

Submission
No 257

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

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Submission to *General Purpose Standing Committee*
No 3

Inquiry into privatisation of prisons and prison related services in
NSW

Dear Madam Chair and Members of the Committee,

Thank you for granting me the opportunity of submitting this written Submission to your Committee. I am happy for it to be published on the NSW Parliament website.

I am a Senior Correctional Officer employed at the Metropolitan Reception and Remand Centre with nineteen years experience working for the Department of Corrective Services. I have worked my whole career in prisons and am proud to say that I work as a prison officer. I love my job but admit that it can be dangerous and extremely stressful at times.

Every day that I arrive at work I am reminded how dangerous this job can be. The entrance driveway into the Silverwater Complex is called Wayne Smith Drive – named in honor and respect of Wayne Smith an officer who worked at Silverwater minimum security and died after being heinously assaulted by an inmate. This horrible incident occurred only about eighteen months ago.

These are my own personal opinions and in no way reflect those held by the Department of Corrective Services.

Overtime

The amount of overtime paid is not a new problem as I remember reading the following extract from Hansard on 13th November 1992 –

“Estimates Committee No. 16 - Justice and Emergency Services - Report

Mr DOYLE (Peats) [12.38]: I refer to my question relating to page 380 of Budget Paper No. 3. I asked for the breakdowns in roster control and unethical practices uncovered in the Department of Corrective Services, about which Mr Woodham briefed all regional commanders and governors on 17th and 18th September, 1992. I asked what money, officers and institutions were involved and what anomalies were found. Once again the Minister bowled the question to the commissioner who admitted that some prison officers receive over \$25,000 a year in overtime payments and that at least 20 per cent of officers earn more than \$5,000 a year in overtime. He admitted that unethical practices in rostering are prevalent, to use his word. He admitted that the department paid \$24.7 million in overtime last year. He confirmed that telephone conferences were conducted in

late September between Assistant Commissioner Woodham and all corrective services regional commanders to discuss "breakdowns in roster control and unethical practices" that have been uncovered to date. The refusal of the Minister to answer any further questions on that matter, which is obviously crucial to budgeting and projections for the coming year, I find absolutely incredible. It is an abysmal response to a problem that costs New South Wales taxpayers millions of dollars. [Time expired.]"

Perhaps the Committee should request a copy of the report that Mr Woodham compiled at the conclusion of his investigation.

I can assure the Committee that the amount of overtime being worked is not any widespread organised rort by prison officers but driven a combination of the shortage of staff and amount of sick leave being taken.

If Justice Marks of the Industrial Commission did state that "no officer within a correctional centre should work a double shift of 16 hours" - why hasn't a Commissioner's Instruction been issued instructing that no officer is permitted to work a double shift totally sixteen hours or more ?

Sick Leave

On the important issue of sick leave - there are a number of issues to be considered and addressing them might help to reduce the amount of sick leave taken.

The current rostering practices could be improved to reduce the impact of shift work on each individual prison officer and their family which could enhance rather than damage health.

It is well documented that shift workers become ill more frequently due to the disruption of circadian rhythms inherent in their work. As this is a problem also faced by police and nurses who work shifts I wonder how their Departments have addressed this issue and reduced their sick leave.

Many prison officers are parents with partners who also work (or they are single parents) and they use sick leave to care for their children or other dependants.

Morale

Low morale is one of the problems faced by prison officers. It is a common perception that the general public do not hold prison officers in high regard or appreciate the important job that we do. as has been seen by the number of negative media comments over the last six to eight months perhaps the Commissioner's Media Unit might be better utilised to improve this

situation by trying to lift the public's opinion of prison officers rather than adding to the already poor opinion in which we are held.

I hope that you can appreciate that since the announcement that Cessnock and Parklea prisons will be privatised that the morale of all officers working at both locations would be at an all time low.

I have noticed since the announcement to privatise Cessnock and Parklea prisons that prison officers across the State have received a great deal of support and encouragement from local communities, welfare and inmate advocacy groups.

Claims of an unreasonable union

To the best of my knowledge the POVB has not lodged a separate wage claim in addition to those lodged by the Public Service Association for all NSW public servants for at least the last ten years. I would not be surprised if it over fifteen years ago that the POVB last lodged a separate wage claim.

If prison officers are so unreasonable and unwilling to accept change why has the COVB and POVB accepted the Island Award for the prisons at Mid North Coast, Dillwynia and Wellington ?

The COVB and POVB agreed to extend the Island Award to include the yet to be constructed Nowra prison.

At the MRRC - where I work - in late 2005 new staffing levels were agreed to by the POVB Sub Branch to allow the opening of the new 43 bed Mental Health Unit.

Percentages of inmates housed in private prisons

When comparing the percent of inmates housed in private prisons in other States I think that is important to remember those housed in prisons here in NSW already operating under the Island Award and the new Forensic Hospital which is operated by Justice Health.

***“Cost per inmate per day”* calculation**

With the quoted daily cost of housing an inmate I wonder how this amount is calculated and what costs it includes. Are the costs for operating other areas of the Department beside prisons added on to the cost per inmate per day amount ?

Comparing public vs private prisons

There are many reports comparing public and private prisons with an equal number on each side of the argument stating that that system works the best.

In an ideal world the only way to find out whether public or private prisons are better is to have two completely separate systems – one public and the other private – at sentencing it is decided which system an inmate enters and he or she spends their entire period of custody solely in that system, never crossing to the other system.

It would be interesting to see which system inmates asked to be placed in - especially re-offenders and why.

To the best of my knowledge there is only one proper comparison of private vs public prisons in the world which was done by the Ministry of Community Safety and Correctional Services in Ontario, Canada when they decided to construct two identical prisons – one to be operated by the Ministry and the other by a private company – and compare their operation at the end of a five year period.

PricewaterhouseCooper compiled a report – a copy of which I have attached to my Submission – comparing the performance of these two prisons. The public prison performed better in the key areas of security, health care and reducing re-offending rates.

The Ontario Government decided not to renew the contract with the private company and took over operation of the private prison.

Moral objection to private prisons

The NSW Government has a social contract with the residents living in this State to manage and operate all areas of the justice system including prisons. No doubt people far more qualified and knowledgeable than me will address this with your Committee.

I firmly believe that people are not commodities to be profited from, whether they are inmates or employees in the service of the State.

Privatisation will be done by overseas, shareholder driven companies who will force hard working Australians out of work onto lower wages for an American or English corporation who will send their profits to their overseas shareholders in either America or England.

When considering the benefits that the companies operating the private prisons will bring to the local communities please also think about the effect

that less staff working there on lower wages will do to those same communities.

I recall reading this quote from *Critical Perspectives on Accounting (2007)* written by Jane Andrew from the University of Wollongong. ACM – before changing its name to GEO Group Australia – is the private company operating Juncie prison -

“the Australian Broadcasting Commission (Mares, 2000) reported that charities may have inadvertently contributed to ACM’s bottom line. ACM’s contract requires it to ensure that there is adequate clothing for the detainees and prisoners, but it puts no limits on how they can source and finance these needs. According to the Australian Broadcasting Corporation’s report, ACM initially sourced clothes from St Vincent de Paul, who agreed to provide them at \$5 kg (their normal rate was \$8). Eventually it was discovered that ACM managed to source the clothes from another section of St Vincent de Paul for free. When ACM was confronted by St Vincent de Paul, they ended up paying \$2100 for 2000 kg of clothes for which they originally had negotiated a rate of \$5 kg. When this information came to light, the commercial relations between St Vincent de Paul and ACM broke down, so ACM went to the Uniting Church and asked for clothes and basic housing items to be provided (such as curtains). According to the Uniting Church, there was no suggestion that they would pay for these items. When the Uniting Church realised that “the government is actually, on behalf of the Australian people, paying ACM to provide those things and we decided then not to go ahead with it” (Mares, 22/11/2000). The situation exposed the fact that the government had no way of holding the private operator accountable for how they provided the service. The outcome proved controversial as it allowed the private operator the opportunity to exploit charitable organisations to fulfil its contractual requirements in an attempt to maximise its profits. In this situation the use of private operators and the claims that these operators can provide the services more cost effectively, has meant the provider under the private system can be held less accountable than a government provider.”

In Conclusion

I hope my comments are helpful to the Committee in its important work. If you would like me to clarify or expand upon any of these matters, I would be happy to speak either to individual Committee members or appear before the Committee.

Lyndsay Kruse

PricewaterhouseCooper report