

E – BRIEF



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Privatisation of prisons update

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This E-brief updates [Privatisation of Prisons](#), Background Paper No 3/2004 by Lenny Roth. That paper presents a comprehensive account of the history and operation of private prisons. It also presents arguments for and against prison privatisation, and analyses the debate about accountability in this context.

1 Prison privatisation plans

At present the only privately operated prison in NSW is the Junee Correctional Centre. Opened in 1993 and operated by GEO Group Australia Pty Ltd, as at 29 June 2008 Junee held 779 prisoners, 643 in the medium and 136 in the minimum security classifications.¹

In August 2008 the NSW Government flagged wide-ranging reforms to the prison system. This included a proposal subsequently announced in the November Mini-Budget to privatise Parklea and Cessnock prisons.²

2 Auditor-General's report to Parliament 2008

The Auditor General [reported](#) in November 2008 that the Department of Corrective Services:

analysed overtime costs incurred during 2007-08 at \$39.6 million (\$43.7 million in 2006-07). These costs represent 6.1 per cent (7.2 per cent in 2006-07) of total employee related expenses.³

The report continued:

The Department [of Corrective Services] advised that the reduction in overtime costs was due to the previously mentioned workplace reform program. Nevertheless, overtime costs exceeded budget by \$19.4 million (\$23.0 million). The review also identified that the most overtime paid to any individual employee during the year was \$77,000 (\$90,000).

The workplace reform program mentioned above is called 'The Way Forward'. The Auditor-General's report comments that it is:

aimed at reducing the cost of service delivery. To date, the reform package has been implemented at the Mid North Coast, Dillwynia and Wellington Correctional Centres.

3 Responses to the prison privatisation plans

Responding to the Government's prison privatisation plans, on 29 October 2008 prison officers walked off the job for 24 hours. The same day, about 1,000 prison officers staged a protest outside the NSW Parliament.⁴

The NSW Public Service Association (PSA) general secretary John Cahill told the rally:

The new owner will have no responsibility to the government, no responsibility to the staff, no

responsibility to the people of NSW and no responsibility to the inmates... The shareholders of the company will be demanding higher profits (and) the new operator will be tempted to compromise safety of the officers by cutting the staffing level. We've seen this happen overseas, we've seen this happen interstate and we've seen how the incidence of assault to officers ... always rises where privatisation has occurred.⁵

For the Government, the Attorney General, John Hatzistergos, was reported as saying that the reforms would ensure correctional centres were run effectively:

It's important that the strategy that was outlined in August is implemented if the department is to remain effective and efficient...The chronic position of large amounts of overtime, fuelling sick leave leading to even more claims for overtime cannot be sustained.⁶

NSW Department of Corrective Services Commissioner Ron Woodham said Junee jail, which is under private contract, presented no risk to the surrounding community:

There's no evidence to support what the PSA is saying that privately run prisons posed a threat to the community...We've got a prison privatised for a number of years at Junee, about 750 prisoners in there. There's absolutely no additional risk to the community there compared to the community around Long Bay or anywhere else.⁷

Justice Action joined prison officers in the PSA and Unions NSW in opposing prison privatisation, calling it 'morally wrong, financially bankrupt'. Justice Action Coordinator Brett Collins stated:

The NSW Government's mini-budget decision to privatise

Cessnock and Parklea prisons would add them to the disaster that prison privatisation has proven around the world.⁸

In light of this debate, on 17 December 2008 the [Legislative Council's General Purpose Standing Committee No 3](#) established an inquiry into the privatisation of prisons and prison-related services.

4 2005 Public Accounts Committee Report and critique

In September 2005 the Legislative Assembly's Public Accounts Committee published its report [Value for Money from Correctional Services](#). The Committee resolved to undertake the inquiry as a result of comments in Auditor-General's reports to Parliament from 2002 to 2004. As the Committee Chairman explained in his [Media Release](#):

The Committee's inquiry followed up comments by the Auditor-General that the costs of keeping inmates in the publicly and privately run correctional centres could not be compared because they are not calculated the same way. He also noted that it was cheaper to keep a prisoner at the privately run Junee centre than the average cost for all the prisons.⁹

Among the Committee's findings was that 'The overtime, sick leave and other employee related expenses in some publicly managed correctional centres are excessive...'. On the other hand, the Committee also found that, while it is early days and progress needs to be regularly monitored, 'The correctional centres operating under the "Way Forward" model have reduced overtime, sick leave and other employee related expenses'.¹⁰

In terms of the vexed question of comparing public and privately run correctional centres, the Committee found that, despite the difficulties involved, privately operated centres were a 'useful comparison for the Department during the development of its "Way Forward" strategy'. The report recommended:

The Government should maintain at least one private prison in the State for the purposes of benchmarking the performance of publicly operated centres and to encourage the development of innovative management techniques.¹¹

In 2007 the Committee's report was the subject of critical appraisal by Jane Andrew and Damien Cahill of the University of Wollongong's School of Accounting and Finance – [Value for Money? Neo-liberalism and NSW prisons.](#)

Basically, Andrew and Cahill view the Committee report as a paradoxical exercise, on one side acknowledging the problems involved in comparing costs in public and private prisons and, on the other, proceeding to make such comparisons using data that is 'inadequate and misleading'.¹²

In a previous publication Andrew acknowledged that the Committee:

found that no definitive conclusion could be drawn on the cost-effectiveness of private prisons because the uniqueness of each prison (such as size, mixture of prisoners, responsibility, programs, building design, services) does not enable a meaningful comparison.¹³

The Committee report contains a table comparing the average cost per inmate per day for the Department of Corrective Services and the privately

run Junee Correctional Centre. For 2003-04 this was \$187.80 for the Department as against \$91.75 for the Junee private prison. In respect to this last figure, Andrew and Cahill comment that

the representation of the average cost per inmate per day in the Junee private prison cannot be substantiated with any externally verifiable evidence.¹⁴

It is further argued that the figures for the Junee private prison were not in the Auditor-General's Report to Parliament. According to Andrew and Cahill, they 'have been created for this report, yet there is no detailed explanation as to what constitutes the figure'.¹⁵ Under the heading 'secret efficiencies' it is noted that the Committee report acknowledged that 'the actual operating costs for Junee are not available as GEO is a private company that is in competition with other operators in Australia and this information is commercially sensitive'.¹⁶ According to Andrew and Cahill:

This statement reveals just how little evidence the government has available regarding the operational efficiencies of the private operator and what strategies it is using to meet its contractual and regulatory responsibilities, and also ensure a profit for its shareholders.¹⁷

The issues of comparability raised both in the Committee report and by Andrew and Cahill are complex and technical and, as such, need to be read in their entirety.

For the Committee, 'Having both public and private operators providing correctional services creates an opportunity for improved performance through collaboration'.¹⁸

Andrew and Cahill see things differently. For them, the value to the Government of a privatised correctional facility is primarily political and industrial. They point out that, throughout the 'Way Forward' negotiations 'the government maintained its right to offer the new prisons to private tenders if the negotiations were not successful'.¹⁹ They conclude:

While not denying the influence of neo-liberal ideology upon policy-makers, this article has argued that a more plausible explanation is to be found in the disciplinary leverage afforded to the government over unions in negotiations over workplace reform through the ongoing existence of a privatized prison in NSW.²⁰

On the same theme, Sean O'Toole, Assistant Director, Learning and Staff Development, NSW Department of Corrective Services, commented in 2005:

In NSW, the government has used the spectre of privatisation to trial a series of operational reforms in its newly constructed prisons at Kempsey and Windsor. Each prison will benefit from a streamlined organisational structure and a renewed emphasis on case management...These new prisons will be used to pioneer changes to traditional work practices in the NSW public sector. All this was made possible because the government indicated that the new prisons would be privatised unless the NSW Department of Corrective Services (with union agreement) could come up with a radical new model.²¹

5 Prison and prison population statistics

The following statistical overview is based on the Productivity Commission's [Report on Government Services 2009](#), Chapter 8 of which deals with 'Corrective services'. In terms of the number of correctional facilities in Australia, it is reported that, as at 30 June 2008, corrective services operated 119 custodial facilities nationally, including 87 government-operated prisons and 7 privately operated prisons.²² The jurisdictional breakdown of private prisons is as follows:

	Government operated prisons	Privately operated prisons
NSW	31	1
Vic	12	2
Qld	12	2
WA	12	1
SA	8	1
Tas	6	-
ACT	2	-
NT	4	-
Total	87 ²³	7

On average, 26, 455 people per day (excluding periodic detainees) were held in Australian prisons during 2007-08. Of these, 23.7 per cent were held in open prisons and 76.3 per cent were held in secure facilities. A daily average of 4,398 prisoners were held in privately operated facilities, 16.6 per cent of the total Australian prisoner population, excluding periodic detainees.²⁴

The NSW prisoner population has steadily increased over the past decade. In 2007-08 this number had risen to 9,634, an increase of over 34 per cent in ten years.²⁵ Of these, 769 prisoners were held in the privately operated prison at Junee (8 per cent of

the total prison population). As the total number of prisoners has increased, the proportion of those held in private prisons has fallen marginally, from 8.7 per cent in 2003-04. In real terms, over the same five-year period the number of prisoners held in the State's only private prison has increased from 726 in 2003-04.²⁶

The figures for NSW can be contrasted with those for Victoria where, unlike other Australian States, private prisons are both privately owned and operated. In 2007-08 1426 of a total prison population of 4,177 were held in private prisons (34 per cent).²⁷ A full jurisdictional breakdown for all States with private prisons is as follows:

	Total prison Population	Private prison population	%
NSW	9634	769	8
Vic	4177	1426	34
Qld	5491	1284	23
WA	3802	779	20.5
SA	1855	139	7.5

6 Efficiency and effectiveness

In its [Report on Government Services 2009](#) the Productivity Commission reported on the efficiency of Australian prison systems. This includes data on the cost per prisoner/offender in the different jurisdictions. This data does not distinguish between those prisoners held in public and private prisons. Rather, figures for both are combined and presented in a disaggregated form.²⁸

The Productivity Commission reports that the real recurrent cost per prisoner per day increased from \$193 nationally in 2003-04 to \$207 in 2007-08. These costs represent net recurrent expenditure only, excluding capital costs and payroll tax.²⁹ For the States,

the real recurrent cost per prisoner per day for 2007-08 were as follows:³⁰

	Open prisons ³¹ (\$)	Secure prisons (\$)	All prisons (\$)
NSW	187.7	225.3	210.5
Vic	190.6	224.8	221.4
Qld	202.0	177.5	180.3
WA	174.1	243.8	224.9
SA	159.5	179.9	177.7
Tas	203.5	254.1	248.5

In crude terms, NSW sits near the national average, above Queensland but below Victoria, the two States that have gone furthest down the prison privatisation road. Of course, crude figures of this kind are highly problematic. Whether they have anything statistically meaningful to impart is doubtful. By way of a cautionary note, the Productivity Commission notes:

Efficiency indicators are difficult to interpret in isolation and should be considered in conjunction with effectiveness indicators. A low cost per prisoner, for example, may reflect less emphasis on providing prisoner programs to address the risk of re-offending. Unit costs are also affected by differences in the profile of the prisoner and offender populations, geographic dispersion and isolation factors that limit opportunities to reduce overheads through economies of scale.³²

7 Recent research findings

Writing in 2005 Sean O'Toole commented:

There are few detailed studies on the effects that privatisation has on running costs, recidivism, prisoner safety and conditions of confinement.³³

That remains the case in Australia. Nonetheless, as David Biles, whose

roles include that of adviser to the GEO Group Australia Pty Ltd, writes, a 'considerable amount' of information about the contracts entered into by governments and private prison companies 'has become available'. According to Biles, 'it is well known that these contracts include a number of key performance indicators (KPIs) as well as general performance indicators (GPIs)'. KPIs include such factors as the number of escapes, deaths in custody, assaults by prisoners on staff or other prisoners and the level of medical services. Biles adds that 'Failure to meet these carefully worded indicators results in the imposition of financial penalties on the company'. Biles concludes:

The inclusion of performance indicators in private prison contracts means that the operators of private prisons are subjected to a much higher level of accountability than could ever be the case with government prisons. Possibly the most important gain from the introduction of private prisons, in addition to a considerable saving of public money, is the impact they have had on the running of government prisons, which have significantly improved their efficiency in the past two decades.³⁴

By way of an alternative perspective, a useful source of information is the [Private Corrections Institute](#) website.

8 2008 report into West Australia's Acacia Prison

In July 2008 the then WA Inspector of Custodial Services, Professor Richard Harding, released an Inspection Report on Acacia prison, the only privately operated prison in that State.³⁵ The relevant [Media Release](#) explained this was the third report of its kind:

The first inspection in 2003 had shown that the then operators, AIMS, were struggling. In some ways the prison was unsafe, and although the organisational culture was reasonably positive the regime and program delivery fell short of what the Government had expected in going down the privatisation track. Accordingly, the Inspector had decided to inspect again two years later, with a view to ascertaining whether adequate improvements had occurred before a decision as to contract renewal had to be made. That inspection, in 2005, showed that the regime was still fragile and below the contracted standard, and the Inspector accordingly advised the then Minister that the contract should be market-tested.³⁶

The Media Release continued:

That process occurred in 2005/06, and SERCO, a provider new at that time to the Australian scene, successfully bid. Two years into their contract, it can now be said that the privatisation model can work well and is now doing so. The regime is constructive and equitable; offender program delivery was better than at any prison in the State; health and dental services had improved; the management of protection prisoners was good; Aboriginal prisoners special needs, particularly those from "out-of-country", are now properly recognised. The prison feels safe and staff morale has improved.³⁷

Problems were acknowledged. On the down side, since the report was completed a death by apparent suicide occurred at Acacia, the first since it was opened in 2001. This unfortunate incident notwithstanding, the Inspector of Custodial Services concluded:

In summary, the Inspector's view that privatisation of prisons and some other correctional and

custodial services can be beneficial as long as they are made properly accountable, by independent inspection and otherwise, can now at this third inspection be seen to be fully vindicated. Acacia is now a good prison contributing positively to overall criminal justice policy and administration in Western Australia.³⁸

9 Evaluations of Junee Prison

In NSW the office of the specialist prison watchdog, the Inspector General of Prisons, was abolished in 2003. This followed a review which found that the continuation of the office:

is not justified given that the NSW Ombudsman has greater authority and legislative powers to fulfil the role for which the Inspector-General was created.³⁹

At the time, the decision was criticised by the Opposition's spokesman on prisons, Andrew Humpherson, who said:

The Ombudsman does not have the experience to pursue systemic cultural and structural problems in the prison system and, if anything, the Inspector General required greater teeth to undertake this important role.⁴⁰

The ongoing evaluation of the State's only privately operated prison at Junee is now found in: the Auditor-General's reports; the NSW Ombudsman's annual reports; and the annual performance reviews of the Junee monitor.

10 NSW Ombudsman reports

The table below compares the number of complaints to the Ombudsman by prisoners at Junee with the number of complaints from prisoners at publicly

run prisons for the period 2003-4 to 2007-08.⁴¹

Year	Junee complaints	Ranking	Public prison complaints	Junee % of all complaints
03-04	166	Fourth highest	1906	8.7
04-05	194	Fourth highest	2397	8.1
05-06	593	Highest	2931	20.2
06-07	360	Highest	2617	13.7
07-08	341	Second highest	3279	10.4

This table updates Table 8.4 in [Background Paper No 3/2004](#). Note that the complaints about publicly run prisons exclude complaints reported to the Department of Corrective Services about departmental issues. For 2007-08, the complaints about Junee prison exclude the 68 complaints about GEO Australia.

In 2005-06 the Ombudsman reported 'We receive significantly more complaints from Junee than any other centre'. While many of these were about minor matters, a number of complaints were also received 'about serious matters such as inmates' release dates, their security, and their access to legal representation'.⁴²

In 2006-07 the Ombudsman reported the high trend of complaints about Junee had continued. The report was not able to 'point to any specific cause or reason, apart from reinforcing the importance of good communication between staff and inmates'. After three visits to the centre, it was said that 'the number of inmates wanting to speak to us was no greater than in previous years and we did not see any immediate reasons to account for the high levels of complaints'.⁴³

In 2007-08 the Ombudsman again reported on the continuing level of complaints about Junee. It was said that 'One possible cause identified was the physical separation of the inmates from the staff in their office in the accommodation units'. It was further reported that the number of complaints to the Ombudsman 'decreased slightly' after different arrangements were trialled.⁴⁴

11 Junee Monitor annual performance reviews

Further to s 242 of the *Crimes (Administration of Sentences) Act 1999* the monitor attends Junee Correctional Centre on a monthly basis to conduct performance assessments. These performance assessments include:

- Validation of the components of the Performance Linked Fee (PLF)
- Review of GEO's compliance with essential monitoring elements
- Review of compliance with selected minimum standards for privately run correctional centres.⁴⁵

Payment of the PLF is conditional and is linked to the level of attainment of agreed key performance indicators (KPIs). Full payment of the PLF was first recommended in the 2004-05 contract year. For the 2005-06 contract year, GEO's performance against two KPIs was below base level performance.⁴⁶ However, it was judged that the cause was effectively addressed and the Commissioner determined that GEO receive the full PLF payment for that year.⁴⁷ The full PLF payment was recommended in 2006-07, as it was in 2007-08.⁴⁸

12 The UK

Privately managed prisons were introduced to the UK in the 1990s. Private prisons have been built under the Design, Construct, Manage, Finance (DCMF) model of Public Private Partnership. They are managed under contract by private companies such as Kalyx, Serco and G4S Justice Services. At the contract term, typically 25 years, the prisons will become the property of HM Prison Service.

At present there are [11 private prisons](#) in England and Wales that house 11% of the prison population.⁴⁹ Scotland has two privately run prisons.

12.1 Significant developments in the UK

In 2006 the UK Government announced it intended to build an additional 8,000 prison places in England and Wales by 2011. In June 2007, this was increased to an additional 9,500 places, with 1,000 places conditional on the outcome of an independent review.

Lord Carter of Coles was asked by the UK Government to review supply and demand for prison places, and [reported](#) his findings in December 2007.

The context to the review was the rapid growth in the prison population, up 60% since 1995, and projections which showed future increases. The Review recommended an additional 6,500 prison places be provided by the end of 2012, in addition to 8,500 additional places already planned. It recommended that 2,500 of the additional places be provided in a single large prison, called a "Titan prison". The Review also recommended that two more "Titan" prisons be built to provide a further

5,000 places. These would not be additional but would allow the closure of some of the oldest prisons in the estate.

The Review did not say whether the new capacity it recommended should be provided in publicly run or privately run prisons.

The Government announced its response to the Review in a [statement](#) in the House of Commons in December 2007. It accepted the Review's recommendations on the provision of additional capacity, and announced an additional 10,500 places by 2014, in addition to the 9,500 additional places already planned. Allowing for closures, this would take the capacity of the England and Wales prison estate to 96,000 places by 2014. The Government did not say whether these additional places would be provided in private or public prisons.

The Government has since said in a [written answer](#) that 10,000 of the additional places will be provided in six new prisons – the three Titan prisons plus three others, with the remaining places being provided by expanding existing prisons.

The June 2008 [Prison Privatisation Bulletin](#), prepared for the Prison Reform Trust, suggested that the Titan prisons will be privately operated, built on the DCMF model.

12.2 Performance of private prisons

England and Wales introduced a National Offender Management Service in 2004 following a review of the prison and probation service. Private prisons were overseen centrally by the Office for Contracted Prisons, but this office was closed in 2006, and responsibility for private

prisons (as well as public prisons and the probation service) was transferred to Regional Offender Managers. The Regional Offender Managers report on the performance of private prisons in their region in their annual reports.

Private prisons in England and Wales are subject to contractual performance targets and service delivery targets which they agree with their Regional Offender Manager. Private prisons are subject to financial penalties if they do not meet their contractual targets. They are also assessed against the same Key Performance Targets as publicly run prisons. A [written statement](#) made in the House of Commons on 21 July 2008 compared the performance of private and publicly run prisons against these performance targets. Privately and publicly run prisons each failed on one of the eleven targets to which they are subject. Privately run prisons failed against a target related to overcrowding, and publicly run prisons failed on a target for self-inflicted deaths among prisoners.

The performance of prisons in England and Wales is also assessed quarterly, giving a summary of performance against targets. Prisons are rated from 1 to 4, with 1 being a failure to provide a secure, ordered regime and significant shortfalls against targets, and 4 being exceptionally high performance, and consistently meeting or exceeding targets. The table summarises the performance ratings of public and private prisons⁵⁰.

Rating	Number of public prisons	(%)	Number of private prisons	(%)
4	19	15	2	18
3	92	72	7	64
2	17	13	2	18
1	0		0	
Total Number	128		11	

The Carter Review noted the difficulty of challenging financial performance of public prisons. One of its recommendations was that:

The government should produce a framework of service level agreements with every public sector prison or cluster, and contracts with private sector prisons, based on the standard operational model and corresponding efficient costs, and market test a proportion of public sector prisons.⁵¹

Figures on the costs per prisoner per day per prison / young offender institute in both privately and publicly run establishments were given in a [written answer](#) in December 2008. Analysis of these data show an average cost per day of £105 for privately run establishments, and £117 for publicly run establishments. The answer noted that:

there are a number of factors which will cause differences in prison costs, such as the size, age, location and category of the prison, the mix of prisoners (including gender and age) and the internal regime and rehabilitation work followed.

Her Majesty's Inspectorate of Prisons for England and Wales (HMI Prisons) is an independent inspectorate which reports on conditions in prisons. Establishments are inspected at least once every five years. HMI Prisons' reports are [published](#) on the internet.

HM Prisons Inspectorate for Scotland inspects Scottish Prisons. Its reports are also [published](#) online.

13 New Zealand

In July 2005 New Zealand's only privately operated prison, the Auckland Central Remand Prison, which was run by the GEO Group, was returned to public sector control. The decision appears to have had more to do with principle than with any practical concerns about the way the prison operated. With Opposition parties calling it a 'triumph of ideology over commonsense', then Corrections Minister Paul Swain is quoted as saying:

In the end, we have a public prison service, a public police force, a public courts system...This is a role the Government or the public should be involved in, not the private sector.⁵²

Whether the new National Party Government proceeds with its policy to reintroduce private management of prisons remains to be seen.⁵³

14 Conclusions

The prison privatisation debate operates at many levels, from the philosophical to the practical. At one level it asks what, if any, role private enterprise should play in the State's punishment of offenders, or more precisely in the administration of that punishment. Is the intrusion of the profit motive into corrective services wrong in principle? Must its application to incarceration result in compromised outcomes and practices?

From a certain ideological standpoint, behind prison privatisation there lies the idea that free market forces will deliver greater efficiencies and better performance than the public sector. More pragmatically, for some the

attraction of privatisation is that private resources are needed to meet the challenges posed by an ageing prison infrastructure on one side and a rise in the prison population on the other. Issues of accountability arise, with arguments presented on both sides of the ledger, some pointing to the opaqueness of the contracts entered into between governments and their private enterprise partners, others maintaining that the performance requirements of those contracts make private prisons more transparent than their public counterparts.

One advantage of prison privatisation may be the impact it has on the public sector, acting as a spur to reform. In NSW at least it is argued that the reality and prospect of prison privatisation operates as part of the Government's industrial relations armoury.

In Australia the debate is hindered by a lack of comprehensive and detailed research into the impact of prison privatisation.

¹ NSW Department of Corrective Services, *Annual Report 2007/08*, p 136.
² 'Two jails to be privatised', *SMH*, 12 November 2008, p 5; NSW Treasury, *Mini-Budget 2008-09*, A-4.
³ *NSW Auditor-General's Report to Parliament 2008 Volume Five – Department of Corrective Services*.
⁴ [Long Bay prison officers also walked off the job in protest on 4 February 2009](#).
⁵ *AAP*, 'Government to overhaul jails despite protest', 29 October 2008.
⁶ *Ibid.* Mr Hatzistergos said Treasury was conducting a market-testing exercise at Cessnock and Parklea jails to consider privatisation.
⁷ *Ibid.*
⁸ Justice Action, 'Prison Privatisation – morally wrong, financially bankrupt prisons', *Media Release*, 21 November 2008.
⁹ Legislative Assembly, Public Accounts Committee, *Media Release – Report on Value for Money from Correctional Services*, September 2005.

¹⁰ Legislative Assembly, Public Accounts Committee, *Value for Money from Correctional Services*, Report No 13/53 (No 156), September 2005, p vii.
¹¹ *Ibid.*
¹² J Andrew and D Cahill, *Value for Money? Neo-liberalism and New South Wales Prisons*, University of Wollongong Working Papers Series, 07/16, p 7.
¹³ J Andrew, 'Prisons, the profit motive and other challenges to accountability' (2007) 18 *Critical Perspectives on Accounting* 877 at 881.
¹⁴ J Andrew and D Cahill, n 12, p 9.
¹⁵ *Ibid.*
¹⁶ Public Accounts Committee, n 10, p 23.
¹⁷ J Andrew and D Cahill n 12, p 12.
¹⁸ Public Accounts Committee, n 10, p 27.
¹⁹ J Andrew and D Cahill n 12, p 18.
²⁰ *Ibid.*, p 21.
²¹ S. O'Toole, 'Privatisation in the corrections industry' in *Corrections Criminology* edited by S O'Toole and S Eyland, Hawkins Press 2005, p 65.
²² Productivity Commission, *Report on Government Services 2009*, Table 8A.2.
²³ For NSW, this figure does not include: 3 government operated community custodial facilities; 14 24-hour court cell complexes; and 7 periodic detention centres. The ACT also has 1 periodic detention centre.
²⁴ Productivity Commission, n 22, pp 8.4-8.5.
²⁵ *Ibid.*, page 8.33.
²⁶ *Ibid.*, Table 8A.25.
²⁷ *Ibid.*, Table 8A.33.
²⁸ Telephone advice to the authors from the Executive Officer of the National Corrections Advisory Group, 24 February 2009.
²⁹ *Ibid.*, page 8.24.
³⁰ *Ibid.*, Table 8A.7.
³¹ This is defined to include periodic detention.
³² *Ibid.*, page 8.23, Box 8.10.
³³ S O'Toole, n 21, p 64.
³⁴ D Biles, 'Corrections' in *An Introduction to Crime and Criminology*, 2nd ed, edited by H Hayes and T Prenzler, Pearson/Prentice Hall 2009, p 322.
³⁵ Office of the Inspector of Custodial Services, *Report of an announced inspection of Acacia Prison*, Report No 53, June 2008.
³⁶ WA Inspector of Custodial Services, 'Privatisation comes full circle in Western Australia: improved performance at Acacia', *Media Release*, 30 July 2008.
³⁷ *Ibid.*
³⁸ *Ibid.*

- ³⁹ *Review of the Office of Inspector General*, Department of Corrective Services, May 2003, p 3.
- ⁴⁰ P Totaro, 'Scheme to axe prisons watchdog sets off alarm bells', *SMH*, 11 June 2003.
- ⁴¹ This table updates Table 8.4 in [Background Paper No 3/2004](#).
- ⁴² NSW Ombudsman, *Annual Report 2005-06*, p 90.
- ⁴³ NSW Ombudsman, *Annual Report 2006-07*, p 111.
- ⁴⁴ NSW Ombudsman, *Annual Report 2007-08*, p 128.
- ⁴⁵ NSW Department of Corrective Services, *Annual Report 2007/08*, p 123. These standards were introduced in February 2006 and include: prevent escapes; accounting for inmates; searching; armoury control; cell alarms; and inmate clothing - NSW Department of Corrective Services, *Annual Report 2006/07*, p 125.
- ⁴⁶ One KPI referred to 'Percentage of inmates assessed as having Alcohol and Other Drug issues offered individual or group treatment intervention (inmates with 6 months or more remaining to serve on reception at Junee'. The second KPI referred to 'Asset management records are complete' - NSW Department of Corrective Services, *Annual Report 2005/06*, pp 125-6.
- ⁴⁷ NSW Department of Corrective Services, *Annual Report 2006/07*, p 119.
- ⁴⁸ NSW Department of Corrective Services, *Annual Report 2007/08*, p 123.
- ⁴⁹ Using prison population figures in HM Prison Service [Monthly Population Bulletin](#). January 2009
- ⁵⁰ Performance ratings for private prisons are from Office for National Commissioning - [Quarter 3 Ratings for Contracted Prisons](#). and for public prisons from HM Prison Service, [Prison Service Performance Ratings](#). February 2008
- ⁵¹ Lord Carter's Review of Prisons. [Securing the future – Proposals for the efficient and sustainable use of custody in England and Wales](#). December 2007.
- ⁵² '[Privately run prisons not an option, says Swain](#)', *New Zealand Herald*, 13 July 2005.
- ⁵³ '[Private prison management plan criticised](#)', *The National Business Review*, 5 August 2008.

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