ideal situation should include payments by the inmate for his keep, clothing, medical, dental and other costs associated with his imprisonment and now given to him free of charge.

In regards to dependants' benefits it would appear that we would be merely transferring Government funds from one department to the other.

In essence, unlike the Release to Work Scheme where inmates earn money from the private sector and clearly pay commitments, an Award Wage Scheme would be using public monies for, in the main, payments to Government Agencies with the administration costs also at the taxpayers' expense.

7.1.3

In discussion with Superintendent Hobson we were told that an evaluation of paying award wages to inmates at Wi Tako Prison was carried out in 1965 and the results to his recollection were that -

(1) payments of board, living expenses and payment to dependants would in the case of married (or defacto) inmates reduce the amount of nett pay to about the prison earnings scheme.

(2) single inmates, whose post release needs could be said to be less, had a real advantage over their married counterparts.

(3) the inmates in the survey were not enthusiastic with the results.

7.1.4

A very important consideration of such a scheme is with it's implementation and running it in a prison environment. By this I mean is that the main function of an institution is the confinement and disciplinary control of inmates. Historically privileges and rates of pay are assessed on the overall assessments of conduct and industry. Therefore an award rate scheme would not allow for disciplinary control or lowering or increasing pay rates. By their very nature and instability many of the inmates require the present type controls to influence their behaviour.

The research paper received on Prison Industries in England and referring to a concept of a special industrial institution (not award rates of pay) indicates that only a small volunteer percentage of the inmate population are acceptable to a civilian as opposed to disciplinary controlled environment.

It would follow that in our scene a very small number of inmates could be syphoned off into such a regime.

In our present situation inmates can not be dismissed from the institution and prison staff are actively encouraged to persevere with unsuitable workers as sacking them only shifts the problem to another officer. In the English scheme unsuitable people only had to be transferred back to their original institution.

.1.5 Finally, I would refer you to the Federation of Labour's submission, No 213 pages 8 and 9.

If their views have to be accepted as part of a prison industry or Award Rates Scheme then such aspects as active union membership, withdrawal of labour, choice of work etc could not be incorporated into a prison setting unless it operated in a special institution. Even there problems would arise.

.2 PRESENT EARNINGS SCHEME

.2.1 The Committee were unanimous that because of the problems before mentioned the present pocket money - gate money concept should be retained. However modifications were thought very necessary.

.2.2 The present earnings scheme (see Penal Division Manual E.9.) allows supervising officers to grade their workers on an eleven point scale. The payment range is as follows :

| <u>Mark</u> | <u>Cents per Hour</u> | <u>Weekly for 40 Hours</u> |
|-------------|-----------------------|----------------------------|
| A | 2.00 | \$0.80 |
| B | 2.25 | 0.90 |
| C | 2.50 | 1.00 |
| D | 3.25 | 1.30 |
| E | 4.00 | 1.60 |
| F | 4.50 | 1.80 |
| G | 5.00 | 2.00 |
| H | 5.75 | 2.30 |
| I | 6.50 | 2.60 |
| XI | 7.75 | 3.10 |
| X2 | 9.00 | 3.60 |

.2.3 SUGGESTED NEW SCALE

The Committee felt that there were too many steps in the scale thus making it difficult for officers to make an assessment relative to an inmates conduct and industry. We propose that the steps be reduced to five as follows :

- A Minimum rate for inmates who have refused to work and those under punishment.
- B Satisfactory work and conduct and for those for whom there is no work available.
- C Good work and conduct.
- D Very good work and conduct.
- X Special work. (This grade should require the Superintendent's approval and be limited as described in PDM instruction E.9.1.4.(5) and (6).

.....

7.2.3
(cont'd)

The Committee recommend that the suggested new steps be married into the present system as follows :

| <u>New Steps</u> | <u>Old Steps</u> |
|------------------|------------------|
| A | A |
| B | F |
| C | I |
| D | XI |
| X | X2 |

7.2.4

SUGGESTED NEW RATES OF PAY

As mentioned beforehand the pay rates have been held at their present level since 1974. While subsidies on canteen items have ensured that the purchasing power has been retained, the 50% residue for other spending has suffered through inflation.

We therefore strongly recommend that the present scale, as married into our suggested new rates, be increased in relation to the increases in the Consumer Price Index since 1974 and that these rates be increased on the same basis every six months.

As to the present subsidies on canteen items we recommend that they be removed.

7.2.5

DISBURSEMENT OF EARNINGS

The present system allows for inmates to spend 50% of their earnings in the canteen. The residue is held in an account to cover any unusual expenditure not covered in the canteen scheme and provide for rehabilitation on discharge.

Our investigations show that through increasing privileges - i.e. personal transistors (radios), hobbies etc a greater latitude in spending has occurred which has resulted in problems of inmates having insufficient funds on discharge.

Inmates are generally not good savers, live very much day by day and pressure the administration to spend their savings. In our travels we found that while some institutions had made real endeavours and/or implemented schemes to curtail spending, others had permitted inmates to spend all but \$10 of their post-release monies.

We believe that while some spending is necessary for such items as newspapers, fruit, hobby and educational material, the situation found in some institutions should not be permitted to continue and suggest as follows :

| | |
|----------------------|--|
| Canteen spending | 50% |
| Other spending | 20% |
| Retained for release | 30% (however could be applied for dental or optical needs) |

.2.5.
cont'd)

This suggestion would ensure that inmates, other than those with very short sentences, would have reasonable funds for release.

.2.6

SUBSIDIES

As mentioned we recommend that the subsidies on canteen items be removed. Further, we would suggest the Department investigate the level of subsidies on dentures and optical needs in light with the increased earnings.

.2.7

GRATUITIES

The present maximum gratuity paid to inmates serving one month or less is \$3. We believe that this should be increased to at least say \$10 and reviewed annually.

.3

UNEMPLOYMENT BENEFIT

The question of the payment of the normal unemployment benefit to inmates on release was not a matter within our brief but in our deliberations on the payment of award wages to inmates the point was raised and was deemed important enough to be included.

It was felt that while the increased earnings suggested would give inmates more money for release, we were mindful of advance payments such as board, rents etc that are often required for resettlement.

Our enquiries show that discharged inmates can register as unemployed and can receive an advance of \$30 repayable over a period from future benefit payments. However, they are not entitled to a benefit as such for the first week.

We therefore felt in terms of the level of the suggested prison earnings that prison inmates should be regarded as being unemployed prior to release and be permitted to gain the full unemployment benefit for the first week. This would not apply to those inmates who were on work parole prior to discharge or to those who have a job to go to.

1.4

SUMMARY

The Committee therefore submit that :

- (a) That the present pocket money - gate money concept of prison earnings be retained.
- (b) That the present scheme be upgraded and inflation-proofed.
- (c) That a portion (30%) of earnings be retained and used only for release purposes. The only exceptions being for the payment of essential dental and optical requirements.
- (d) That the present subsidies on canteen items be abolished and the dental and optical subsidies be reviewed.

.....

- 3
(cont'd)
- (e) That gratuities paid to inmates serving one month or less be increased and then reviewed annually.
 - (f) That the unemployment benefit be paid to inmates from the day of their release with the exception of those currently on work parole or with employment to go to.

8. OBJECTIVES OF A PRISON INDUSTRY SCHEME

In the past it would seem that the term prison industry has been alligned only to those activities that are operated on a production profit and loss basis.

However, we believe that all necessary work that takes place within the institution, whether it be cooking, cleaning or maintenance of houses and buildings, results in a saving to the taxpayer and would need to be carried out by employees or contractors if not done by inmate labour.

The volume of this work is not assessed and therefore does not appear as additional credits to the Department's accounts.

We do not propose that this should happen but do say that all work be included when we speak of the policy and objectives of a prison working scheme.

While we emphasised the need that all inmates should be required to work and that the system should provide sufficient and constructive work for all inmates, we do not claim that this should supersede other rehabilitation measures. There should be room for religious, educational and social training at a level based on the needs of individual inmates or the aims and programmes of particular institutions.

We also see the necessity to reduce costs of maintaining penal institutions and the value from work is a major consideration. However, allowances need to be made for the costs associated with teaching work skills to a predominately unskilled labour force. Emphasis should therefore be on efficient management of industries aimed at reducing costs.

Therefore, within the concept of a total programme we agree with the Department's objectives relating to work (Industry scheme).

They are :

- (a) To attempt to change attitudes for the better by offering training in vocational skills.
- (b) To provide constructive work for all inmates and the opportunity for inmates to learn work skills and discipline in order they may better adjust to living within the community upon release.
- (c) To reduce the costs of maintaining penal institutions by promoting the production of food, clothing and equipment for sale or consumption and attending to internal maintenance and construction work wherever possible.

9. ACKNOWLEDGEMENTS

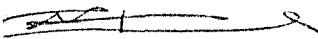
I wish to take this opportunity to thank the members of my working party for the input they made into this report. It comes from discussions based on their observations and investigations.

I would also thank the Superintendents and staff of the institutions visited for their help and views. Thanks also to those who took the time and effort to make submissions, and finally to the Research Officer Brian Ritchie for his valuable papers.

10. FURTHER MATTERS

At the point of the working party's last meeting we felt we had gone as far as we could go. We have yet to receive and study the submissions of the Justice Department. This will be a most important one and we intend to reconvene and discuss and report on that.

Any change to our views will be the subject of a supplementary report.


(H.S. Stroud)
Chairman

Act or any rule of the institution made under section 7 of this Act:

- (b) Is idle, careless, or negligent at work, refuses to work, or wilfully mismanages his work:
 - (c) Uses or writes any abusive, insolent, insulting, threatening, profane, indecent, or obscene words:
 - (d) Behaves in an offensive, threatening, insolent, insulting, disorderly, or indecent manner:
 - (e) Without authority, communicates with any person, not being an inmate or an officer or any other person lawfully in the institution:
 - (f) Leaves his cell or place of work or other appointed place without permission:
 - (g) Without the approval of an officer, has any article in his cell or in his possession, or gives to or receives from any person any article, or attempts to obtain any article:
 - (h) Repeatedly makes groundless or frivolous complaints:
 - (i) Commits any nuisance:
 - (j) Assaults any other inmate:
 - (k) Wilfully disfigures, damages, or destroys any part of the institution, or any property that is not his own:
 - (l) In any other way, offends against good order and discipline.
- (2) Every inmate commits an offence against discipline who—
- (a) Obstructs any officer in the execution of his duty:
 - (b) Assaults any officer or any other person, not being an inmate:
 - (c) Makes false and malicious allegations against any officer, or any other inmate, or any other person lawfully in the institution:
 - (d) Without the permission of the Superintendent, combines with other inmates for the purpose of obtaining any alteration in conditions in the institution or of making any complaint:
 - (e) Mutinies, or incites other inmates to mutiny:
 - (f) Escapes from any institution or from lawful custody:
 - (g) Wilfully wounds or injures himself or pretends illness:
 - (h) Being an inmate to whom section 17 of this Act applies, refuses, after that section has been read to him, to submit to being photographed or to having his measurements or fingerprints taken:
 - (i) Commits any act of gross misconduct or gross insubordination:

E. 9.1.4 Value of Marks

(1) The value of the mark will range from 2 cents (minimum) to 9 cents (maximum).

(2) The use of different scales could cause anomalies and confusion when inmates are transferred and the following scale is to be used at all institutions :-

| <u>MARK</u> | <u>HOURLY</u> (cents) | <u>DAILY</u> (cents) |
|-------------|--------------------------|-------------------------|
| A | 2.00 | 16 |
| B | 2.25 | 18 |
| C | 2.50 | 20 |
| D | 3.25 | 26 |
| E | 4.00 | 32 |
| F | 4.50 | 36 |
| G | 5.00 | 40 |
| H | 5.75 | 46 |
| I | 6.50 | 52 |
| X1 | 7.75 | 62 |
| X2 | 9.00 | 72 |

(3) The use of alphabetical symbols is not mandatory, but, where used, the scale of values in paragraph (2) is to be adhered to.

(4) Any value of mark within the limit of A to I may be granted by the officer responsible for assessing an inmate from the first day that marks are allotted. However, only 75% of inmates participating in the marks scheme in any institution may receive marks between G and X1 inclusive.

(5) Increases to grades X1 and X2 will require the personal approval of the Superintendent and the total on X2 rate is not to exceed 10% of inmates employed under the marks scheme in the institution concerned.

(6) Superintendents are expected to award X1 and X2 marks for inmates who usually work only a five day week in workshops, trades or other productive industries. Other inmates who work a nominal seven day week in covered positions which afford special status, light congenial duties, or other perquisites should be restricted to a maximum of I mark. Unless this is done the incentive for industry will be lost.

(7) Making the value of marks automatic is to be avoided. Within the scale A to I the values allotted should be flexible from day to day and based on conduct, attitude to work, effort, output and endeavour.

Objectives:

- To provide prompt, accurate, impartial pre-sentence reports which assist the Court in sentencing criminal offenders.
- (ii) To exercise firm, consistent supervision of those released on probation from the Courts or following prison sentences to prevent further offending and to counsel, advise and direct those placed under supervision to assist their social rehabilitation.
- (iii) To contain in work centres those offenders sentenced to periodic detention and to supervise them in performing work in and for the benefit of the community.
- (iv) To accommodate some offenders who, in making the adjustment to living in the community without offending, require control and supervision.
- (v) To evaluate current and alternative methods of the social control and rehabilitation of offenders.

Programme VI - Registration of Land

A. The role and objectives of the Land and Deeds Division are:-

1. Role:

- (i) To administer the statutory system for the registration of title to land.
- (ii) To maintain for public inspection a record of all certificates of title to land and all transactions registered against the land, indexes, maps and plans relating to that land.

2. Objectives:

- (i) To administer efficiently the statutory system of registration of title to land.
- (ii) To process and issue new certificates of title to land within three weeks of receipt of an application or the deposit of a plan.
- (iii) To process and record any instrument affecting land within one week.
- (iv) To deposit plans of survey within 48 hours of receipt from the Chief Surveyor or, where legal requisitions are placed upon a plan, within the said time following satisfaction of requisitions.
- (v) To maintain an accurate and readily accessible record of all matters affecting certificates of title to land and to answer proper enquiries in respect of those records on demand.

Programme VII - Penal

A. The role and objectives of the Penal Division are:-

1. Role:

- (i) To carry out the functions defined in the Penal Institutions Act 1954.
- (ii) To hold persons sentenced to imprisonment by the Courts in safe and humane conditions.
- (iii) To hold in custody, and produce to the Courts as directed, persons remanded for trial and sentence by the Courts.
- (iv) To offer inmates, during their period in custody, access to resources which will prepare them for release and assist them to live as law abiding citizens.
- (v) To administer incentive schemes designed to encourage good work and conduct by inmates.

2. Objectives:

- (i) To ensure inmates are held in humane conditions appropriate to their classification and the minimum degree of security necessary.
- (ii) To attempt to change inmates attitudes for the better by offering training in social, vocational and educational skills.
- (iii) To provide constructive work for all inmates and the opportunity for inmates to learn work skills and discipline in order that they may better adjust to living within the community upon release.
- (iv) To reduce the costs of maintaining penal institutions by promoting the production of food, clothing and equipment for sale or consumption and attending to internal maintenance and construction work wherever possible.
- (v) To train all staff in the efficient and humane management of people and in rehabilitative skills and techniques.
- (vi) To initiate, encourage, assess and develop better techniques for the conduct of prisons and re-establishment of inmates in society.

The Federation of Labour believes that sub-contracting work to prisons from the private sector would violate this Convention and we would therefore oppose any moves in this area.

The Federation of Labour does not believe that adequate protection for prisoners against exploitation can be guaranteed if their labour is made available to outside interests. We also believe that the days when prison labour has been used to try to undermine the conditions of work and rates of pay of free labour are not so far behind us that the trade union movement can afford to ignore the lessons of the past.

The Federation of Labour believes that prison industries will succeed in their goal of rehabilitating prisoners only if this goal is paramount in the minds of those who operate the industries; prison industries as a rehabilitative measure will fail if prison administrators and employers regard prisoners as a cheap labour force.

The Federation of Labour is totally opposed to the introduction of the practice of sub-contracting work from the private sector to prisoners in penal institutions as safeguards against exploitation of prisoners and undermining wages and conditions of free workers are not adequate.

9. The Federation of Labour believes that prisoners who work in prison industries should be paid on the same basis as prison inmates on release to work ie award rates. If prison industries are run efficiently, the funds generated should be adequate to provide award rates of remuneration for prison inmates. Deductions for maintenance of dependants and board and lodging etc should be made, and prison inmates should be entitled to accumulate reasonable amounts of gate money. The Federation of Labour strongly supports the idea that prison

inmates who work should be members of the union which covers the industry concerned. We believe that inmates covered by the appropriate award and union should be entitled to take an active part in the affairs of the union as this link could assist in the rehabilitation of the prisoner, particularly after release.

The Federation of Labour submits that prison inmates should be paid at award rates, become members of the appropriate union, and be entitled to take an active part in the affairs of their union.

10. The Federation of Labour understands that prison industries in penal institutions for women are generally those which are considered to be "women's work" ie laundry work and sewing. The Federation of Labour does not believe that these industries are viable in the present state of the New Zealand economy and feels that the narrow range of work available to women prisoners is nothing short of discrimination on the grounds of sex. While women's prisons may suffer from lacking the economies of scale present in some of the larger prisons, there does not seem to be any valid reason why women prisoners should not be offered same vocational opportunities as men. Building women's prisons closer to men's prisons (or incorporating them within prison complexes) would enable women to take advantage of the wider work opportunities available in men's prisons.

The Federation of Labour submits that vocational training and work for women prisoners should be as wide as those for men prisoners and should not be based upon outmoded ideas of what "women's work" is.

PRISON INDUSTRIES

Although the history of this country's penal system may be said to have begun in 1846, with the passing of the Ordinance for the Regulation of Prisoners, that Act only legitimised the gaols already in fact in existence as public gaols. A clear pattern of prison industries did not emerge until 1854, with the passing of the Secondary Punishments Act. With the cessation of the transportation of serious offenders from this country to Tasmania at that time, this legislation introduced for them a penalty, penal servitude, which in effect sentenced the offender to exactly the same kind of labour as he would have had to perform, had he been transported. That this piece of legislation was modelled on the English Penal Servitude Act set a precedent that was to be frequently followed in penal matters in the succeeding years.

Penal servitude, a sanction which condemned the offender to work, "on the roads and public works", was to dominate and limit the character of prison industries over the next more than fifty years, and much that was original in penal policy in this area can be seen as attempts to escape the straight-jacket this sanction imposed on administrators.

Work in the early years of the colony consisted, then, of roadwork in the main centres, some boot and clothing manufacture, and oakum picking. Much prison labour was also expended on the building and maintenance of the penal institutions themselves. To this country's credit, such futilities as the crank and tread wheel, common at the time in England, were never employed here as a deliberate policy.

With the abolition of the provinces in 1875 the possibility of a national penal institution became a matter of some political contention. It had already been suggested by a meeting of the High Court Judges in Auckland in 1861, and by the Royal Commission on Prisons of 1868, and would be endorsed by the Select Committee on Grades of 1878. These last two groups reflected, in their recommendations the attitudes of the time in England, harsh and punitive in 1868, and marginally more humane in 1878.

Captain Arthur Hume

The consequences for New Zealand of English deliberations on penal policy in the 1870s, were very considerable indeed, mainly through the agency of the first Inspector-General of Prisons, Captain Hume. This man who had been brought from England to unify the New Zealand penal system, came with some eighteen years experience in such prisons as Dartmoor, Millbank, and Portland, and briefly, as governor in Wormwood Scrubs. The extent to which he attempted to impose an English model on the New Zealand penal system, and the extent to which that model determined events in subsequent years has never been fully understood.

Hume's first major decision was to build a national prison, the old Mt Cook Prison, on the site of the present National Art Gallery and Museum. A brick kiln was to be erected and the prison was to be constructed with the materials it produced.

This was the pattern pursued in a number of English penal institutions, in particular at Wormwood Scrubs. Other echoes of English practice are found in Hume's plans for Mt Cook. It was to be an industrial institution, engaging in a wide range of activities, including bookmaking, tailoring, laundry work, carpentry etc., and including a trade training programme. Hume's hostility to education, which has been given more publicity than it deserves, was the result of his commitment to the cellular system of Millbank Gaol. His objection was as much to the practice of conducting educational programmes in group situations which were difficult to discipline, as to the nature of the activity.

Hume also believed in a programme of tree-planting, land reclamation, and farming, and in training in these forms of employment, based on his experiences at Dartmoor. He argued for this policy as early as 1881, and returned to it throughout his career. He may thus claim some credit for introducing the farming policy which is so characteristic of this country's penal industries.

To return however to Mr Cook Prison, Hume soon found that its construction was fraught with difficulties of a political nature, having their origins in problems of a national character largely unrelated to penal questions. The move towards centralization of government functions, which had followed the abolition of the provinces, was bitterly resisted in the south, especially in Otago. On Hume's appointment, the latter province countered by arguing the claims of the local gaoler as a candidate for his position. There was an element of nationalist chauvinism in this situation which Hume was able to deal with easily enough. The attack on Mt Cook, as a centralized institution which drained off prison labour from the provinces, had however strong supporters in Wellington, who made it less easy to counter. The prison's conspicuousness on the Wellington landscape aroused much local resentment, and the persistent hostility of an emergent and aggressively articulate trade union movement to the training of inmates, and to the production by the prison of goods which were potentially competitive with those of free labour, made for increasing difficulties. Thus the prison as a national institution was gradually abandoned, though the brick works continued to produce building materials which were to be utilized in many of the capital's public edifices.

The resistance of organised free labour to prison industries is a perennial problem for the penal administrator. Nevertheless, its virulence during this period is unique in our history, and its effectiveness in restricting planning in the area was considerable. It is to be remembered that the 1880s were a period of severe depression in this country and this not only made free labour extremely sensitive to the possibility of prison labour depriving the law abiding working man of employment, but it also meant that the resources available to Hume to develop constructive policies were very limited indeed. Labour pressure in any case, even into the 1890s, managed to control some penal industries. Thus the Mt Cook brickworks closed for a short time, and in 1897 it was found politically expedient to close down the printing works at Lyttelton Prison.

Hume's first attempt to resolve the problem of finding work for prison labour which would not offend trade union susceptibilities was the result of a scare at the growth of Russian power which swept through the British Empire as a consequence of that country's invasion of Afghanistan in 1884. It was decided that fortifications should be built at the entrances to the harbours at Auckland, Wellington, Lyttelton, Dunedin and Nelson. However futile such activity may now appear, it raised virtually no criticism at the time, a fact indicative perhaps of what the public considered to be the appropriate form of prison labour. It lasted in any case until 1890, when it became obvious that the artillery it had been hoped to instal had become hopelessly out of date.

Although a small amount of this kind of work was continued in Auckland until the 1920s, its effectual abandonment as a national programme, in 1890, meant that Hume had to look elsewhere for work for inmates. The scheme he came up with, that of building a road from the West Coast through the Milford Sound area into Otago lasted a mere three years, when unsound organization, and political pressure, forced it to close. Ephemeral as this exercise was, it was perhaps important for the fact that, although it was, as a road-building scheme, entirely congruent with the demands of the penal servitude sanction, in moving this activity into a rural area, it initiated a chain of events which eventually led to the division's characteristic rural industries policy.

Hume was about this time pushing again for the introduction of a farming programme. He was not to get it, but with the improving economic situation of the 1890s, he was able to move some distance in that direction. The passing of the depression was largely attributable to the invention of techniques of refrigeration which made it possible for the country to export not only wool, but mutton, beef, and dairy products. This not only increased the wealth of the country, but also, by increasing the importance of the small dairy farmer, changed the balance of political power in the country. It also led to the demand for the opening up of more land for farming. The effects of these factors were not all to be felt immediately. Seddon however was interested in the expansion of the country's forestry resources, and it became possible, with greater resources becoming available, for tree-planting camps to be set up from 1900 onwards, to realise this interest.

The tree planting camps, which can be seen as deriving as much from Hume's English experience, as Seddon's policies, must be accounted the one completely successful programme of Hume's regime. Started as a scheme for corrigible minor offenders, they soon expanded until they included camps at Waiotapu, Hanmer, Waipoa and Kaingaroa, which provided work of considerable national importance, for a wide range of offenders.

Hume's regime lasted 29 years. Its significance, however, for later years was limited. Of the major institutions functioning in his time, only Mt Eden and Invercargill have survived. The limitations imposed by his English background, though this was less negative than is generally claimed, the restrictions implicit

in the sanction of penal servitude, and the straightened financial times, meant that much of his policy making in the area of prison industries was opportunistic, and led to short term and at best only partially successful programmes. Only with the establishment of the tree-planting camps was a programme established which was capable of developing productively in the future.

At the same time important problems which appear to be endemic to penal industries had already begun to emerge. Most obviously that of relations with free labour, was crippling to a number of his plans. Hume was also haunted by the spectre of an economically self sufficient penal system. With the abandonment of Mt Cook Prison as a national institution, a possibly valuable aid to a viable system of prisoner classification was also lost. And already in this period the relative values of urban trades versus agricultural skills had become an important matter for policy makers.

Sir John Findlay

Hume retired in 1909. His minister, James McGowan was also, at that time, replaced by Sir John Findlay. The latter, in the following year, introduced his Crimes Amendment Bill. In this, he announced a "new policy", to be based on the methods of the Elmira Reformatory in New York. This was to centre around a new institution to be built at Waikeria, as a reformatory to which all corrigible offenders were to be sent. There, in a rehabilitative environment, they would receive a thorough trade training. The striking innovation relative to the American model, was however that the training should be in rural rather than industrial skills. This instruction was not only to involve an intricate classification system, but was to function within a system of institutions, existing as part of a national classification programme. This aspect of Findlay's design appears to have been derived from the system introduced into New South Wales by Captain F.W. Neitenstein.

Findlay's plan is of interest in that the histories of our penal system available, tend to give the impression that the years immediately after 1910 amount to no more than a failed attempt to introduce this plan. Those of Mayhew and Nissen are cases in point. This view appears to be in need of correction. It is true that some aspects of his thought, such as preventative detention, being built into the legislation, did survive into later years. And serious attempts were made to introduce his system of national classification. But it may be said that in the next important period, from 1912 to 1924, it was not Findlay's design that was introduced but a quite independent programme determined by quite different political and philosophical points of view.

In order to understand how this could happen it is important to realise that in 1912 the Liberal Party was swept from power, and Findlay actually lost his seat. He thus lost all power to ensure the implementation of his programme. The new political power, the Reform Party, under Massey, represented the conservative

small, particularly dairy, farmer, with an ethic of hard work, and belief in the virtue of rural, as opposed to urban, life. Education was less productive of virtue than hard work, in this system of values, and it was this system which was to some degree to control penal policy until 1925.

Mr C.E. Matthews

The person who implemented this policy was Mr C.E. Matthews, who was in charge of the division from 1913 to 1924, when he died in office. His regime thus coincided closely with that of Massey as Prime Minister. Matthews is not even mentioned by Mayhew in his discussion of the history of this period, but research makes it increasingly clear that he may well have been the most effective officer to have so far controlled this country's prisons, and that he constructed an effective, basically humane, and remarkably durable penal system, on principles quite independent of those espoused by Findlay.

That system is basically the one that still operates today. Of the major institutions of Hume's time, he demolished Mt Cook, and closed Lyttelton and the Terrace Gaols. He added a 650 acre farm to Invercargill Prison, and virtually rebuilt Mt Eden. Four small prisons from Hume's time, those at Napier, Wanganui, New Plymouth, and Dunedin, survive to the present day. The importance of Matthews' contribution must be seen however in the fact that he completed Waikeria, established Paparua, Otautu, Rangipo, Waikune and Wi Tako, and began Mt Crawford Prison. He also built two women's prisons at Addington and Pt Halswell. Although these have been replaced, all of the male institutions he created still operate. Although they have all been extensively altered and expanded since his time, developments have taken place basically within the model he created. This fact is re-enforced by the consideration that, of the institutions now being used by the department, only four, those at Ohura, Rolleston, Paremoremo and Linton, have been established in the 57 years since his death.

Matthews also established farming as a major penal industry, by his developing and setting up of the institutions at Invercargill, Waikeria, Paparua and belatedly, Wi Tako. Matthews saw these farms as extensions of Hume's tree-planting camps and they reflected in many ways the pattern of reclamation, tree planting and farming which was characteristic of English farming institutions such as Dartmoor. He also saw these institutions as useful in that they removed the offender from the contamination of the towns, gave him, incidentally, a training in agricultural skills, and released him into rural areas where work as a farm employee was available. As he saw work as intrinsically of moral and rehabilitative value, he did not find it necessary to offer any formal trade training in adult institutions. When Invercargill, in 1916, and Waikeria, in 1925, were declared Borstal institutions, trade training was introduced into those institutions.

In 1909 only 14.2% of inmates were engaged in rural work. By 1919, the percentage had risen to 52.9. Although it was not until about 1920 that any of these farms was fully productive, with the exception of Wi Tako, their expansion in the remaining years of Matthews' term of office was extremely rapid. Thus in 1924, Paparua carried 115 cattle including 74 dairy cows, 1033 sheep and 622 pigs, besides a small number of poultry. Invercargill carried 520 cattle, including 398 dairy cows, 1564 sheep and 71 pigs. With the closing of the brick works at Mt Cook, that industry was transferred to Wi Tako with the result that the reclamation of land for farming at that institution was not begun until the brick works were closed in 1926.

As these institutions became productive it was found necessary to find further land for reclamation and the division's properties at Hautu and Rangipo were acquired in 1922 and 1925 respectively. The intention was to clear the land and then offer it for farming to settlers. However with the approach of the depression this became no longer a viable proposition, and the division turned to farming it itself.

Associated with the breaking in of new land, was the construction of roads in rural areas. Thus Waikune which was originally opened to accommodate military prisoners, later became a permanent establishment, and added a sawmill to its industrial resources.

Matthews' trade industries policy was very much influenced by a visit he made to Australia in 1914. There, the workshops in the prison for hardened offenders at Parramatta, and the special programme for first offenders at Goulburn Gaol, would have particularly interested him. Not only did the production of boots and tailoring increase, but serious attempts were made to find an opening for prison products in other departments. Thus bootmaking especially for mental institution needs, was a major industry at Lyttelton Gaol, until 1920, when it was closed, and this work was transferred to Mt Eden. The major industry at the Terrace Gaol was tailoring. That industry was also transferred to Mt Eden when it in turn was closed down.

Matthews was particularly interested in providing labour when the building activities at Mt Eden were finished. It was not the above mentioned industries, however, but quarrying that became the major non-rural activity. In 1919, 12.29% of the cash return for all prison industries were derived from quarrying. In 1925 the percentage had risen to 38.21%. In view of the fact that this return was from 15.5% of the labour force, this was a particularly lucrative industry, and there was little chance of its being replaced for many years.

Matthews also introduced a comparatively coherent system of institutional classification, very similar to that introduced by Neitensten in New South Wales. The institutions were designated as follows:

| | |
|--------------|--|
| New Plymouth | sexual perverts |
| Auckland | chief penal prison, long service and dangerous prisoners |
| Waikune | military prison |
| Waikeria | reformatory for prisoners sentenced to reformative detention and hopeful hard labour prisoners |
| Kaingaroa | military prisoners first offender civil and hopeful cases |
| Wellington | drafting prison and short term prisoners |
| Napier | local short-term prisoners |
| Paparua | general prison for South Island |
| Dunedin | local short-term prisoners |
| Invercargill | borstal institution. |

The effect of this process of classification by institution was to re-enforce Matthews' view of the countryside as the best place to employ and release the corrigible offender. Thus the division between rural and trade industries reflected the division between the hopeless and corrigible offender. Classification worked as much, in this period, to avoid contamination as to separate those for whom one kind of employment was better than another, except in the basic division between rural and urban industries. The industries were simply not of sufficient complexity to be appropriately subjected to discrimination which would have much significance relative to the classification process.

In the two institutions for women, at Addington and Pt Halswell, work consisted mainly of laundry work for a number of government departments, and sewing. In the latter, some gardening was undertaken by the older inmates.

Matthews' term of office coincided with an economic boom in the country and this enabled him to considerably increase the institutional resources of the penal division. At the same time, the fact that he died in office meant that a considerable amount of what he started had to be completed by his successor.

MR B.L.S. DALLARD

It is difficult to assess accurately the contribution of Mr B.L.S. Dallard, who was in charge of the prison system between 1925 and 1949. To a large degree he was left with nothing more to do than to implement and complete what Matthews began. In the whole of his term of office, only one institution, Arohata Women's Borstal, was built. He also had to guide the division through two overwhelming international social crises, the depression, and the

Second World War, which effectually deprived penal administrators of a large degree of their autonomy as policy makes during this period.

Nevertheless Dallard's statement of policy on industries in the 1926 Annual Report indicates an intention to move a considerable distance away from the policy which had been implemented over the previous ten years. In the previous year, the acting Controller-General of Prisons had argued for more extended non-governmental markets for prison produce. This is essentially abandoned by Dallard:

While the reformative effects of good hard work must be recognised, the modern idea in prison administration is not to subordinate the welfare of prisoners to the economic considerations, and although it is highly desirable to utilize the prisoner where the product of his labour will be most effective in lessening the burden on the taxpayer, this idea should not be permitted to over-shadow the question of whether the nature of the employment is such as to be most likely to fit the prisoner to take his place on release as a self-reliant unit in society.

A review of the activities of the Department shows that there are numerous difficulties incidental to the utilization of prisoners on manufacturing or on what are usually known as secondary industries ... the conduct of industry on modern lines involves expenditure on the installation of labour-saving machinery, which, of course, largely negatives the primary purpose of the establishment of the industry - viz., employment for prisoners. ... I would recommend the abandonment of this class of industry and the concentration on such activities as farming, roadwork and tree-planting. Of course, there are certain classes of prisoners who cannot be trusted on such work, consequently for the protection of society these must be employed on intra-mural occupations.

This is a remarkable passage. Noticeable is the rejection of Matthews' 'gospel of work' approach. The assumption, however, that that involved concern for profit at the expense of inmates' welfare, amounts to a considerable distortion of his views. The assertion of the need for a rural policy, as though it is a quite new idea, is surprising to say the least. One important consequence of this outlook however, was the turning of the reclamation camps at Hautu and Rangipo into fully productive prison farms.

There is here little grasp of the previous history of the department, or even of what the previous policy was. That, elsewhere in the report, farming should be seen as offering possible employment is simply unrealistic. The abandoning of the search for wider markets is perhaps a sensible acquiescence in the inevitable, but the hope that the abandoning of secondary industries would have a significant impact seems little more than wishful thinking.

secondary industries, including those producing products for internal use comprised at most 14.1% of the total output in 1926. It is clear from the 1929 Annual Report that in fact these lines merely rationalise a political decision that government departments shall not enter into competition with private enterprise.

While a number of improvements and developments continued to be made in the early years of Dallard's tenure, decline in financial returns increased steadily until, in the years 1930-3, it became precipitous.

On the credit side we may list for 1927 the erection of a repair shop for quarry repairs at Mt Eden, the extension of facilities for pig husbandry at Wi Tako, Waikeria, Paparua and Invercargill, and the extension of the dairy industry at Waikeria and Invercargill. Money was also at this time being spent at only slightly below that of the period of Matthews on improving living quarters in numerous institutions. In 1927, a new industry of laundering was commenced at Addington and Auckland prisons. By 1930 it was earning 2,394 pounds per year. In 1927 at the new Mt Crawford prison small industrial programmes for manufacturing lead headed nails, soap, and floor polish, were set up.

On the debit side may particularly be noticed the closing of Wi Tako brickmaking kiln owing to lack of markets in 1926. Sawmilling was discontinued in 1928. At the same time there was also a considerable fall-off in the amount of the material produced in the quarries as a result of increased railway tariffs making it cheaper for local bodies to open their own quarries. Further at this time some departments withdrew as markets for prison goods. By 1933, Dallard could say that "the whole of the Department's manufactured products are for departmental supplies". The following tables indicate the impact of the depression on the financial aspects of the prison industries:

Cash Payments and Receipts 1924-33

| Year | Daily No. of Inmates | Gross Expenditure Pounds | Credits Pounds | Net Expenditure Pounds |
|---------|-------------------------|------------------------------------|-----------------------|----------------------------------|
| 1924-5 | 1,227.81 | 144,484 | 68,118 | 76,366 |
| 1925-6 | 1,340.13 | 152,794 | 79,099 | 73,695 |
| 1926-7 | 1,397.25 | 148,766 | 70,915 | 77,851 |
| 1927-8 | 1,489.62 | 161,199 | 66,979 | 94,220 |
| 1928-9 | 1,501.82 | 163,451 | 73,994 | 89,457 |
| 1929-30 | 1,425.54 | 172,248 | 83,806 | 88,442 |
| 1930-1 | 1,525.32 | 171,382 | 70,669 | 100,713 |
| 1931-2 | 1,641.51 | 152,581 | 55,867 | 96,714 |
| 1932-3 | 1,661.29 | 142,940 | 52,912 | 90,028 |

Up until 1929, gross expenditure and credits keep pace more or less precisely with the growing prison population. The drop after that date in credits is largely countered by a drop in capital expenditure, which is dramatic from 1928-9 as the following table shows.

Capital Expenditure 1923-33

| | | | |
|--------|--------|---------|--------|
| 1923-4 | 27,259 | 1928-9 | 12,572 |
| 1924-5 | 25,279 | 1929-30 | 8,205 |
| 1925-6 | 24,196 | 1930-1 | 2,504 |
| 1926-7 | 22,812 | 1931-2 | 2,621 |
| 1927-8 | 22,359 | 1932-3 | 2,026 |

Dallard, as Secretary of Justice, took over other departmental functions besides penal matters.

After 1933 detailed statistics no longer appeared in the Annual Reports. It is not in any case possible to obtain from them an accurate understanding of the department's feelings about its position at this period. Much of the argument in favour of farming is, as already noticed, little more than rationalisation of a situation which was forced upon it. In fact with the drying up of the market for the products of secondary industries the farms appear to have found themselves with a burden they could hardly cope with. Further, the reduction in capital expenditure meant that building programmes which would have utilized some inmate labour, did not exist. Thus in 1932, the department's policy is to think in terms of industries involving the "maximum amount of labour with the minimum outlay for mechanical equipment". The use of labour intensive industries was in line with Dallard's distrust of industries involving a high capital investment, in the light of the abandonment of the Wi Tako brickworks and the sawmills. At the same time it severely limited the vocational relevance of the work for many inmates.

During this period there was also a re-organization of the primary industries so as to supply penal institutions increasingly from their own resources. Thus by 1933, the prisons themselves were producing their rations up to 40% of their total cost. Virtually all the department's meat and vegetable needs were supplied by prisons. They all made their own bread, and all of the inmates' tobacco supplies were internally produced. Thus, not entirely uncharacteristically, expedients to meet a temporary situation became a permanent part of the penal institutional structure.

Missen's comment that the period of Labour government from 1935 to 46 was one in which, "little if any provision was made for the treatment of offenders", is a political statement which ignores a number of changes of some importance. Even so it is true that most of the changes up to and including the years of the war, were responses to events rather than constructive policy decisions. A case in point is the increased mechanisation of industries, after the depression, a movement directly contrary to the implications of the statement of 1933 on the advantages of labour intensive industries. The reasons are described in the Annual Report of 1936:

Improved conditions of trade and lower musters than for many years past are making it difficult to maintain adequately some of the industries embarked upon by the Department ... and in consequence, it has been necessary to install a number of minor labour-saving devices, including shearing machines,

milling machines, laundry machinery, etc. Installed of necessity to make up for lessened numbers, these are, however, a distinct advantage from the vocational viewpoint, as inmates will have the opportunity of gaining a more varied experience than hitherto, and the drudgery will be lessened.

Later this mechanisation was to extend to secondary industries as for example in the installation of new plant for bootmaking and tailoring at Mt Eden, and of laundry equipment at Invercargill, both in 1938. Even so, capital expenditure was well below that of the years before the depression. In this period only two new industries were added to those in operation already, the printing works at Wellington, and, (though details are not available) some cabinet making for departmental purposes. At the same time it is important to stress the severe nature of the drop in numbers of inmates. In 1932-3 the daily average prison population was 1661, the highest in the country's history up to that time. In 1938-9 the number was 855, and in the year before, it was 852. These were the lowest numbers since 1908, when, using not quite equivalent figures, the number is 852.93. Given such unstable conditions a coherent policy is not perhaps to be reasonably expected.

With the commencement of the war in 1939 a new era in which the system was to be at the mercy of external pressures of a different kind, was ushered in. This period is too uncharacteristic to justify more than a cursory glance. Two aspects of the war situation, however, deserve special mention. First, prison labour was to a considerable degree placed at the convenience of the armed forces, and as such was to some degree modified by their needs. Not only were prison inmates required to work at road-making in areas where it would otherwise have been done by army personnel, but the boot factories at Mt Eden and Invercargill supplied boots for Army purposes. The armed services' meat requirements also resulted in extensive demands being made on the resources for supplying pig meat of such institutions as Wi Tako. The laundering of armed services blankets also provided considerable labour. Both of these last two industries owe much of their present significance to their expansion during these years.

Second, the period marked a further development in the production of produce for the purpose of meeting the department's own requirements. In 1941 Dallard wrote:

The policy of making the Department as far as practicable self-sustained is steadily being pursued. The whole of the Department's requirements in vegetables are now grown, and surpluses are made available to other Departments or disposed of in the open market, while milk is supplied to Mount Eden from Waikeria at a considerable saving; and since a pasteurizing and bottling plant has been installed milk is now supplied for use in schools.

That will-o-the-wisp, the hope of financial self-sufficiency, which appears to haunt the imagination of all penal administrators, reveals here only a momentary glimmer of life.

By 1945 the public markets had closed again, and Dallard was asserting the need to avoid any form of competition with free enterprise.

Little can be said about Dallard's period in office in terms of the development of coherent policy. This can hardly be placed to his discredit, or even perhaps to that of his political masters. Faced with erratically fluctuating inmate numbers, with a severe economic depression, and with a violent social disturbance, all of which served largely to deprive the penal administrators of any genuine autonomy, the best that could be expected was that the demands, which changing social realities placed on the system, should be met with efficiency and reasonable economy.

MR S.T. BARNETT

In 1949 the coming into power of the National Party, and the appointment of Mr S.T. Barnett as senior administrator was to mark the beginning of a new active policy, to a degree in industries, but more importantly in the development of training programmes. Barnett immediately undertook a trip abroad, and the results were to be published in the 1951 Annual Report:

I understand the importance of employment, but it were better constantly to remind ourselves that the most important purpose of a prison system is training. By that we mean training in some form of employment which will fit the prisoners to earn their living after release; training through education; training for the development of character and a sense of personal responsibility.

Trade training was to be implemented by means of a system derived from "the English model". Barnett presumably had in mind here the system described in the Report of the Departmental Committee on Employment of Prisoners, 1933, and more specifically the Statutory Rules of 1949, one of which states that the purpose of training prisoners is 'to establish in them the will to lead a good and useful life on discharge and to fit them to do so'. Training would be of particular value to the New Zealand penal system, especially as in 1950 complaints had been made of the difficulty of finding work for inmates.

The English model would be of particular interest, further, in view of its heavy bias in favour of urban rather than rural work skills. In 1949 only 3.18% of those employed in British prisons worked on rural activities, in comparison with 59.40% engaged in manufacture. An important shift in thinking in the early years of Barnett's administration is the realism with which at last the usefulness of farming, from a vocational point of view, is assessed. As late as 1946, Dallard could praise the rural institutions for the value of the training for employment which they gave. The Annual Report of 1952, however, states:

Moreover, quite 90 per cent of our people come from the cities and the great majority will return there. No inducement would coax them to settle in the country. It is therefore pointless to use so many of them in farm work. They should be introduced to useful occupations plied in the urban centres.

though training in farming skills was to continue, for those who wanted it, at an improved standard, the programme in general was a realistic adaptation to changing social circumstances.

The announcement that, in 1951, carpentry had been introduced, on the model of "the plan used so successfully by the Rehabilitation Department in training ex-servicemen", must be interpreted with caution. Carpentry had, with other trade skills, been taught at youth institutions for some time, and significant progress was really only to be found with the introduction of trade training into adult institutions. The use, however, of the Rehabilitation Department's plan, together with the increasing use of the facilities of the Technical Schools did mean that the qualifications acquired by inmates were to be acknowledged more readily by the general community. By 1956, for instance, the carpentry training was accepted by the New Zealand Carpentry Apprenticeship Committee.

Nevertheless the trade training programme in its initial years suffered from difficulties which were very much related to the situation of the industries themselves in our institutions. As early as 1950 Barnett was to complain that the workshops were inadequate for training purposes, and in 1952 he expressed his concern at the narrow range of industries actually engaged in. The fact that trade training was to some degree dependent on the presence of industries which would offer scope for the practical work involved meant that expansion would be limited so long as farming was the dominant industry. Even so it became possible for inmates to acquire qualifications in a number of trades. In 1957 carpentry was taught at Wi Tako. A mechanics course was introduced at Waikune in 1958. Motor mechanic workshops at Invercargill and Wi Tako, provided in 1958, came into use in 1959 on the appointment of suitable instructors. By 1960, welding classes were held at Invercargill, Paparua, Wi Tako and Waikeria. These were made possible by the co-operation of the Ministry of Works, and the Health Department made it possible for inmates to qualify in drainlaying.

The introduction of trade training was the most important innovation in penal industries since the introduction of the agricultural policy in 1912. It was obviously intended to some degree to be an adaptation to the reality of the latter's having become vocationally irrelevant. It was clear that as a result of the attention to be given to trade training, it was intended to curtail the industrial and particularly agricultural activities. In 1953, Barnett wrote:

Another reason why our productivity will not increase sharply is that we have chosen the policy of training rather than seeking revenue. We think it much better in the long run that men should be introduced to a respectable and useful vocation than that we should take the opportunity of their time with us to use them merely to extract gravel from a pit, for instance.

In view of the fact that the quarrying was in any case winding down, this statement may appear somewhat ingenuous. Any serious

inroads into productivity would have to be made at the expense of the agricultural industries. In fact the dropping off of productivity predicted did not occur. Receipts increased steadily from 172,348 pounds in 1953, to 342,631 pounds in 1960. Further, the proportion of those receipts derived from farming remains consistently high. The following figures show the percentage of receipts derived from farming to be about 62% for the latter years of this period.

| Year | Total Credits Pounds | Farming Credits Pounds | Percentage |
|------|-------------------------|---------------------------|------------|
| 1954 | 185,243 | 115,000 | 62.08 |
| 1955 | 193,696 | 118,690 | 61.28 |
| 1956 | 205,724 | 127,162 | 61.81 |
| 1957 | 189,549 | 117,505 | 61.99 |
| 1958 | 196,500 | 132,428 | 67.39 |

These figures show little real attempt to diminish the importance of farming as a prison industry.

After 1954 there was also a steady investment in industrial plant and agricultural equipment. In that year, for instance, at Mt Eden, new machines were installed in the tailor's shop, and the tinsmith's shop was equipped for greater production. The printing shop at Wellington Prison was substantially extended in the hope of eventually meeting most of the printing requirements of the department, and a drying room was built at Paparua Prison, and a mechanical laundry installed, mainly for work for the Army. In the following year a new shop at Mt Eden was equipped with up-to-date machinery to manufacture the department's office furniture. This work was extended to Wi Tako in 1956, and Paparua in 1958. In 1959 the manufacture of tubular steel furniture was begun.

Farming facilities also benefited not only from continuous capital investment, but also from the fact that in 1950 the Land Development Branch of the Lands and Survey Department began a period of co-operation with the department, staff being made available so that the latest methods and techniques would be available.

The fact that most of the department's revenue came from the farming industries has already been noted. While this explains the cultivation of these industries at the time, it is by no means consistent with the declared policy of the early years of this period, of stressing training at the expense of profit. Yet at the same time, in 1952, Barnett was talking of the prisons being self-sufficient. It is clear that the prison industries policy during this period was characterized by an inconsistency between that for trade training, and that for industries proper, by a justification of trade training on the grounds that farming had become vocationally irrelevant, and at the same time a fostering of farm industries as financially lucrative. Yet this also was evidently a period of some prosperity, which could largely absorb such contradictions, with the result that real achievements occurred in the area of trade training, and in the development of both trade and farm industries.

DR J.L. ROBSON

With the appointment, as departmental head, of Dr J.L. Robson, an era of reform in many areas was introduced. In that of prison industries, however, such progress as was made, occurred largely within the limits defined by previous policy decisions. In this area the period is characterised by the appearance of a number of problems and difficulties some of which are still with us.

Trade training can be dealt with quickly. Here in particular the pattern had been well established. The formal aspects of such training were strengthened by the fact that liaison was established with the Commissioners of Apprenticeship, Trade Certificate Board, the Registrars of Electricians and of Plumbers, and the Technical Correspondence Schools. The assistance provided by the latter was particularly valuable. The Annual Report of 1960 comments that:

Courses of instruction in any particular trade have been brought into accord with Technical Correspondence School syllabuses so that instruction is systematic, thoroughly practical, and in line with recognised trade requirements.

In the same year courses for trade instructors began at the Staff Training College.

Receipts from industries continued in the early sixties to increase with each year. This is reflected in a steady increase in total receipts until 1966. From that date until 1971, however, the increase is from 613,700 pounds to only 1,301,463 dollars. In 1968 a drop in farming receipts is first noted, the cause being "a drop in the market prices for farm produce". Further, in 1962 the quarry at Mt Eden closed, owing to the danger to neighbouring property, and in 1968 the gravel pit at Paparua closed owing to the cost of replacing machinery. With the reduced return from one of the two traditionally most lucrative industries, and the closing down of the other, greater demands were obviously to be placed on the trade industries.

These had their own problems. Persistent complaints are made throughout the period of lack of workshop space. This was aggravated by a fire at Mt Eden in 1962, which damaged a number of workshops, and by the extensive wreckage that resulted from the riot in the same institution in 1965. In 1968 Robson re-iterated that medium and maximum security prisoners create special problems which make farm works inappropriate. (This was obviously, as a problem, a consequence of his development of non - or semi-custodial sanctions which removed many minimum security offenders from the penal institutions.) It is clear that these classes of prisoners were creating increasing problems in that there was a growing difficulty in finding work for them. It was only towards the end of Robson's term of office that he began to formulate a policy to meet this problem. In the early 1960s sales of manufactured products had been exclusively to other government departments. In 1964 it was apparent that this market had become flooded. And although in the same year an attempt to sell furniture on the open market had been criticized, and, as a

consequence, stopped, from 1965 on there is a persistent propaganda programme for the re-structuring of the trade industries. It was clearly hoped that by bringing production methods and conditions of work more into line with those outside the prison walls, it would be possible to solve not only the problem of finding work for inmates, but of improving workshop conditions and finding new markets. Already in 1963 the need had been expressed for prison industries to be brought into line with those outside. In 1965 it was suggested that inmates should work an eight hour day. The point was repeated in 1968. And in 1966, the tailoring industry was re-organised so that different institutions were allotted different clothing lines. This was part of a policy to "concentrate our labour on production-line methods in more highly organised workshops". The question of expanding markets also received attention.

To help give effect to our policy of encouraging public interest in our institutions and also to draw on the knowledge and experience of the industrial community, we are contemplating the establishment of a prison industries council to help in an advisory capacity with the management of prison industries. Such a council, with a membership of representatives from the business community, the trade unions, and perhaps other Government Departments, could help in many ways with the expansion of our present industries and the development of new ones.

This council never in fact got off the ground. No doubt the coming into production of tailoring, canvas, and bootmaking industries in Paremoro in 1969 relieved much of the immediate pressure to find work for inmates.

Two curious returns to the past occurred during Robson's regime, which in a minor way symbolise the striking continuity which has always existed in the area of prison industries. In 1968, a return was made to afforestation as a penal industry:

The value of the work done by the tree-planting camps earlier in the century is now apparent. In the last year, we have taken over the Erua Forest, which the Forest Service was finding difficult to maintain because of staffing problems. Here we are doing urgently needed silviculture, under the guidance of Forest Service officers, to improve the present area of productive forest.

And in 1968, "30 trainees from the Invercargill Borstal Institution under the supervision of two officers did excellent work under the general direction of Tourist Hotel Corporation staff repairing bridges and clearing tracks and water tables along the Milford Track".

Robson's major achievements must be found in areas other than penal industries. Such improvements as were made, took place along previously defined lines, and did so in the face of problems which had their genesis in situations beyond the penal division's control. In particular the diminishing economic viability of the rural industries, and the need for expansion of the trade

industries, may be noted. The solution tendered for the latter problem was perhaps idealistic. In any case, with the opening of a new maximum security prison, and the coming into power of an unsympathetic government, it could be quietly shelved.

MR E.A. MISSEN

The administration of E.A. Missen, from 1971 to 1974, commenced by taking up the concern of the previous administration with the structure of prison industries. In 1971 it was announced that a preliminary review of existing industries would be undertaken, for the purpose of completely reviewing them. By 1972 this hope had shrunk to the establishing of a committee to examine the form of accounts in use. Its conclusion was that prison industries should be placed under the control of the Director of Finance. This alteration was achieved by the following year, but at the cost of a hiatus in statistics which make for difficulty in interpreting the developments of this period. This accounting method has remained in operation virtually to the present time.

In 1968 Robson had written that "Prison industries have a two-fold purpose. Firstly, they are an important part of the treatment programme and secondly, they reduce the cost to the taxpayer of maintaining prisons and borstals". The reformative zeal of Robson's regime is somewhat tempered with Missen's becoming Secretary. The attention given to the accounting system, just noted, reflects in fact a return of the economic aspects of prison industries to the centre of attention. Thus, in 1971, the latter wrote:

Greater emphasis will be given to institutions becoming self-supporting in all goods and services which can be produced in institutions. In producing goods stress will be placed on quality as well as quantity, not only so that goods may compare with those produced by outside industry but because attention to quality is an important aspect of the good work habits that we must try to inculcate in inmates.

He could further write, in 1973, that, "During recent years we have placed greater emphasis on planning, production, and distribution in order to employ more inmates and increase revenue, thus reducing the amount payable by the taxpayer toward the maintenance of inmates". With the progressive erosion of belief in the effectiveness of a rehabilitative approach in recent years it is, further, not surprising to find Missen's successor, Mr G.S. Orr, developing his position even further. In his first Annual Report, of 1975, he states that:

In its broadest sense, the term "prison industries" involves the full employment of all inmates to give them useful constructive work and increase the revenue of the department, thus reducing the cost to the taxpayer. The development of good work habits is an important part of our penal policy and can be applied even to the most menial tasks.

Substitute "reproductive" for "constructive", a minor alteration at the most, and this passage could have been written by Matthews in 1913. As a philosophical position, it is a long way to have come in a mere 62 years.

It may be said at this point that Orr's regime offered no major innovations in the area of prison industries: They were, in fact, run according to the guidelines laid out in the 1972 review, and such adaptations to events as occurred during Missen's period in office. Thus all statistics from here on will cover the period from 1972 up to the present time. These, in any case, will amply demonstrate the continuity between the regimes of Missen and Orr.

It has already been noted that under Barnett's administration it had been intended to scale down farming activities, though this had not happened in practice. They continued to be of importance during Missen's regime. In 1971, he notes that the farming resources of the division are as follows:

Tongariro Prison Farm consists of 24,000 acres, approximately 6,000 of which is in grass and lucerne. The farm carries 18,000 sheep, 3,500 cattle, and 420 pigs. The farm at Waikeria carries 11,300 sheep, 2,300 cattle and 3,500 poultry. There is also an orchard, sawmill, and small timber treatment plant. There is a farm of 3,000 acres at Christchurch Prison which carries 5,700 sheep, 100 cattle, 420 pigs, and 6,500 poultry. Other farms are located at Invercargill Borstal, Waikune Prison, Waipiata Youth Centre, Wi Tako Prison and Arohata Borstal.

The most striking innovation indicated here is the development of a poultry industry. Healthy though the farming situation appeared to be, it is however to be remembered that in 1968 the effect of a dropping in farm product prices on the general market had been felt in the departmental receipts. And since that date returns have increased rather unevenly from year to year, a sharp drop being experienced again in 1974. Throughout Robson's administration and up to the present time there has been a diminishing of the proportion of the total receipts attributable to farming. It will be remembered that during Barnett's administration, farming had contributed c. 62% of total industrial receipts. The following table indicates the percentage of total receipts derived from farming since 1973.

| Year | Total Receipts | Farming Receipts | Percentage |
|------|----------------|------------------|------------|
| 1973 | 1,746,366 | 805,361 | 46.12 |
| 1974 | 2,000,194 | 912,092 | 45.60 |
| 1975 | 2,038,843 | 767,432 | 37.64 |
| 1976 | 2,472,845 | 821,084 | 33.20 |
| 1977 | 2,825,200 | 1,085,700 | 36.77 |
| 1978 | 2,953,000 | 1,181,900 | 40.02 |
| 1979 | 3,380,000 | 1,212,400 | 35.87 |

This figure does not include receipts from forestry, poultry, gardening or orchards, but even if these figures were included, the figure would not rise about 50% in any year. It is clear that farming is becoming increasingly unfruitful as a prison industry.

One of the most important of the developments in industries related to farming, and possibly, increasingly an alternative, is forestry, which has developed rapidly since its commencement at Erua in 1964. In 1972 Missen described the situation as follows:

The forests at Waikune (4,000 acres), Kaitoke (3,500 acres), Pirongia (400 acres), and Tongariro (1,500 acres), provide useful employment for inmates and provide a national asset. Approximately 1,000 acres will be based from the New Zealand Forest Service for a forest to be planted by the inmates of the new prison at Ohura. A 5-year forest plan has been produced for Tongariro and Pirongia and steps are being taken to prepare plans for all the remaining forests.

It will still be a number of years before the full benefits of this industry begin to be realised.

The development of trade industries since 1972 has been steady, credits increasing at an average rate of 14% overall per year, marginally above the inflation rate recorded in the National Price Index. The gradual drop in income from farming has been balanced out by the growth of forestry and of a number of trade industries. Nevertheless, since 1972, the tendency has been to strengthen existing industries, rather than explore new possibilities. Only two new industries of any substance have been added to those in operation before that date. These were the manufacture of multi-wall paper bags and P.V.C. products, begun in 1973, mainly at Mt Eden Prison. The most striking growth amongst those industries already established was in tinsmithing and the making of tubular steel furniture, which in 1979 returned credits of \$325,800. This has increasingly become the dominant industry at Mt Eden Prison. Striking also has been the development of tailoring from \$185,015, in 1973 to \$413,800 in 1979. Cabinetmaking has increased from \$132,206 in 1973, to \$375,700 in 1979, partly as a result of the completion of new workshops in 1973, at Wi Tako and Mt Crawford prisons. In 1972 a new bootmaking workshop had been opened at Waikeria, and together with Paremoremo prison it has continued to provide the division's needs. The credits for 1979 of \$76,400 show this industry to have largely lost its importance as a major means of employing inmates.

There has been a steady increase in workshop facilities during this period, such as the expansion of the workshop at Paparua prison in 1973, but there has also been a continuing complaint about lack of workshop space. The transfer of a number of industries from Mt Eden to Paremoremo Prison has also led to difficulties in finding employment for inmates in the former. At the same time a drop in the inmate population in 1974-5 had led Orr to state that:

Problems are different in each institution and may change at short notice. Thus, last year in Mt Eden Prison the major problem was unemployment. This year, with reduced musters in that institution, we are now installing labour-saving equipment to maintain and increase our production with a reduced labour force.

In fact, two years later, it was found that, "The high musters last year necessitated increased industrial activities in most institutions". The apparent arbitrariness of the decision-making in this instance must be disturbing, but apart from this the situation highlights the extent to which planning in this area is at the mercy of factors which are largely beyond the administrators' control.

CONCLUSION

This is an interim paper, and various aspects of its contents will subsequently be examined at greater length. In the meantime it may be useful to identify a number of problems which have plagued those responsible for our penal industries programme, and which will be of concern to those who will be responsible for future developments.

Planning in this area has been bedevilled by uncertainty as to the purpose prison industries can be expected to perform. Clear decisions as to whether the economic, training, or morally rehabilitative aspects, or for that matter the simple finding of something for the inmates to do, should determine policy, need to be made. It is not self-evident that these various aims are in fact compatible.

The belief that penal institutions can be self-sufficient may be self-delusory. It has been too often aired without any real evidence that it is a practical possibility for some cynicism not to be inappropriate in this matter.

The stances of the major political parties should by now be identifiable, and it should be possible for planning to account for the consequences of changes of government, so as to avoid their having too disruptive an impact on long term programmes.

The resistance of free labour to the use of prisoners for certain kinds of work must be acknowledged. The reasons for this resistance may well change from time to time and they need to be identified, and resolved in a manner that avoids confrontation.

The relation of the prison industries to trade training programmes needs to be examined. To what extent farming industries continue to fit inmates for the outside world needs to be faced more honestly than has been the case in the past.

The decreasing financial returns from farming also raise the question of the continuing viability of that industry, and of whether it should be abandoned, or at least, the kinds of farming which could be most fruitfully undertaken be examined more closely.

The question of classification, and the relation between the security aspects, and the industry aspects needs inspection. If resort were to be made more in future to non-custodial sanctions, certain industries, which might well be considered valuable for other reasons, might well have to be abandoned for security reasons.

The question of finding wider markets for prison goods is related to, but not identical with, that of the relation between prison and free labour. A more aggressive and more professional approach to the question of finding work for inmates might be worth considering.

An examination of the activities of the Elmira Reformatory or even of the Millbank Gaol, reveals that surprisingly little in the way of expansion in the kinds of work considered appropriate for prisoners has occurred in the last 100 years. A number of industries have been mechanised, in some cases to a high degree of sophistication, but basically the kinds of work done have remained the same. Whether the reason that bootmaking, tailoring, carpentry, tinsmithing, afforestation, farming, and reclamation have always been characteristic penal industries, is because of public attitudes, or the nature of the institutions, or there is some other reason, is not certain. Whatever the answer, there would appear to be ample opportunity for imaginative expansion, or, for that matter, a lapse into a state of stagnation.