

Submission
No 9

INQUIRY INTO CORRECTIONAL SERVICES LEGISLATION AMENDMENT BILL 2006

Organisation: Medical Staff Council, Justice Health

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Date Received: 25/07/2006

Subject:

Summary

The Medical Staff Council of Justice Health strongly urges the General Purpose Standing Committee #3 to reject the Corrective Services Legislation Amendment Bill 2006. It is incumbent on medical and dental practitioners to provide health care to those who come into contact with the criminal justice system which is equivalent to the treatment available to other members of the community. This Legislation is not consistent with that principle.

SUBMISSION TO:
FROM:

GENERAL PURPOSE STANDING COMMITTEE #3
MEDICAL STAFF COUNCIL, JUSTICE HEALTH

RE: CORRECTIONAL SERVICES LEGISLATION AMENDMENT BILL (2006)

The Medical Staff Council of Justice Health resolved at a meeting of June 24th, 2006, to lodge a submission with this Committee, expressing its concerns about, and its opposition to, the above Legislation.

The membership of the Medical Staff Council of Justice Health consists of Career Medical Officers, Staff Specialists, Visiting Medical Officers, Career Dental Officers and Visiting Dental Officers employed by NSW Health to provide medical and dental care to the patients of Justice Health. Justice Health is the health services provider to both juveniles and adults who come into contact with the New South Wales criminal justice system.

The Justice Health mission statement and goals can be found on the relevant website (http://www.justicehealth.nsw.gov.au/pubs/jh_ar_04-05.pdf) and are as follows: -

Mission

Achieving measurable and sustained health care outcomes leading to international best practice for those within the NSW Criminal Justice System

Goals

- Keep people healthy
- Identify the health care needs of our client group
- Provide high quality, clinically appropriate services, informed by best practice and applied research
- Make health care part of the rehabilitative endeavour
- Facilitate appropriate continuity of care to the community
- Develop an organisational culture that supports service delivery
- Promote fair access to health services
- Manage health services well
- Provide strong corporate and clinical governance

These statements provide the framework for the provision of health services to our patients.

It is our opinion that this Legislation would enforce clinical practice which is not equivalent with these statements.

The Australian Medical Association Position Statement on the Health Care of Prisoners and Detainees (1998) (<http://www.ama.com.au/web.nsf/doc/SHED-5G4V6U>) states: -

“Prisoners and detainees have the same right to access, equity and quality of health care as the general population. Because prisoners will return to society after their imprisonment, their health is an issue of concern to the general population. The health of prisoners is also important for the occupational health and safety of the staff of correctional facilities.

Governments and prison authorities have a duty of care to all prisoners and detainees under their control, including those in private correctional facilities. The physical environment of correctional facilities influences the health of prisoners and detainees. Governments must provide basic humane standards and should strive to achieve world's best practice in all Australian correctional facilities. Correctional facilities should accommodate the language, cultural and religious needs of prisoners and detainees.”

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**GENERAL PURPOSE STANDING COMMITTEE #3
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It is our opinion that this Legislation is contrary to this Position Statement.

Further, this document also includes the following: -

“Medical practitioners should not deny treatment to any prisoner or detainee on the basis of their culture, ethnicity, religion, political beliefs, gender, sexual orientation or the nature of their illness. The duty of medical practitioners to treat all patients professionally with respect for their human dignity and privacy applies equally to the care of those detained in prison, whether convicted or on remand, irrespective of the reason for their incarceration.”

Again, this Legislation is not consistent with this principle.

The Medical Staff Council believes that this Legislation seeks to force health practitioners to take account of the criminal history of an individual when planning their health care. This is an anathema to us, and is inconsistent with the manner in which we provide health care.

The reason that an individual is in custody does not concern the health care provider, except with respect to: -

- how long an individual is likely to remain in custody
- the impact of this on treatment planning and
- with respect to the relationship between mental and physical illness and offending behaviour.

Such knowledge does not, in any way, affect access to treatment and is never used to the detriment of the patient.

As health care providers to those potentially affected by this legislation, our commitment is to continue to provide the best possible health care to our clients, unfettered by unnecessary legislation.

We are confident that we will continue to provide a health service that leads the way in international best practice for those who come into contact with the criminal justice system.

CONCLUSION

The Medical Staff Council of Justice Health strongly urges General Purpose Standing Committee #3 to reject the Corrective Services Legislation Amendment Bill 2006.

It is incumbent on medical and dental practitioners to provide health care to those who come into contact with the criminal justice system equivalent to the treatment available to other members of the community.

This Legislation is not consistent with that principle.

Yours faithfully,

Dr Catherine Silsbury
Chairman
Medical Staff Council
Justice Health