

Submission
No 11

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

Organisation: Batemans Bay Local Court
Name: Mr Christopher Bone
Position: Magistrate
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Magistrates' Chambers
Local Court
BATEMANS BAY

23rd January, 2009

Ms. Rachel Simpson,
Director,
General Purpose Standing Committee No. 3,
Parliament House,
SYDNEY.



Dear Ms. Simpson,

RE: Inquiry into Privatisation of Prisons and Prison Related Services

In making a submission to your Committee I acknowledge that it would be inappropriate for me, as a Magistrate, to express an opinion in relation to matters which are essentially for the executive arm of government. My submission relates solely to the future of the Court Escort Security Unit, that unit being the subject of specific mention in the Committee's Terms of Reference. The future of that unit impacts directly upon the efficiency of the Local Court.

I am a Magistrate who was appointed to the bench of the Local Court in 1984. I have worked almost exclusively in rural areas, having been the circuit magistrate at Inverell, Moree, Ballina and Batemans Bay. I have, over the years, worked at courts in which the responsibility for persons in custody rested with the Police and at courts in which the responsibility for persons in custody rested with the Court Escort Security Unit. There is no doubt in my mind that the service provided by the Unit is, from a magistrate's point of view, greatly superior to that provided by the police. This is not because police officers are less efficient than corrective service officers. It is because of the different nature of their responsibilities.

Members of the unit are concerned purely and simply with people who are in custody. As a result those officers are able to allow lawyers who wish to see clients in custody to do so promptly, are able to bring prisoners to court promptly and have a keen sense of any security issues which might arise with individual prisoners. Police officers who are on duty in a police station on a "court day" invariably have a range of duties and responsibilities, prisoner security and movement being only one of their interests. I have, on many occasions, encountered significant problems with prisoners who are in police custody and are required in court and those problems have invariably arisen because a police officer or officers could not give their sole attention to matters relating to the prisoners. I recall an occasion at a remote rural centre on which there were upwards of ten persons who were in police custody and who were to appear in court. An armed robbery occurred in the town on the morning of the sittings and all available police left the police station to attend to that incident, leaving only a skeleton staff at the police station. There were significant delays in having prisoners seen by their lawyers and in bringing prisoners to court. I have also observed, on occasions, a considerable degree of tension between a prisoner and the police officer

bringing the prisoner to court. On some occasions the escorting police officer will be the officer who arrested the prisoner in the first place and there may well be a degree of animosity on the part of the prisoner towards the officer because of that officer's dual role. There is very rarely any tension in the relationship between a prisoner and a member of the Court Escort Security Unit.

It is also worth mentioning the fact that, when police officers had responsibility for persons in custody, those officers had the responsibility of getting prisoners who were to remain in custody to a prison. In the case of my current circuit, which includes courts sitting between Batemans Bay and Eden on the far south coast, the nearest prison for men is Goulburn and the nearest for women is in Sydney. Journeys to those centres are of substantial distance and duration. Police officers who are required to escort prisoners on such journeys are then unavailable to undertake duties within the town in which the court is sitting and to attend to other cases which may be before the court on the day.

I accept that your Committee's Terms of Reference may not encompass the issue which I have addressed. It is clear that the Committee's primary consideration relates to the privatisation of services rather than the retention or abolition of services. If, however, your Committee is to consider transferring the role of the Court Escort Security Unit to police officers, I would be grateful if my comments could be taken into account.

Yours faithfully



Christopher James Bone

Magistrate