


Submission
No 272

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

Organisation: Diocese of Parramatta
Name: Bishop Kevin Manning
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Diocese of Parramatta

2nd Floor, 12 Victoria Road, Parramatta, NSW 2150
PO Box 6644, Parramatta, NSW 2150
Telephone: (02) 9683 6277 Fax: (02) 96304813
• Internet: www.parra.catholic.org.au

Legislative Council Inquiry into the Privatisation of Prisons and Prison-Related Activities

The Catholic Diocese of Parramatta covers an extensive part of Western Sydney from Granville to Blackheath and Liverpool to Richmond. Within the Diocese are three Correctional Centres to which we supply chaplains: Emu Plains, John Moroney and Parklea.

The Diocese of Parramatta is deeply concerned at the prospect of further privatisation of prisons in NSW. The Diocese approaches the issue of the privatisation of prisons from the perspective of over 100 years of Catholic Social Teaching. At the very heart of Catholic Social Teaching is the inherent dignity of every human being and a belief that transformation, rehabilitation and change are possible. The State has a very serious obligation to take the best possible care of those for whom they have responsibility. Placing the responsibility for the punishment and rehabilitation of offenders in the hands of those whose sole motive is profit raises serious moral and ethical questions.

Catholic Social Teaching argues that *in order to protect the common good, the lawful public authority must exercise the right and duty to inflict punishments according to the seriousness of the crimes committed.*¹ It is the lawful **public** authority which has the responsibility for dealing with criminal behaviour not private citizens or privately run organisations. Private prisons are essentially about making profits for the company and its' share holders. It seems to us that it is morally wrong to allow profits to be made from punishing prisoners.

The Diocese of Parramatta believes that imprisonment is an essential function of the State which should not be delegated to any other body, particularly a body which exists for profit. The State, through its judiciary tries and sentences offenders, and then places them in the care of the State. The State is answerable to its citizens for the way prisons are conducted but no comparable accountability seems to be required of private corporations.

If the fundamental purpose of a private prison is to make profits for the share holders how does the *lawful public authority*, or society as a whole, ensure that: prisoners are treated with dignity and humanity; that every effort is made to rehabilitate and educate; that drug and alcohol problems are dealt with; that the mentally ill are treated and that racism and discrimination are condemned? Given our access to the latest research in psychology, psychiatry and criminology it is not unreasonable for the citizens to expect that recidivism will be reduced and rehabilitation take place. The profit motive, however, will conflict with this as private operators have an incentive to cut costs at the expense of treatments, educational and rehabilitative activities.

If large multinational corporations, such as GEO, GSL Custodial Services or Australasian Correctional Management, take over the management of prisons how can the citizens ensure that these wealthy corporations do not form powerful lobbies favouring high imprisonment policies and the rapid

¹ *Libertatis Conscientia* 79:AAS 79(1987),590

expansion of prisons? Law and order have been promoted by successive NSW governments as key issues on which to fight elections. We run the risk of a highly inappropriate alliance between government and private prison corporations under the one banner of *being tough on crime*.

The Diocese of Parramatta has had considerable involvement in the care of asylum seekers and refugees and many of these were detained in centres managed by ACM and other private corporations. Secrecy, lack of transparency, private contracts between government and company and limited accountability characterised the operations of these corporations. Traumatized detainees and guards was the result and there is much evidence available to attest to this.

Apart from the over-riding moral and ethical questions around the privatisation of prisons it seems that there is very limited research as to the effectiveness or otherwise of privatisation. Before embarking on the privatisation of prisons in NSW the government would be well advised to do a comprehensive study of the privatisation of Junee prison. Doubts have been raised regarding one of the private prisons in Queensland and the Metropolitan Women's prison in Victoria had to be reclaimed by the State from a private corporation. Until such comprehensive research takes place it seems rash to move quickly on privatisation.

Empirical studies have been carried out in the UK and the USA. The UK National Audit Office concluded, in 2003, that private prisons in the UK had both encouraging and disappointing results. In 1998 the National Institute of Corrections, USA commissioned a report on private prisons and the Bureau of Justice Assistance in 2001 reviewed a number of studies, both suggested that there was no definitive evidence in the research to support the conclusion that privately operated facilities were significantly cheaper or better in quality.

The Diocese of Parramatta believes that the ethical and moral responsibilities of the State Government for taking care of prisoners outweigh any perceived benefits from the privatisation of prisons. That being the case we urge the Government to cease proceeding with the privatisation of Parklea and Cessnock prisons and to put in place planning for the return of Junee prison to the public sector.

Thank you for conducting this inquiry and inviting submissions.

+K. M. Manning

Bishop Kevin Manning
Diocese of Parramatta
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