

General Purpose Standing Committee No 3  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Secretary,

### **CORRECTIONAL SERVICES LEGISLATION AMENDMENT BILL**

The Public Health Association of Australia (PHAA) is a forum for the promotion of the health of the public as well as being a professional resource for public health personnel. The Association provides opportunities for the exchange of ideas, knowledge and information on public health and actively undertakes advocacy for public health policy, development, research and training.

The PHAA is concerned about a wide spectrum of public health issues and has an underlying philosophy based on human rights and the lessening of inequalities in health and health care.

The PHAA has recently become aware that the above Bill seeks to curtail the reproductive rights of New South Wales prisoners.

Firstly, I would like to bring to your attention that the fact that under the United Nations 1990 General Assembly Resolution on the *Basic Principles for the Treatment of Prisoners*, Article Nine of the Resolution states: “prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.” The PHAA calls on the New South Wales Government, as well as every other jurisdiction in Australia to actively meet the *Basic Principles for the Treatment of Prisoners*. It is clear that the proposals contained in this Bill breach this article and as such are unacceptable.

Secondly, we understand that this legislation was drafted in response to the unprofessional leaking of patient information, specifically that the sperm of a prisoner receiving cancer treatment had been frozen. This procedure would be offered to any other patient undergoing this treatment. The punishment that prisoners incur is the deprivation of their freedom, not the deprivation of their health care and reproductive rights. Clearly the extension of prisoner punishments in this way is unacceptable.

Thirdly, while it might be argued that this legislation will only affect a few individuals, the principle of medical treatment availability to both remand and convicted individuals is a vital one. Any incursion into this principle is unacceptable as it could set a precedent for further erosion of prisoners human rights.

Fourthly, by implication, the proposals in the Bill are a first step in the justification of eugenics – one group should not be unable to reproduce on the basis of their ‘criminality’. This is an utterly unacceptable position for an Australian Government (parliament) to adopt.

The PHAA believes that no prisoner should be denied treatment of any kind, that is available to other Australians, on the basis of their status as prisoners, or on the basis of their culture, ethnicity, religion, political beliefs, gender, sexual orientation or the nature of their illness. It is the New South Wales Government’s responsibility to provide for all its prisoners access to the health services available in the community without discrimination on the grounds of their legal status.

The PHAA calls on the New South Wales Government to withdraw the proposed legislation on the grounds outlined above.

Either I, or the Convenor of the PHAA’s Prisoner Health Special Interest Group, Dr Michael Levy, would be happy to talk to you regarding this issue if you think that would be helpful. I can be contacted on (02) 62852373 or at [plaut@phaa.net.au](mailto:plaut@phaa.net.au)

Yours sincerely,

Pieta-Rae Laut  
Executive Director  
25.7.06