



**Australian Government**  
**Attorney-General's Department**

**Criminal Justice Division**

05/18953

25 January 2006

**Supplementary Submission 1.1**  
TT 29 November 2005

Dr Andrew Southcott  
Chair, Joint Standing Committee  
on Treaties  
760 Marion Rd  
MARION SA 5043

Dear Dr Southcott

**Agreement between the Government of Australia and the Government of the Hong Kong  
Special Administrative Region of the People's Republic of China concerning the Transfer of  
Sentenced Persons**

Further to the hearing before the Joint Standing Committee on Treaties on 5 December 2005, please find enclosed responses to the three questions on notice. A copy of these responses has also been emailed to the Committee's secretariat.

Should the Committee require any further information, the action officer for this matter is Tanya Pridannikoff who can be contacted on (02) 6250 6127.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Falko'.

Kathleen Falko  
A/g Principal Legal Officer  
Offender Justice and Management Section

Telephone: (02) 6250 6787  
Facsimile: (02) 6250 5920  
E-mail: Kathleen.falko@ag.gov.au

cc: serica.mackay.reps@aph.gov.au

JOINT STANDING COMMITTEE ON TREATIES  
REFERENCE: TREATIES TABLED ON 29 NOVEMBER 2005—

Agreement between the Government of Australia and the Government of the Hong Kong Special Administrative Region of the People's Republic of China concerning the Transfer of Sentenced Persons

ATTORNEY-GENERAL'S DEPARTMENT

**The Deputy Chair (Mr Wilkie) asked the following question at the hearing on 5 December 2005 (transcript, page 6):**

**What is the approximate cost of maintaining a prisoner in Australia for a year?**

**The answer to the honourable member's question is as follows:**

In the National Interest Analysis for this treaty (at para 27), each prisoner transferred from Australia to Hong Kong was estimated to represent a cost saving of over A\$50,000 for each year the prisoner would otherwise have spent in a prison in an Australian State or Territory.

This approximate annual cost of maintaining an adult in prison in Australia was derived from statistics from the Australian Government Australian Institute of Criminology (AIC). In 2002-2003 (the latest year for which adult corrective services expenditures are listed on the AIC's website), the average expenditure per prisoner per day was \$159.40. Overall, in 2002-2003, the AIC noted that approximately \$58,181 per year was spent on each adult prisoner (Attachment A).

Average expenditure per adult prisoner per day in 2003-2004 was \$162.30 (Report on Government Services 2005—Council of Australian Governments). Approximately \$59,203 was therefore spent per year to keep an adult prisoner in custody. Attachment B is a fact-sheet summary of the relevant chapter of this report.



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## **CORRECTIONS**

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### **Statistics : Adult corrective services expenditure**

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#### **Recurrent expenditure on corrective services per head of adult population, Australia**

[2002-2003](#) | [2001-2002](#) | [2000-2001](#)

#### **Corrective services expenditure per prisoner/offender per day, Australia**

[2002-2003](#) | [2001-2002](#) | [2000-2001](#)

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URL: <http://www.aic.gov.au/research/corrections/stats/expenditure.html>



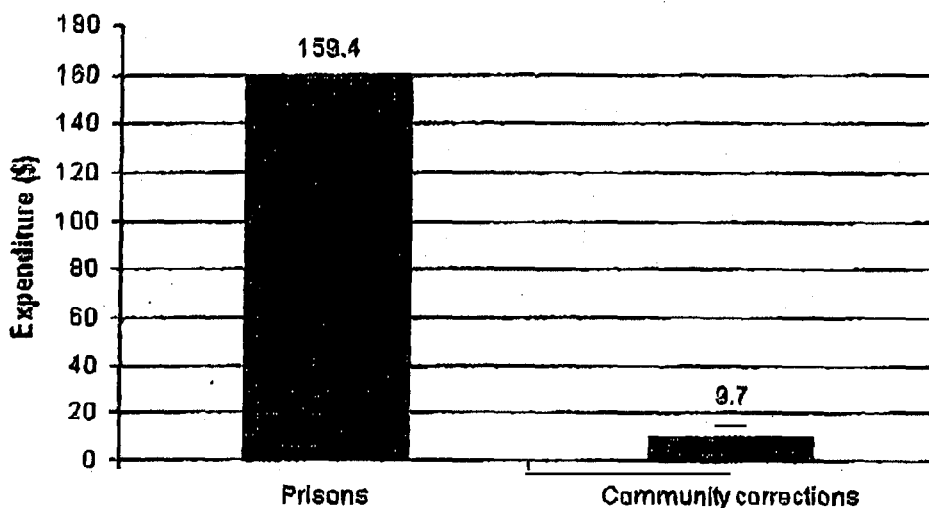
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## CORRECTIONS IN AUSTRALIA

### Adult corrective services

Corrective services expenditure per offender per day, 2002-2003 (a)



(a) In line with Steering Committee decisions on the treatment of payroll tax, cost figures presented in this report are exclusive of payroll tax unless otherwise specified. Past year figures have been amended accordingly and will differ from those published in the 2003 Report. Data for previous years have been adjusted by the GDP deflator.

#### Sources

- Australian Bureau of Statistics 2003, *Population by age and sex: Australian states and territories June 2003*, cat. no. 3201.0, ABS, Canberra.
- Steering Committee for the Review of Commonwealth/State Service Provision 2004, *Report on government services, volume 1: education, justice, emergency management*, Productivity Commission, Canberra. <<http://www.pc.gov.au/gsp/reports/rogs/2004/index.html>>

#### What this chart shows

- Expenditure per prisoner per day was about \$159.4 in 2002-2003, ranging from \$142 in Northern Territory to \$238 in the Australian Capital Territory.
- Expenditure per offender sentenced to community correction programs per day was \$10 in 2002-2003. The cost for offenders sentenced to prison was 16 times higher.
- Overall, in 2002-2003 approximately \$58,181 was spent on each prisoner and \$3,541 on each offender sentenced to community corrections programs.

Corrective services expenditure per offender per day, 2002-2003 [Corrections in Austr... Page 2 of 2

URL: <http://www.aic.gov.au/research/corrections/stats/2003-Expenditure.html>



## Fact sheet 5

Under embargo until 1.00am on Friday, 28 January 2005

Please do not approach other parties for comment before Thursday, 27 January 2005.

### Steering Committee for the Review of Government Service Provision

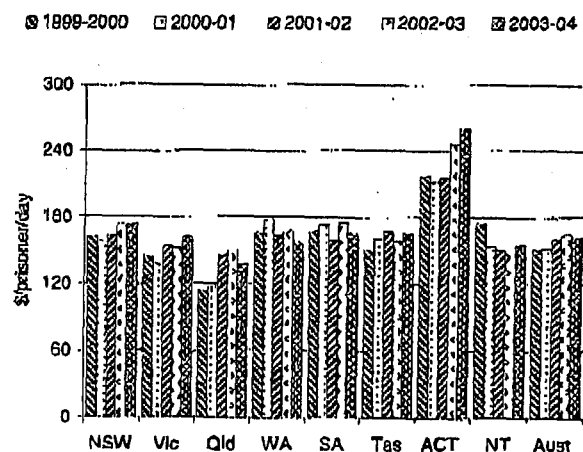
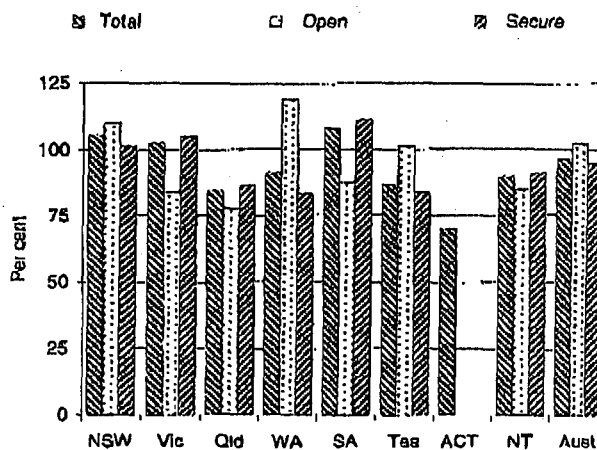
## CORRECTIVE SERVICES (CHAPTER 7)

- The focus of this chapter is on prison custody and a range of community corrections orders and programs for adult offenders. Nationally, expenditure on corrective services (net of revenue from own sources) was \$1.8 billion in 2003-04. Expenditure on prisons was \$1.6 billion, community corrections \$198.0 million and prisoner transport and escort services \$67.0 million (p. 7.2).
- In 2003-04, on average, 23 015 people per day were held in Australian prisons during the year and an additional 831 people on average were serving periodic detention orders in NSW and the ACT. Nationally, 18.6 per cent of the total prisoner population (excluding periodic detainees) were held in privately operated facilities (p. 7.4).
- Nationally, the total imprisonment rate (prisoners per 100 000 adults) was 150.2, with the rate ranging from 515.6 in the NT to 73.7 in the ACT in 2003-04 (p. 7.4).
- On average, 50 821 offenders per day were serving community corrections orders in Australia in 2003-04 (p. 7.7). Nationally, the community corrections rate (offenders per 100 000 adults) was 331.6, and the rate ranged from 724.2 in the NT to 205.0 in Victoria (p. 7.7).

### Selection of results

Prison design capacity utilisation rates, 2003-04 (p. 7.33)

Real recurrent cost per prisoner per day (2003-04 dollars) (p. 7.28)



See over for data and footnotes.

See over for data and footnotes.

- Other indicators include unnatural deaths in custody (p. 7.14-15), escapes/absconds rate (p. 7.16-17), out-of-cell hours (p. 7.17-18), completion of community orders (p. 7.19-20), prisoner employment (p. 7.20-21), community work by offenders (p. 7.21-22), prisoner education (p. 7.22-24), offender to staff ratios (p. 7.30-31), and recurrent and capital cost per offender (p. 7.26-29).

[MORE]

## Data for charts on previous page

### Prison design capacity utilisation rates, 2003-04 (per cent)

	NSW	Vic	Qld	WA	SA	Tas	ACT <sup>a</sup>	NT	Aust
Total <sup>b</sup>	105.4	102.2	84.8	91.4	108.1	86.9	70.1	89.9	96.7
Open	110.2	83.9	77.8	119.0	87.4	101.1	..	84.7	102.0
Secure	101.5	104.8	86.4	83.1	111.5	83.8	..	91.3	94.8

<sup>a</sup> ACT data are based on prisoners held in ACT remand facilities. <sup>b</sup> Includes design capacity in relocatable accommodation units. .. Not applicable.

Source: table 7A.22.

### Real recurrent cost per prisoner per day (2003-04 dollars)<sup>a, b</sup>

	NSW <sup>c</sup>	Vic	Qld <sup>d</sup>	WA	SA	Tas	ACT <sup>c</sup>	NT	Aust <sup>c</sup>
1999-2000	162.7	145.3	114.3	166.7	168.0	151.7	216.8	173.8	151.2
2000-01	159.2	138.7	117.8	177.7	173.5	160.5	212.9	154.3	151.4
2001-02	164.1	154.5	146.2	163.4	159.2	168.0	215.7	151.4	159.5
2002-03	173.1	152.2	150.9	168.0	175.1	158.7	245.8	147.1	164.8
2003-04	173.3	162.3	138.7	157.3	167.0	166.5	261.2	155.3	162.2

<sup>a</sup> Data for previous years were adjusted to 2003-04 dollars using the GDP price deflator. <sup>b</sup> Costs are based on recurrent expenditure net of recurrent receipts (own source revenues) and exclude payroll tax. <sup>c</sup> ACT figures include all ACT prisoners whether in the ACT or NSW prisons. NSW figures include ACT prisoners held in NSW prisons. Australian figures are calculated so that ACT prisoners held in NSW prisons are not double counted. <sup>d</sup> Recurrent cost per prisoner for Queensland is affected by the inclusion of additional corporate overhead costs as of and including 2001-02.

Source: table 7A.8.

[END]

**Background information:** Robyn Sheen, Head of Secretariat 03 9653 2184/0419 637 068

**Other information:** Clair Angel, Media and Publications 02 6240 3239/0417 665 443

**Please do not approach other parties for comment before Thursday, 27 January 2005.**

Media copies of this report are available from Clair Angel on 03 9653 2244.

Hard copies of this publication are available from Pirion/J.S. McMillan (ph: 02 9795 1200 or email [custserv@ismcmillan.com.au](mailto:custserv@ismcmillan.com.au)). The report can also be accessed via the Internet at <http://www.pc.gov.au/> on the morning of release.

**JOINT STANDING COMMITTEE ON TREATIES  
REFERENCE: TREATIES TABLED ON 29 NOVEMBER 2005--**

**Agreement between the Government of Australia and the Government of the  
Hong Kong Special Administrative Region of the People's Republic of China  
concerning the Transfer of Sentenced Persons  
ATTORNEY-GENERAL'S DEPARTMENT**

**Senator Trood asked the following question at the hearing on 5 December 2005  
(transcript, page 7):**

**Can you outline the status of negotiations of a similar treaty with the People's  
Republic of China? Have the Chinese committed themselves to negotiations?**

**The answer to the honourable member's question is as follows:**

Details of any treaty negotiations are confidential between the parties until a treaty is signed. Australia and China have committed themselves to negotiations. Officials have met for discussions.

The Minister for Justice and Customs, Senator Ellison, visited China in April 2005. A press release of 6 April 2005 (**Attachment C**) noted that agreement was reached between the Minister and China's Minister for Public Security, Zhou Yongkang, to renew a Memorandum of Understanding (MOU) on law enforcement cooperation. In addition to the MOU's renewal, the Ministers agreed that negotiations be progressed for the international transfer of prisoners and that a team of Attorney-General's Department officials would travel to China.

Following the Minister's visit, Attorney-General's Department officials met with Chinese officials in Beijing in August 2005 for preliminary talks. Negotiations are continuing.



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6 April 2005

## Australia and China strengthen law enforcement ties

The Minister for Justice and Customs, Senator Chris Ellison, today announced agreement had been reached to renew a Memorandum of Understanding (MOU) on law enforcement cooperation with China.

The MOU relates to cooperation on all facets of transnational crime including, terrorism, trafficking narcotics, trafficking in people, sex trafficking, money laundering, economic crimes, possession of cultural treasures and smuggling in weapons and identity crime.

Australian and Chinese law enforcement agencies will cooperate to combat transnational crime through the exchange of information, locating persons of interest for the purpose of interviewing or further investigation and the exchange of technical and scientific expertise to enhance each countries law enforcement capabilities.

This agreement was reached between the Minister for Justice and Customs and China's Minister for Public Security, Zhou Yongkang, during discussions yesterday in Beijing.

As well as the renewal of this agreement, it was further agreed that negotiations be further progressed in relation to international legal cooperation, including mutual assistance in criminal matters including counter-terrorism and international transfer of prisoners.

As a result, a team of officials will travel to China to discuss closer ties on these issues.

Senator Ellison said it was essential that with the strengthening law enforcement relationships and the global environment of transnational crime and counter-terrorism these issues be progressed.

Senator Ellison said it was obvious from the visit that Australia and China enjoy a very close relationship in law enforcement and counter terrorism.

**Media enquiries: Brad Burke (02) 6277 7260/(0417 749 711)**

<http://www.ag.gov.au/www/justiceministerHome.nsf>

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**Attorney-General**

**Attorney-General's Department**

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Hong Kong Special Administrative Region of the People's Republic of China  
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**ATTORNEY-GENERAL'S DEPARTMENT**

**Senator Wilkie asked the following question at the hearing on 5 December 2005  
(transcript, page 8):**

I suppose what Senator Wortley is putting is: on what basis is the committee not able to be provided with the reasons for there being problems with the administrative agreement with South Australia? I suppose it would be nice to know why we cannot be provided with that information or on what basis it is not being given to us.

**The answer to the honourable member's question is as follows:**

South Australia has implemented the provisions of Australia's international obligations on the international transfer of prisoners through the *International Transfer of Prisoners (South Australia) Act 1998 (SA)*.

The key issue dealt with in the administrative arrangements relate to costs. Under the arrangements concluded with other States and Territories, which are public documents, the Commonwealth Government bears the costs associated with the transfer of Tribunal prisoners. The Commonwealth also meets the costs of administering the international transfer or prisoners scheme, including the costs of negotiating participation in any international transfer agreements.

The State or Territory bears the costs associated with the transfer, maintenance in prison and post release supervision of non-Tribunal prisoners transferred to that Australian State or Territory.

The Commonwealth Government does not disclose the details of international or domestic bilateral negotiations with other governments as this may be detrimental to the successful conclusion of an agreement.