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S09.14

Submission to the Law and Order Committee on the Corrections (Contract Management of Prisons) Amendment Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 46 nationally organised societies and national members. It has 26 branches spread throughout the country to which women from some 150 societies are affiliated, as well as individual members. The Council's function is to serve women, families and the community through research, study, discussion and action.

This submission has been prepared by the Public Issues Standing Committee and is based on NCWNZ policy and replies from members to information circulated to them for a response. NCWNZ developed policy in 2003 which urged Government to look for the most effective way of managing its prisons including contracting out the management of prisons as long as government had adequate oversight. The generally positive experience of contract management of the Auckland Central Remand Prison from 2000 to 2005 is acknowledged. However NCWNZ members are aware of the unsuccessful experience of privately managed prisons overseas in the USA, UK and Australia and expressed serious concerns about this Bill. Especially as there appear to be no New Zealand companies which are experienced in running prisons. New Zealand should not emulate the United States prison industrial complex.

General Comments

NCWNZ members believe that the main reason for introducing contract management of prisons is because it is expected to be less costly. However, in whatever way prisons are managed, the increasing prison population is going to cost more. Some members fear that contractors are going to have to save money in various ways, such as in reducing the number of staff, lowering wages for prison staff, providing poorer quality food and downgrading many rehabilitative and innovative programmes. In addition the contract prisons will pass on the most difficult and costly areas of running prisons to the state run institutions. If, as stated in the explanatory note to the Bill, "opening up prison management to contractors provides an opportunity for innovation and change in the ways in which the prisons in New Zealand are operated" (p.1), members asked why these innovative changes were not being required of the Department of Corrections.

Specific Comments

Part 1 Amendments to allow contract management of prisons

Clause 5 New sections 198 to 199K substituted

"199 Requirements of prison management contracts" (1) (h) (i) and (ii) regarding providing programmes related to ascertaining causes of offending and assisting reintegration of prisoners. These are very complex issues which it would be difficult for the prison management to achieve if an overseas company was managing the prison. There is very little mention of treatment for prisoners

who have drug and alcohol problems or mental health issues, except perhaps as implied in **1 (h) (ii)** where contract companies are required to assist the reintegration of prisoners into society. NCWZN members believe that there must be a strong rehabilitation emphasis in these institutions.

“199E Monitors”

The Bill provides monitors which is important to ensure that New Zealand prisons will meet national and international obligations and standards regarding the treatment and welfare of prisoners. Members believe that there must be a strong rehabilitation emphasis in contracted prisons, yet the section on monitors does not emphasise rehabilitation.

Where privately run prisons are established they should be limited to one or two sites for a set number of years (e.g. five years) so that the experienced Corrections staff and management are retained, and so that fair comparisons can be made between contract and government prisons. Corrections senior management need to undertake major improvements in their service delivery both to the public and to the prison staff and occupants, and to be held accountable for their policies. Competition between contract and government prisons could be a factor in improving innovation and effective management.

“199G Monitors to report on certain matters” (1) (e)

Monitors will report on work undertaken by prisoners. In the US some private prisons use the prisoners as cheap labour and the result is that the local economy is destroyed. The monitors should ensure that this does not happen in New Zealand.

Concluding Comments.

The safeguards written into the Bill are reassuring, particularly regarding the accountability of the Chief Executive of the Department of Corrections and private prison management, but there is concern that when private companies are contracted to manage prisons, the profit motive will dominate. At the same time it is doubtful if there will be large savings for the Department of Corrections. Consequently, many NCWZN members thought that it would be preferable for the Department of Corrections to be adequately funded to provide the “innovation, change and greater efficiency” that is hoped for from the private prisons.

Any changes to the way the New Zealand justice system is run should be looked at from the point of view of whether it is going to be a change for the good of the whole community. Many members believe that it would be better if more effort and resources were put into dealing with the causes of crime so that there was less need to put people in prison. The mixed responses from NCWZN members to this issue of private management of prisons highlight the fact that many New Zealanders are ambivalent about the role of prisons in the justice system and the ever-growing prison population. Enabling private management of prisons appears to be a very superficial way of dealing with this problem.

There were also several very strong statements made that justice needs to be fully in the control of the government. The state is responsible for administering the justice system and committing people to prison, and the state should be in charge of the prison system. NCWZN members queried the need to establish a system that thrives economically on a large criminal population.

NCWZN appreciated the opportunity to have an input into the Bill through the Select Committee system.

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