

Submission
No 24

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

Name: Name suppressed
Date received: 18/02/2009

Partially Confidential

With respect to the members of the Committee I wish to make the following submission:

I oppose the employment of private contractors to manage correctional centres and ancillary services.

Human human society develops fully when it makes laws providing for the ordering of people as they gather together in community. These laws proscribe any behaviour by a member of the community that is contrary to the common good.

When a citizen is brought to a Justice to answer an accusation that he or she has contravened the standards expected of all citizens the allegation is made by the community against a member of the community.

If that person is shown to have acted contrary to the common good, he or she remains a part of the community, a citizen, even when the community, in the form of a Justice, decides he or she must pay a penalty to be restored to the full privileges of being part of the community.

It is the community that decides the law through its law-makers, the Parliament.

It is the community that enforces the law, through its Police force.

It is the community that decides whether an accused citizen is guilty or not through its representatives, the jury.

It is the community that decides an appropriate penalty, through its Judiciary.

It is the community that carries out the decision of the Judiciary, through its corrective service.

The solemn responsibility of depriving a citizen of their basic common law rights, freedom of movement and association, so that he or she cannot go where they want to go, or be with whomever they wish to be with, is an exercise of law authorised by the community.

It is the community that protects the citizen's freedom, and sometimes removes the privilege of freedom.

The exercise of this authority to remove a citizen's freedom is a function of the community, carried out by its representatives, the corrective service, in the same way that the Judiciary carries out its function to apply the standards of the community, the law.

Removing freedom from a citizen is not the same as issuing parking fines, reading water meters or collecting rubbish.

Removing freedom is the enforcement of law at its highest expression of interference with a citizen's freedom.

Removing freedom is a responsibility of government that cannot be contracted out, and doing so is not only unethical but fundamentally contrary to community expectations.

Similarly authorising a contractor to use deadly force against a citizen is allowing a businessman to protect the shareholders dividend by whatever means, if necessary, by the taking of life.

The use of deadly force is an awful responsibility not given lightly by the community to any person. Correctional officers are sworn to uphold the values of the community fairly and without bias, and they are authorised to use deadly force on behalf of the community.

Correctional officers seek to protect the community, not a company's financial statement, because they are an expression of the will of the community.

It is ethically improper to sell to the highest bidder the role of carrying out judicial orders.

It is ethically improper to sell to the highest bidder the authority to use deadly force against a citizen.

It is ethically improper to allow profit from the most serious of all community roles, the removal of common law rights by the community.

Finally the most important obligation on the community to the citizen from whom it takes liberty is to provide a means whereby that person may resume their rightful role and become again a productive member of the community.

The community must make every effort to offer a means for the errant citizen to rehabilitate himself, or herself.

This is properly the role of the community because it is an expression of an ethos, not a Key Performance Indicator.

This role should not be subject to the financial expectations of a business that considers profitability before social obligation.

Our present system may need to be improved.

There may be efficiencies that can be achieved and work practices that should be challenged, and changed.

The community is justified in expecting efficiency and economy to carry out the orders of its Judiciary.

The community should expect change, but this expectation is not a mandate to abrogate ethical responsibility.

The Government is not authorised by the community to let shareholders profit from the confinement of its citizens, neither is it authorised to allow private contractors to use deadly force against its own citizens.

I oppose the privatisation of correctional services because incarceration is not like checking parking meters, nor is it like billing people for their use of water, and it is certainly not like the collection of garbage.

I oppose the privatisation of correctional services in the same way that I oppose the privatisation of political representation.

Do not sell our responsibility to the citizens of our community, the lawful and the unlawful, to the highest bidder.

Do not provide shareholders an opportunity to profit from the removal of a citizen's freedoms.

Do not allow the private control of community values.

Thank you for this opportunity to make this submission to you.

c.