



To the members  
Law & Order Select Committee  
NZ Parliament  
Wellington

22 May 2009

## **Submission on Corrections (Contract Management of Prisons) Amendment Bill**

Justice Action was asked to consult with New Zealand prisoners on the issue before the Select Committee, and did so with a prisoners' committee on May 4. We refer you to the NZ Herald article [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10570442](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10570442)

**Ex-con back behind bars to fight jail privatisation** Tuesday May 05, 2009 By Simon Collins

Subsequently we have received numerous letters from NZ prisoners, letters, phone calls and emails from families.

We wish to present orally in Auckland on behalf of New Zealand prisoners and convey to you the request that you speak with a representative prisoners' committee in Mount Eden prison. They have endorsed our submission but wish to talk directly with the Select Committee themselves.

Justice Action was also asked to orally represent prisoners of NSW before the Upper House Inquiry in NSW on privatisation currently being heard. We ask that you take into account our sworn evidence there and the 453 written submissions before it. Exactly the same issues are raised there as before the NZ Select Committee. Only eleven submissions supported privatisation and they included the same multinationals who are interested in the New Zealand opportunity.

<<http://tinyurl.com/o3fj9z>>

<http://www.parliament.nsw.gov.au/prod/PARLMENT/committee.nsf/0/16B4F843319D2EBCCA257522001B35CC>>

We have a history that is best understood from our JA Mentoring Handbook attached. Justice Action was asked to defend the Australian prisoners right to vote, in the Australian Senate Inquiry in 1997 and again in 2006. In both cases we were ultimately successful.

We publish the Australian and New Zealand Prisoners Newspaper JUST US that is also attached and is distributed to prisoners, politicians and judiciary in both countries. Many New Zealand citizens are in Australian prisons and vice versa, and the conditions and cultures are similar.

We believe that the issue of privatisation of prisons is a fundamental one in the relationship between government, citizens, and corporations. In the global financial market, neo liberal economic policy as expressed in the privatisation of central responsibilities, has failed to protect us. The state has ultimately had to take responsibility. In prisons the situation is clearest, dealing with the most vulnerable, our families and our safety.

Trades Hall, Suite 204, 4 Goulburn St,  
Sydney NSW 2000, Australia  
PO Box 386, Broadway NSW 2007, Australia

ph: 612 9283 0123 fax: 612 9283 0112  
email: [ja@justiceaction.org.au](mailto:ja@justiceaction.org.au)  
[www.justiceaction.org.au](http://www.justiceaction.org.au)

# PRISONS ARE NOT FOR PROFIT

## Prisoners are part of the community

NZ community organisations and prisoners asked for assistance for a consultation with NZ prisoners. They brought a Justice Action Coordinator from Australia to help. The consultation occurred on May 4. Prisoners, prison officers, the union and administrators were all involved. Opposition to privatisation was clear and unequivocal. NZ Corrections agreed to put up a negotiated notice informing prisoners of the issue so they could respond. Later this was refused.

In Australia last year the Government attempted to privatise electricity but was confronted by its own party at the ALP Conference, and both the Premier and Treasurer were dismissed. Despite that history and global corporate collapses, significant government figures are committed to the market rather than managing core government functions as stated in its own policies.

The NSW Parliament is holding an Inquiry into plans to privatise Cessnock and Parklea prisons. It received 453 submissions including every major community organisation. Only 11 are for it including the corporations and the Department. After widespread community opposition the Government partially reversed its decision.

The Commissioner said that the multinational corporations could run prisons cheaper. It would be easier to manage. But in fact the new jails like Kempsey are a similar cost.

### Points to consider:

- \* In a democracy only the state, if anyone, should totally control a citizen and their family. It is the ultimate, non-transferable state power. Prison isn't like a hospital responsive to consumers.
- \* Increased profits require more fear of crime, more crime, more prisoners and longer sentences.
- \* Rehabilitation reduces profits. Thus privatisation makes everyone less safe.
- \* Prisoners are part of the community – not slaves to offload onto a multinationals' balance sheet
- \* It is immoral to profit from the pain of others.
- \* Overseas experience is clear. Ten out of the eleven private prisons in the UK are in the bottom quarter of the performance register.
- \* Cutting costs means even less services. Teachers and health would come from the cheapest outside providers, not linking properly to the rest of the system.
- More secrecy – the corporation reports what protects their profit.

### MORALLY OBSCENE

It's quite simply wrong to make profits from the misery of others. Prisoners are not chattels to generate profits for shareholders. They are fellow citizens to be treated with respect and not exploited for financial gain.

In a democracy, it is the responsibility of the State to manage and control the enforcement of its laws. The State must be accountable to citizens for their most fundamental right – their liberty.

It is a fundamental attack on the democratic social compact between citizen and state. It is a move in Australia from the Penal Colony to the Corporate Colony with loss of accountability and transfer of judicial power to corporations.

## **PRIVATISING CORRECTIONS IS COUNTERPRODUCTIVE**

Corporations have a legal obligation to their shareholders to grow their profits. For prison corporations this means more crime, more prisoners for longer periods of time without rehabilitation.

Stephen Nathan, a leading prison privatisation expert, in the March 2008 edition of the Independent Monitor, says that means privatising prisons 'requires more people in the criminal justice system for longer and is squarely at odds with the public good' (page 26).

Corrective Services has already given up correcting. Now their failure is to be corporatized. To the Inquiry: "Recidivism may have more to do with what happens to a person before entry to prison and subsequent to their exit from prison than anything else. Measuring "recidivism" can never be an absolute measure by which we can evaluate the quality of correctional services provided. Sub 258 p.17

Prisoners, who are psychologically scarred by their time in prison, will not reintegrate into society easily. Already NSW has the worst recidivism rate in the nation.

## **SLAVERY**

ILO Convention 29 declares it is slavery to operate prison labour programs in privatised prisons. Legal advice: "the operation of prisons cannot comply with international labour standards unless there are no prison labour programs in those prisons.' PIAC Sub 106 p.9.

Both Parklea and Cessnock prisons run industry programs with labour provided by prisoners. There is no intention to dismantle these programs after privatisation. The profits made from the prisoners' labour will belong to the jail corporation –based on this convention, that amounts to slavery.

## **ECONOMICALLY FLAWED**

To justify its decision to privatise Parklea and Cessnock prisons, the NSW government relied on the conclusions of a report commissioned by the Legislative Assembly 'Value for Money From NSW Correctional Centres'. Jane Andrew from the School of Accounting and Finance at the University of Wollongong and Damien Cahill from the University of Sydney, attacked the Report's conclusion that 'the privatised model of prison management delivered superior value for money.'

In their paper, 'Value for Money? Neoliberalism in NSW Prisons', Australian Accounting Review 2008, they concluded that 'the report is fundamentally flawed on its own terms' (at page 3) and 'is driven by concepts of ideology rather than any cost data evidence of financial savings' (at page 24).

The interesting thing is that the paper attacks the report from an economic perspective (since they are both accountants), rather than a moral perspective which we believe has just as much authority.

## **COST CUTTING**

Inherent to the privatisation aim of maximum profits is the certainty that prison corporations will only provide minimum standards. To do otherwise and incur anything more than the minimum expense in generating profits for shareholders, is arguably in breach of a corporation's obligation to its shareholders.

Maximum profits mean lower standards of prisoner programs, care and services. The profit motive ensures that corporations will only spend as much as they have to when running prisons. That means they will not have the necessary regard to moral considerations of human decency, which are so important in a prison system.

ACM was caught taking clothes from charities to avoid purchasing them for prisoners, until St Vincent de Paul discovered the scam. Then they tried the Uniting Church who refused when they realised what was happening. (Andrew p.891);

A study conducted by Biles and Dalton found that in Victoria, the privatised prisons of Port Phillip, Deer Park and Arthur Gorrie all have higher rates for all deaths and suicides than the Australian average. (Andrew p.886)

By imposing minimum standards in our prisons, not only are we imposing a cruel and unusual regime on our fellow citizens, we are also contributing to the breakdown of our society through an unsustainably high rate of recidivism.

### **AN INTERNATIONAL FAILURE**

The overseas experience is that privatisation of prisons has been shown to provide unacceptable outcomes in the management of offenders. Stephen Nathan in the same article above, disclosed that a recently leaked report placed 10 of the 11 private prisons in the UK in the bottom quarter of the performance register of all UK prisons 'and showed they are consistently worse than their publicly run equivalents' (page 24)

The leading multinational company GEO, ex Wackenhut, manager of Junee, was started by three FBI agents and uses military and CIA personnel.

### **CORRUPTIVE INFLUENCE**

In the USA, in March 2009, 2 judges pleaded guilty to receiving bribes from prison corporations for falsely imprisoning children to increase the numbers (and hence the profits), of those in jail;

Also in the United States, it has led to prison corporations being accused of joining with and funding right wing media 'shock jocks' to ramp up the law and order debate so that they can have more people jailed to grow their profits. The more frightened the public is, the more they will pay.

Brett Collins  
Coordinator  
JUSTICE ACTION  
P.O. Box 386, BROADWAY.  
NSW 2007 Australia.

[www.justiceaction.org.au](http://www.justiceaction.org.au) [ja@justiceaction.org.au](mailto:ja@justiceaction.org.au) ph: 612 9283 0123 fax: 612 9283 0112

Attachments:

**NEW ZEALAND HERALD ARTICLE.**

[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10570442](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10570442)

**Ex-con back behind bars to fight jail privatisation**

Tuesday May 05, 2009

By Simon Collins

*Brett Collins was allowed into Mt Eden Prison yesterday after initially being refused.*

Photo / Martin Sykes

The gates of Mt Eden Prison opened yesterday to a former convicted bank robber campaigning against privatising jails, despite an official statement that he would not be let in.

Ngaruawahia-born Brett Collins, who served 10 years in an Australian jail for a bank robbery, now leads Sydney-based Justice Action. The organisation helped to push the New South Wales Government into abandoning plans last Friday to privatise one of two state jails it had earmarked for private management.

Quakers paid for him to come to Auckland to speak at a public meeting last night against a bill allowing private management of New Zealand prisons. Submissions on the bill close on May 22.

He applied to the Corrections Department on April 26 for permission to talk about the bill with prisoner committees in Mt Eden and Paremoremo jails, but a department spokesman said yesterday morning that the visit was "not possible", partly because there were no elected committees of prisoners. But when Mr Collins turned up at the prison gates anyway at 2pm with three local activists, acting prison manager Gary Stock eventually gave the group an hour with four prisoners on the jail's welfare committee.

Mr Collins said the four prisoners and the prison officers he met all opposed privatisation, and the prisoners felt "resentful".

"They objected to multinationals coming in and making a profit out of them sitting longer in jail," he said.

Maori Party MP Hone Harawira was invited to speak in support of privatisation at last night's meeting, organised by Global Peace and Justice Auckland, but had another engagement.

He said he would not be particularly happy to see multinationals running a local jail - "but by the same token neither am I particularly happy to see the New Zealand Corrections Department running it".

"What would you suggest that the Maori Party did," he asked, "sit back and let things continue the way they are, or do what we can to change things?"

\* On the web: [www.justiceaction.org.au](http://www.justiceaction.org.au) <<http://www.justiceaction.org.au>>

## **JUSTICE ACTION**

**Media release May 4, 2009**

### **Mt Eden prisoners consultation on privatisation**

Mt Eden prisoners will have the chance to consult with the Australian delegation on prison privatisation today at 2pm at the prison.

Although Minister Judith Collins said last week that prisoners are too busy working, over five hundred Mt Eden prisoners say that they are mostly locked in cages and cells, and do want to consult on the issue.

Mt Eden Prison Manager Gary Stock has been asked to set aside an area in the prison for that consultation to happen.

NZ community organisations paid for Justice Action Coordinator Brett Collins to visit to assist the consultation. Last week Australian plans to privatise prisons were reversed after major community opposition forced the government to change its mind.

Mr Collins and Green Party MP Metiria Turei will also speak at the GPJA forum today at 7.30pm at Trades Hall, 147 Great North Rd, Grey Lynn, Auckland chaired by John Minto.

The Minister of Corrections Judith Collins, and Maori Party MP Hone Harawira have been invited or asked to provide representatives, to present the case supporting prison privatisation.

**For Comments:** Jim Gladwin 828 4517, Rose Hollins 828 0238 / 021 297 0875, Brett Collins 0061 438705003