

Submission
No 123

**INQUIRY INTO THE PRIVATISATION OF PRISONS AND
PRISON-RELATED SERVICES**

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27th February 2009

The Hon Amanda Fazio, MLC and Committee Members

Dear Ms Fazio and Honourable Members

I am pleased to have the opportunity to make a brief submission to this Inquiry into the Privatisation of Parklea and Cessnock Prisons

My background

For more than ten months, in 2005 – 2006, I worked part-time in Mid North Coast Correctional Centre (MNCCC) near Kempsey. Initially I was a social work student on practicum, but after a few months I was also employed as an Offender Services & Programmes Officer, delivering welfare services and conducting intake interviews with offenders who were transferred to MNCCC. (I possessed other relevant qualifications and experience, and was a mature student studying social work.)

I base my following opinions and suggestions on my experiences in MNCCC, research into corrections approaches, and on my working experience and knowledge as a social worker, community worker, dispute resolution practitioner and TAFE teacher.

Moral arguments against privatisation:

Private profit made from the incarceration of offenders is morally repugnant. Human beings are ends in themselves, not means – to treat convicted prisoners, and those on remand, as economic units contributing to profit for shareholders constitutes making private profit from crime. (We do not allow a convicted criminal to retain the profits from criminal activities, so should we use the offender as a means to generate private profit for others?)

Treating an offender as a profit-making unit also denies an inmate the full dignity of the person. We thereby run the risk of creating a 'shadow' punishment by reducing the inmate to the status of a serf or bonded labourer for the period of incarceration. Such 'shadow' punishment is not contemplated by the courts in sentencing offenders to loss of liberty – if it is to be part of the punishment for a conviction, let us be transparent about that, and subject the concept to public opinion, academic debate, parliamentary processes and judicial review. As a society we all suffer collectively when civil rights are diminished for

the individual offender. John Donne got that right.

The power and duty to incarcerate is a function of the State, acting legitimately to use power conferred by domestic legislation, in the context of established international conventions on human rights. Incarceration is an aspect of the judicial system; its use, and the systems associated with it, should be accountable, transparent, humane, rehabilitative (not primarily punitive) and subject to administrative and judicial review. Such State functions, touching upon the welfare and rights of citizens as members of society, should not be traded in the marketplace through 'outsourcing' to the lowest bidder.

If we still ran prisons in which gross physical punishment were the norm, and if we still had capital punishment, the moral aspects of incarceration would be thrown into higher relief when privatisation of prisons is discussed. We should attempt to hold in mind the serious nature of incarceration, and its moral aspects, even though today a prisoner in Australia may not *legitimately* be beaten or killed by prison, or judicially executed. Arguably, it is as inappropriate for a private profit-making organisation to have the responsibility for classifying offenders as it is for such an organisation to be responsible for meting out physical punishment.

Both punishment, incarceration, and the classification and treatment of offenders should be functions of government authority; offenders are our fellow citizens, not livestock to be managed for a profit. Furthermore, offenders require rehabilitation as well as effective management within prisons. It has been well-established by both the 'What Works' approach of risk-assessment and the 'Good Life' approach, that unless inmates receive effective, humane, well-planned and well-delivered rehabilitative or therapeutic programmes during their incarceration, as well as opportunities for meaningful employment, training and/or education, they emerge from prison without having learned anything constructive from the experience.

It is a shockingly expensive waste of time to imprison people and then fail to bring about any significant changes in their future behaviours – and the short-term incapacitating effect is hardly worth the money it costs to contain a soaring prison population. However, it is illogical to expect a private profit-making company to expend time and money on rehabilitation or treatment. Why would they? They don't offer to run prisons as a public service, after all. It is as illogical as expecting a private health provider to run a public hospital and simultaneously to provide preventive or population health services.

An example of the failed public/private partnership approach, particularly using the 'build/own/operate' model, can be seen in the Port Macquarie Base Hospital (PMBH) saga. Like the women's prison in Victoria for which responsibility was eventually resumed by the State, PMBH came back into NSW government ownership at great expense to the taxpayer. Parklea and Cessnock have already been provided as public assets, funded by the tax payer. They should not pass into the hands of the private market. Any new prison development should also be retained in the control of the public services whose management is subject to accountability through standard channels of administrative and judicial review, in the interests of social justice for all.

Sincerely