

## Prisons-Comment

In the United Kingdom under Mrs. Thatcher the move is to reduce the numbers of people in custody. Here the trend is the opposite. In the United Kingdom the Government has issued a consultation paper, suggesting changes to the statutory provisions regarding remands in custody, with proposed amendments to the Criminal Justice Bill. In the Sydney Morning Herald of 21 November, 1987 the severe increase in prison numbers was stated by Michael Cordell and Bernard Lagan as increasing from 3000 to 4190 over the last two years.

The quite extraordinary "bubble" increase during the law vacation in January by about 40 in the Central Industrial Prison not only causes grave suffering and indignity to those already in prison during one of the most uncomfortable periods of our climate, but must also cause us to query how it is that so many people are apparently locked up unnecessarily. If mere absence of judicial personnel is the cause of the increase, then it seems that these additional people are locked up without sufficient cause. The conditions described in the article, and in the Australian Broadcasting Corporation feature "Out of Sight Out of Mind", are no doubt aggravated by the hot summer. Prisoners then are more at risk from violence and general health conditions.

It may be, of course, that the increase in prison population in January is due to other factors as the article indicates. If the law vacation even in part contributes to the increase, however, it is time we took this matter to our consciences, collective and individual, and seek to have sufficient judges, at the District Court and Supreme Court level, to ensure that the liberty of the residents of New South Wales is properly protected, and to ensure the conditions of those whose liberty is taken are improved, not by the administration of prisons but by the administration of justice. The administration of prisons may not be under our control - the administration of justice is. It might even reduce the costs of the prison system.

While we are about it we might like to ask why do we have a prison population rate of 74 per 100,000 and Victoria has 48. Is New South Wales a state which contains more evil people? We should also ask why does the national population of prisoners have 14.8% on remand - unconvicted - while we have 21.4%. Is it only because our community is more insecure or more fearful than the rest of Australia? □

### ENGINEERING-SCIENCE-ENVIRONMENT

Campbell Steele, Fellow Inst. of Engineers Aust.  
Mem. Royal Soc. of NSW, Aust. Acoustical Soc.  
Cert. Env. Impact Assess., etc. Expert Witness.  
17 Sutherland Cresc. Darling Point (02) 328 6510.

## Privatisation of Prisons

With privatisation being considered by the Federal Government it is worthwhile noting that in some countries there is a network of private prisons. This is so in the United States and some consideration has been given to such a situation in Britain. The origins of private prisons comes from the United States as a result of the inability of the Prison system to meet the demand. It is beyond the scope of this article to discuss whether present sentencing policies are appropriate but certainly the length of sentences being given is a factor in the problematical conditions of our prisons.

One of the best known of the American private companies is Correctional Corporations of America Inc. The purpose of it was to meet the public need and also to make a profit for shareholders. The American companies seem to run the whole of the prison structure. In Britain the matters under consideration are private provision of services such as laundry and catering. Private contractors might be allowed to use prison labour in various ways, although such a proposal in Australia may result in union opposition. It would assist the problem of boredom in prison so clearly shown in the Four Corners programme in 1987. There would be difficulties in the payment of wages to prisoners. At the present time only nominal amounts, in comparison to wages paid outside the prison, are given to prisoners for any work they do. Full wages may have the benefit of assisting prisoners to support their families and reduce this burden on the State.

Certainly in other areas of public enterprise the practice of sub-contracting privately certain services such as cleaning and catering is well established.

The provision of accommodation by a private company could create severe problems. The private company would then have control over prisoners' rights and whatever access prisoners had to communications with their families and other outsiders. There could be some difficulties in prisoners seeking redress where these rights were infringed. There could also be restricted access to such private prisons by visiting magistrates and rehabilitation services such as those provided by the Probation and Parole Service.

A further difficulty is that the government which is responsible to parliament would not have the same control over the private prison once the contract between the government and the private company was entered into.

Many would find the concept of the deprivation of liberty being effected by a private organisation rather than by a government which is responsible to the people repugnant. Apart from the practical difficulties mentioned above a real question arises as to whether deprivation of liberty should ever be in the hands of anyone but the people of the State through its elected representatives. Because of the experiments in this area overseas it may be that at some stage the matter will be raised here and it is wise for us all to consider the principles and the problems with great care. □

B.H.K. Donovan