

Inspector's Overview

There is a compelling case for a smoking ban in all Western Australian prisons.

Smoking is the leading cause of preventable deaths in Australia. Research shows that the harmful effects of smoking impacts those who smoke and those who inhale second-hand smoke.

Our review identified that over 80 per cent of people sent to prison in Western Australia during the period between 2017 and 2020 were active smokers. The rates of smoking were higher for Aboriginal people and for women entering prison.

We found some alarming data on the rates of smoking in prisons compared to in the general community in Western Australia, for example: only 11 per cent of the general community are active smokers compared to 82 per cent of prisoners. We also identified that over \$10M was spent by prisoners on tobacco products in 2020, this was almost half of all canteen sales in Western Australian prisons.

Western Australia and the Australian Capital Territory are the only jurisdictions not to have implemented a smoking ban in prisons. Both jurisdictions have partial bans in place limiting smoking inside buildings and in cells. However, these restrictions appear ineffective in Western Australia, as we were told by staff and prisoners that they were regularly exposed to second-hand smoke, particularly for non-smokers overnight in cells and for staff at morning unlock.

The Department of Justice has over the years implemented various policies and initiatives aimed at limiting or reducing smoking. It is fair to say that these initiatives have had little overall impact on the level of smoking by prisoners in Western Australian prisons. It remains that the risks of smoking and exposure to second-hand smoke are well known but largely unmitigated.

There are many facets to the issue of smoking in prisons, including: the high rates of smoking amongst prisoners; the cost of tobacco; the risks to the health of prisoners and staff, including those exposed to second-hand smoke; and the financial impost on prisoners' families to provide funds. There are also risks of prisoner disturbances involved in implementing a smoking ban, particularly if it is not well planned and resourced. Our report recognises all these complexities and sets out a possible pathway towards a smoking ban.

Our report contains several recommendations to address immediate and long-term issues identified during our review. It was encouraging to see that the Department supported in principle our recommendation to develop a timeline to implement a smoke-free policy in its prisons.

Although the Department did not support recommendation 7, we were also pleased to see its response which advised us that the use of tobacco as a management tool was not recognised operational practice. Given the results in our staff survey, we urge the Department to reinforce this with staff, many of whom told us they engaged or witnessed this practice regularly.

While the review examined adults in custody, we know that many young people also come into custody addicted to nicotine. Future planning must also ensure they too have adequate supports when ceasing smoking.

We believe that there is now a compelling case for a smoking ban in Western Australian prisons. We recognise that it is not a simple matter of having a policy to ban smoking. There must be high level support and commitment. There needs to be a comprehensive plan with sufficient lead time and enough supports and resources. But it is not impossible, other jurisdictions have done it successfully with good results and without major incidents or disturbances.

It is important to acknowledge the contribution and assistance we received in undertaking this review from key personnel in the Department and at Acacia Prison, which is privately operated by Serco. Finally, I want to recognise and acknowledge the hard work and significant contribution of the team within our office in planning and undertaking this review. I would particularly acknowledge the work of Ryan Quinn in leading this review and as principal drafter of this report.

Eamon Ryan
Inspector

1 September 2021