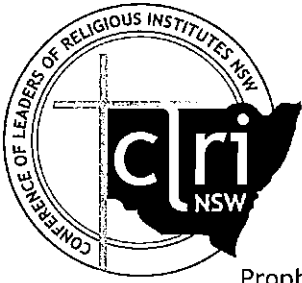


Submission
No 29

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

Organisation: Conference of Leaders of Religious Institutes in NSW (CLRI)
Name: Ms Margaret Hinchey
Date received: 20/02/2009



CONFERENCE OF LEADERS OF RELIGIOUS INSTITUTES IN NEW SOUTH WALES CLRI(NSW)

Prophetic. Pro-Active. Prayerful.

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

The Conference of Leaders of Religious Institutes in New South Wales (hereafter referred to as CLRI(NSW)) thanks the Standing Committee for the opportunity to make the following submission on the privatisation of NSW prisons.

CLRI NSW represents 3,500 religious women and men, and promotes the life, mission and concerns of religious congregations in the Church and in our society. CLRI(NSW) does this by:

- articulating our spirituality and commitment as members of religious congregations;
- actively promoting Reconciliation;
- working for justice for all through our advocacy, especially for Aborigines and Torres Strait Islanders, Australians who live in poverty, refugees and asylum seekers, those harshly treated before the law, and victims of racism;
- raising our corporate voice to challenge the structures of injustice in our state, our country and our world; and
- establishing committees, working groups and task forces which maximise the potential of the Conference to bring about change, especially structural change, in the area of social justice.

As one of these established committees, the Social Justice Committee is a means through which CLRI(NSW) can act effectively with respect to issues of social justice. The functions of the Committee are to investigate, to initiate action concerning, and to prepare papers on, social justice issues.

The Social Justice Committee has long advocated for the rights of people in prison especially women. In 2005 the Committee narrowed its focus to Indigenous women, in recognition of their overrepresentation in prisons and the disadvantage that stems from that overrepresentation.

SOCIAL JUSTICE COMMITTEE

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CLRI NSW has deep reservations about the further privatising of prisons. Our most serious objection is a **moral** one. Privately run prisons like any private business are about making profits for the company in charge and its shareholders. It is morally wrong and repugnant to allow profits to be made from the infliction of punishment. Prisoners are human beings and as such, despite their crimes, have an inherent dignity that must be respected. They are not goods used to generate profits for shareholders.

The **profit** motive is also of serious concern to us. The purpose of prisons is not only to remove an offender from society and punish them but also to rehabilitate them to reduce the recidivism rate. By reducing this rate, privatised prisons are in effect reducing their supply of profit producing customers. There is the possibility therefore that privatised prisons would be less inclined to focus on preventing recidivism. The profit motive will conflict also with prisoner welfare as private operators have an incentive to cut costs at the expense of standards and an incentive to make decisions that increase the length of an inmate's stay.

CLRI NSW believes that it is the **role of the State** within a democracy to oversee and be responsible for the imprisonment of its citizens. It remains fundamentally as the means by which a society can deter, punish, and rehabilitate its offenders. Its power has been bestowed by society, and directed by government empowered bodies. In this respect the State is answerable to its citizens for the way the prison institution is conducted. No such accountability is required of private corporations. Incidences that occur within prison will be isolated from the public's view, and thus not subjected to those same political controls that are faced by the government prisons.

At every election in recent years law and order becomes an auction to see which political party can seem 'tougher' on crime and criminals with the result that the public demands harsher responses regardless of their appropriateness or effectiveness. We are concerned that private corporations will form a powerful lobby for high-imprisonment policies to which governments only too willingly will agree for political purposes.

CLRI NSW believes it is important to take note of **research** into the effectiveness of private prisons. Research on the performance of private prisons in Australia is very limited. One study of prisons in Australia found that in the period 1990-99, public and private prisons had similar rates of death from all causes and from suicide specifically. In NSW, there has been no comprehensive

study comparing the performance of Junee prison with public prisons in this state or assessing whether privatisation has impacted on the prison system.

An empirical study of one private prison in Queensland concluded that the private sector failed to deliver on the promises of both internal and external reform. This was explained on the basis that properly regulatory structures had not been put in place. In Victoria, an independent investigation into private prisons found that the introduction of the private sector had mixed results and made recommendations to promote greater cohesiveness across the system. The Metropolitan Women's prison in Victoria is the only private prison in Australia to have been reclaimed by the state due to deficiencies.

More empirical studies have been carried out in the UK and the US. A 2003 report by the UK National Audit Office concluded that private prisons in the UK had both encouraging and disappointing results. In the US, a 1998 report commissioned by the National Institute of Corrections, and a 2001 report by the Bureau of Justice Assistance (BJS), reviewed a number of studies and suggested that there was no definitive research evidence to support the conclusion that privately operated facilities were significantly cheaper or better in quality. The BJS report also published the results of survey of state prison privatisation, which came to a similar view.

For the reasons given above CLRI NSW believes the Government should not proceed with the further privatising of prisons and should rather plan to not renew contracts with the existing private prisons providers with the view to restoring those institutions to the responsibility of the State.

Thank you for the opportunity to present the views of CLRI NSW.

Margaret Hinchey RSM

For the Social Justice Committee, CLRI NSW.

February 20 2009.