

that the rhetorics of law and order translate into higher prison populations and in particular to ever increasing indigenous imprisonment.

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## Reference

1. See Coad and others, 'Report of the Review of Commonwealth Law Enforcement Arrangements', 1994; Tanzer and others, 'Review of the Australian Institute of Criminology', 1994; Brown, D., 'Facing the Knife', (1994) 19(3) *Alt.LJ* 125-8; Geis, G., "'This Sort of Thing Isn't Helpful': The Dilemmas of the Australian Institute of Criminology", (1994) 27(3) *ANZJ of Crim* 282-98; James, S., and Sutton, A., 'Criminology and Crime Control in Australia', (1994) 27(3) *ANZJ of Crim* 299-308.

## Gagging the public

**AMANDA GEORGE** discusses the rise of corporate prisons and the lack of public accountability.

The last five years have seen the development of a new agenda in prison policy and public discussion of prison issues in Australia, and a significant change in prison life for the 17,000 men and 900 women who live there. There is no doubt that this has been inspired by governments keen to distance themselves from human services delivery by seeing themselves as business enterprises that prefer to purchase these services. The turning of government into business is graphically evidenced by the intention of QCORE, Queensland's corporatised public prison service, to tender for the running of prisons in Asia.

Australia's preferred option of allowing United States-based private prison corporations to run our prisons has meant that interested Australians must now gain access to company records in the United States to find out the terms of contracts under which these prisons perform their services, while governments here cite commercial confidentiality

to protect this information. The Metropolitan Women's Correctional Centre (MWCC) in Victoria (operated by Corrections Corporation of Australia, a subsidiary of an American company) is Australia's first private women's prison and the first private prison in the world to hold women and children. Examination of overseas records shows that the MWCC contract contains clauses which identify permissible numbers of deaths in custody. This prison was the site of the Victoria's first tear gassing of women prisoners (the first in Australia was on women at Mulawa in New South Wales in 1980). At MWCC three handcuffed and physically entwined women who were inside a prison van were tear gassed because they refused to get out.

The focus of governments on justifying privatisation and giving prison bed guarantees to private companies has had the effect of eclipsing discussion of programs to keep people out of prison. We have also seen a dramatic reduction in the numbers of people on community-based alternatives. Astonishingly, in the midst of bleating by government about high prison costs, one-third of prison admissions in 1995 were fine defaulters, i.e. 7400 prisoners. The drastic cutback of services that assist people on the outside, e.g. drug rehabilitation and counselling services, mental health services, legal aid, and a reduction in the amount that people can earn on the dole have pushed people barely surviving on the margins into prison. Prisons may be the most significant form of 'welfare' provision in the 21st century, hiding unemployment and becoming major accommodation providers.

New sentencing laws — three strikes and you're in, mandatory sentencing and truth in sentencing — effectively put increasing numbers of people in prison for longer periods. This may be great news for shareholders of private prisons, but where does it leave the community?

A significant consequence of running prisons as businesses is that their 'commercial reputation' can be litigated in defamation proceedings. The gagging of public discussion by claims of commercial confidentiality, reinforced by threats of litigation over commercial reputation (profits), is the most serious threat to community engagement with prisoners and the lives we demand they lead.

The little 'peering over walls' that was possible is vastly diminishing. Media approaches to government and prison operators in Victoria are either refused or answered by bureaucrats. In this new corporate world it seems political accountability has shifted away from government Ministers.

The community must constantly remind our governments that the corporate paradigm is a naive and single interest view of the world. Private prisons must lead to more, not less, political accountability in government. We should not be forced to become shareholders in corporations in order to have an impact on decisions; we already elect and pay government to participate in this process.

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*Protesters at opening of Metropolitan Women's Correctional Centre, August 1996. Photo: Sharon Jones*