



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

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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. NCWNZ 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 NCWNZ 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 NCWNZ 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. NCWNZ members queried the need to establish a system that thrives economically on a large criminal population.

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

Elizabeth Bang
National President

Joan Macdonald
Convener, Public Issues Standing Committee



**Oral submission on the Corrections (Contract Management of Prisons) Amendment Bill (S14/09)
made to the Government Law and Order Select Committee on Wednesday July 1st 2009 by Jean
Fuller and Patricia Byrne.**

Select Committee: Chairperson: Sandra Goudie (N), Shane Ardern (N) Cam Calder (N), Jonathon Young (N), Melissa Lee (N), Rick Barker (L), Clayton Cosgrove (L), Carmel Sepuloni (L), David Garrett (ACT), Metiria Turei (G).

Good morning. My name is Jean Fuller and my colleague is Patricia Byrne. We are both members of the Parliamentary Watch Committee of the National Council of Women of New Zealand. This submission has been prepared from a background of policy decisions, and from a questionnaire sent to our members who represent a wide diversity of opinion. It has also been reviewed by the NCWNZ Board and the Parliamentary Watch Committee.

In general the National Council of Women of New Zealand does not oppose the principle of contract management of prisons, but would subject this view to a number of considerations. However, it should be noted that a minority of our members do feel strongly that prisons should remain in the hands of the State.

The experience with the Auckland Central Remand Prison from 2000 – 2005 was considered to be favourable but members reflected that this was a particular prison which was possibly more suited to this type of management than others.

On one issue all our members were absolutely convinced. Most prisoners will return to the community at some point in their lives. We do not want these people to have become so de-socialised by their prison experience that they remain a danger to themselves and to the communities in which they live. No matter whether a prison is run by the State or a Private Company there must be a serious attempt to rehabilitate prisoners.

We are concerned that in State-run prisons the remedial programmes are often inadequate and therefore we are not encouraged to see that in this Bill, Clause 5, new section 199 (1) (a) Private Prisons are to meet standards “no lower than the standards applicable to prisons managed by the department”. Members drew our attention to the inadequacy of drug and alcohol programmes and the variable provision of basic literacy and numeracy courses. The Corrections Act qualifies the provision of these services by the phrase “to the extent that resources are available”. If this will also apply to private management there will be little incentive to action these matters.

Members also highlighted the difficulties that arise when a prisoner is transferred from one prison to another and there is no provision for the continuation of rehabilitation courses. We are unsure what arrangements are envisaged for the transfer of prisoners between private and state run institutions.

We understand that primary reason for considering this move to private management is that it will be cost effective. Members had difficulty with this reasoning since it seemed inconsistent that a private organisation, which was required to make a profit for its owners, could successfully compete with a state owned operation without cutting corners, and this would most probably occur in the rehabilitation area.

The National Council of Women is anxious that the particular needs of women’s prisons should be considered. These institutions cannot simply be run on the same lines as male prisons. In Clause 5 New Section 199, which sets out the requirements of prison management contracts, there is no mention of gender difference, nor is there any reference to cultural issues. Prisoner safety is another issue which was raised by our members, particularly in respect of the influence gangs are said to exercise in state run prisons.



A further concern arises from Clause 5 New section 199J which covers the release of prisoner information to contract prisons. While we recognise that this is a necessary provision we are also aware that it needs to be balanced by responsibilities to limit disclosure and avoid any opportunity for abuse. We would like to see some strengthening of this clause to minimise the possibility of information being used unwisely.

Some of our respondents noted that it was unlikely that New Zealand had companies with the experience and capital to undertake this work. If it was necessary to look overseas there was strong opposition to using the American model and significant concern that private management would not understand the norms and values of New Zealand's society.

In Clause 5 New Section 199D members were heartened by the importance placed on reporting responsibilities, but wondered whether the 3 month reporting timeframe was unrealistic and might result in superficial reports. This section places a heavy responsibility on the manager of a contract prison and it is our concern that these reports should be effective rather than quick, statistical returns designed to comply with short report periods. The monitor envisaged in 199E has very substantial powers of review and discovery, but we would like see the list of responsibilities contain more specific references to prisoners' health and rehabilitation.

Government policy claims that this move to contract management will provide "an opportunity for innovation and a change in the way in which prisons in New Zealand are operated." All the responses from our members showed concern that the word "innovation" is not defined to include, reduction of recidivism, rehabilitation and education. So that, while our organisation is prepared to accept the use of contract prisons we also feel that this Amendment gives insufficient attention to areas which are of great concern to us.

Jean Fuller
1/7/09

Question (Shane Arden, National):

I question the ideology around private versus State. I respect your concerns. However, I am a dairy farmer from Taranaki and I have experience and evidence that private farmers run a more efficient operation than Landcorp. You are concerned about private institutions who want to make a profit – this is true. However the State doesn't have to make a profit and be more efficient. Experience (here and internationally) shows that it might be a better way of running prisons. Are you concerned that cost cutting must not happen in the area of rehabilitation.

Answer (Jean):

Yes we are concerned about this.

Question (Rick Barker, Labour):

There is an equivocation that the State should keep responsibility. Should we put the Judicial System out to tender?

At this point Sandra Goudie (Chair, National) tried to rule the question out of order. However she was opposed on the grounds that she had let Shane Arden put a question with farming as an example, which was also irrelevant.

Answer (Jean): Once a prisoner is sentenced it doesn't matter who is running the prison so long as safeguards are in place. The question of putting the Judiciary out for tender is not part of this Bill under discussion so we have no answer.

ASIDE: It is not the Prison system which takes away a person's freedom, but the Judiciary.



Question (Meterei Turei, Green):

Where should cost cutting be made? Do you have any information about where cost savings have been made – do you have any information. Would you be concerned at reduction of staff numbers?

Answer (Jean): No specific information on hand, but yes we would be concerned about staff reduction.

Question (Carmel Sepuloni, Labour):

About putting prisoners to work and affecting local economies – could you comment where this has happened.

Answer (Jean): There was a situation in Wanganui a few years ago.

Question (Carmel Sepuloni, Labour). Your submission speaks of a situation in USA.

Answer (Jean): We don't have the information. Would you like me to obtain this for you?

Carmel Sepuloni: YES PLEASE.

The Standing Committee Convener is working on this and we hope to have the information shortly.

Question (Jonathan Young, National):

Reduction of recidivity, monitoring and reporting. What aspects need improvement?

Answer (Jean): The Bill is concerned with organisation, very little on evaluation of rehabilitation etc. We are afraid the monitoring would become just a matter of statistical reporting.

Question (Clayton Cosgrove, Labour): Accountability – any concerns. You will be aware of the accountability of State run operations to Auditor General, Select Committees, etc. Would a private organisation be less accountable because it does not answer to Parliament? Are you concerned whether monitoring would be effective?

Answer (Jean): We do not have a view on the public ability to monitor, but do have concerns that the three month monitoring period set in the Bill might result in superficial statistics.

(My opinion (Paddy): It appeared that the Opposition members were trying to use us to score points for themselves. I felt sorry for Sandra Goudie trying to Chair the Committee.

It would be useful if we could put forward concrete suggestions to offset our concerns.