People before profit: a joint submission to the Prisoner Transport Inquiry
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About the Organisations

This is a joint submission by the Deaths in Custody Watch Committee, CPSU/CSA and Serco Watch to inform the Public Inquiry by the Standing Committee on Public Administration into the transport of persons in custody in Western Australia (WA). This joint submission presents recommendations developed and supported by the three Organisations.

Deaths in Custody Watch Committee (DICWC)
The DICWC in WA was set up by a Coalition of concerned parties in 1993. This included various Church bodies and representatives, unions, lawyers, politicians, Aboriginal organisations, other NGOs, family members related to people who had died in custody, as well as other prominent individuals such as Judge Hal Jackson; the late Jack Davis; and the late Sir Ronald Wilson. The Committee's specific aim is to monitor and work to ensure the effective implementation of the Royal Commission into Aboriginal Deaths in Custody.

CPSU/CSA
The Community and Public Sector Union/Civil Service Association (CPSU/CSA) is a trade union that represents 630 occupations in over 130 public sector agencies. We make work life better for over 40,000 people in WA. The issues raised by the inquiry directly relate to our members in the Department of Corrective Services, and beyond.

Serco Watch
Serco Watch is a WA based civil society group that acts as a citizen-led network of individuals and organizations based in WA with links to other Australian states and overseas, that monitors the delivery of public services and public functions by corporations, including Serco.
Underlying Principles that inform our submission

Our recommendations are informed by the following guiding principles:

- The Government of WA has a duty of care to people imprisoned by the state. Outsourcing this responsibility to for-profit providers is contrary to that undertaking.
- We believe imprisoning people for the reason of ‘punishment’ or ‘deterrence’ is a short-sighted approach which, whilst appealing to political parties seeking to win votes by being ‘tough on crime’, does not address crime rates and community safety in an effective way.
- Aboriginal people are over represented in the prison system. This is unacceptable and there is a clear need to review existing and future legislation for both direct and indirect discrimination on this group.
- Demand for prisoner transportation can be reduced by investing in progressive strategies that reduce recidivism including, for example, justice reinvestment, and by adequately funding rehabilitation services and programs.
- Outsourcing and privatization can undermine the very principles and values associated with the provision of services to the community that are important to society, including:
  - Accountability and transparency;
  - Quality service;
  - Impartiality; and
  - Substantive equality.

The failure of privatisation and outsourcing

In general terms, outsourcing, privatisation and contracting out have produced mixed results in terms of cost savings and there are serious doubts over quality of service. In particular:

- Much of the evidence used to determine the public cost-benefit of outsourcing hinges on obscure technicalities and selective accounting methodologies.¹
- Strategic vulnerabilities arise for outsourcing governments from asymmetrical costs of contract failure and the ultimate inability of government to transfer risk.²
- Increasingly, when Australians are dealing with their government at any level, they are actually dealing with an employee of a profit seeking firm, or an Agency that behaves like one. The real possibility of this having a qualitative bearing on what they experience, including what justice they receive, what care they are given and what dignity they are left with as a result, has been inadequately considered in the rush to dismantle the public sector and what it stands for.³

² Ibid
³ Ibid
Recommendations

We have eight recommendations which are outlined below.

Recommendation 1: Arguably there have been contractual failures and breaches by Serco that give rise to the conditions for termination of the contract having been met. We recommend that Serco’s contractual arrangements for the delivery of prisoner transport in all forms be terminated immediately, and prisoner transport services be returned to the public sector as soon as is possible.

Recommendation 2: If the current contract is not terminated immediately, then we recommend that at the expiry of the contract in 2016, the WA Government resume delivery of all prison transport services.

Recommendation 3: Whilst we remain opposed to the provision of prisoner transport by any for-profit provider, if the contract with Serco or another for-profit provider continues then accountability, transparency and monitoring must be improved. As a minimum this should include and not be limited to:
- Detailed public reporting of the providers operations and performance.
- A clear distinction in reporting between the prisoner transport contact and the court security contract for service.
- Full disclosure of all contractual key performance indicators and the achievement thereof, and the introduction of ‘open book access clauses’.
- Full disclosure and investigation of perceived or actual incidents and contractual breaches.
- Biennial inspections and audits by The Office of the Inspector of Custodial Services of the operations and performance of the prisoner transport provider.
- Revising all relevant legislation to give The Office of the Inspector of Custodial Services increased inspection powers, including operations and performance of prisoner transport activities in Police stations and Police lock ups.

Recommendation 4: Extend the principles, legislation and application of freedom of information to cover public contracts for service with corporate and private providers.

Recommendation 5: Reduce demand for prisoner transportation by investing in progressive strategies that reduce recidivism including, for example, justice reinvestment, and by adequately funding rehabilitation services and programs.

Recommendation 6: The transportation of young offenders is a specialised task requiring specific skills and training. Under no circumstances should any for-profit provider be contracted to transport those under 18 years of age. The transport of young people must be returned to the public sector.

Recommendation 7: The creation of an independent citizen led advocacy service for those concerned about the transportation and/or treatment of people in custody.

Recommendation 8: Remove commercial confidentiality provisions and end the use of commercial confidentiality by Ministers, politicians, Government agencies and corporate providers that limit accountability and transparency, and withhold and conceal information about the operations of corporate providers.