



[www.penington.org.au](http://www.penington.org.au)



PENINGTON  
INSTITUTE

# Prison Needle Exchange: Fact and Fantasy

John Ryan

## In this presentation

- ❑ Explaining the setting
- ❑ Strategy and tactics
- ❑ Obstacles
- ❑ Toward ‘community public health’
- ❑ Summary and lessons learned



PENINGTON  
INSTITUTE

## Dangerous it may be, but people still shoot up in prison

Desperate measures – injecting equipment confiscated in prison



# Gruesome, but not a deterrent



PENINGTON  
INSTITUTE



"The blanket prohibition has made syringes a scarce, high-value commodity in prison ... Needles are routinely shared, sometimes between as many as 100 inmates. When blunt, it is not unheard of for them to be sharpened on prison walls" – Paul Smith (2007)  
*Australian Doctor: Prison Health Special Report*



PENINGTON  
INSTITUTE

# Prisons are a state/territory responsibility

**Little if any 'binding' guidance at the Federal level.**



Australian  
Capital  
Territory

## Strategy and tactics: Legal action or not?

- Anex formed Harm Minimisation in Prisons Committee
  - *To provide technical and political advice*
- Legal case prepared.
  - Leading QC and others ready. Remains an option. Therefore,
- Tactical decision taken to pursue advocacy in the



PENINGTON  
INSTITUTE

## No small challenge

- United Nations Office on Drugs and Crime (UNODC) and World Health Organization (WHO) both advocate for needle and syringe exchanges for inmates.
- Only 60 prisons out of more than 10,000 worldwide have launched programs.
- Switzerland, Spain, Kyrgyzstan, Moldova, Romania and Luxembourg all have needle exchange programs in at least one prison. Germany ended six of its seven programs in the past decade.

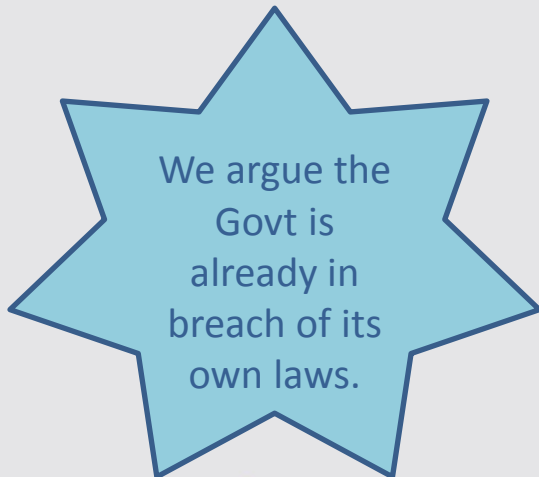




PENINGTON  
INSTITUTE

# Why the ACT, not Melbourne or Sydney?

- ❑ New 'small' prison premised on Human Rights principles
- ❑ Existing Labor Govt commitment to explore possible in-prison needle exchange.
- ❑ The Corrections Management Act:
  - (a) detainees have a standard of health care **EQUIVALENT to that available to other people in the ACT**; and
  - (b) as far as practicable, **detainees are not exposed to risks of infection.**



We argue the  
Govt is  
already in  
breach of its  
own laws.

[www.penington.org.au](http://www.penington.org.au)



PENINGTON  
INSTITUTE

## A Chief Minister across the issues

Former Union official

Former Industrial Relations  
Minister

Still Health Minister



Knows the issues ... from the Public Sector Union ... open to advice.

Obstacles: Union defiant, Parliamentary opposition

# Fight looms on jail needle plan



Legacy of prison guard death in Sydney.



## Tactic: Re-position debate in ACT only

- ☐ Away from 'leftist', 'human rights', 'radical', 'fringe', 'Greens', 'Socialist Left'.
- ☐ Away from 'soft on drugs', and 'drug-free prisons'.
- ☐ Toward 'sensible, evidence-based public health'.
- ☐ Toward 'all of community' issue, supported across political spectrum.

## Many active agencies

- ☐ Hepatitis Australia;
- ☐ Family and Friends for Drug Law Reform;
- ☐ CAHMA and other user groups.





PENINGTON  
INSTITUTE

## Eminent Australians campaign



- ❑ Sir Gustav Nossal writes to eminent Australians.
- ❑ Access to whole new potential support base.



**With conviction:**

the case for controlled needle and syringe  
programs in Australian prisons



PENINGTON  
INSTITUTE

**No needle  
exchange  
in jail 'risks  
staff safety'**

STOP PRESS

**Research finds prison  
officers are at risk**

NEW research suggests officers at  
Prison Correctional Centre should  
The research noted that Australian  
police forces had adapted their work  
practices to deal with accidental and  
practices to deal with accidental and  
practices to deal with accidental and

Controlled needle exchange call  
**Risk seen to  
prison staff**

CHANGE  
THE  
DEBATE

**Prison  
staff  
needle  
stick  
peril**

MICHELLE PAINE

[www.penington.org.au](http://www.penington.org.au)



PENINGTON  
INSTITUTE

# Experts urge needle exchange program for jail

By Christopher Knaus

Calls for a trial needle and syringe exchange program to be introduced at the Alexander

international experience with prison-based needle exchange programs.

Professor Puplick said that by providing a secure, controlled environment for needle use,

Eminent voices place the issue in the 'middle ground'





PENINGTON  
INSTITUTE

ADVERTISEMENT

WORLD AIDS DAY DECEMBER 1  
www.worldaidsday.org.au

# Healthier Cells

## Prisons shouldn't incubate blood borne disease.

Without access to sterile syringes prisoners and staff are at risk of HIV and hepatitis C before returning home to families and the community. Controlled access to sterile needles and syringes can be implemented safely to promote our community's health. Canberra led the world with effective HIV responses. But we missed prisons. National health strategies now support needle exchange in prisons.

The respected Australians listed below believe that governments should allow trials of Needle and Syringe Programs in prison. Read the evidence and add your name at [www.anex.org.au/prisons](http://www.anex.org.au/prisons)

**Professor Michael Alpers AO**, Adjunct Professor, Centre for International Health, Curtin University  
**Professor James Angus AO**, Dean of the Faculty of Medicine, Dentistry, and Health Sciences, University of Melbourne  
**Dr Patricia Armstrong-Grant OBE AC**, Managing Director, Armstrong-Grant & Associates  
**Greg Barnes**, Director of the Australian Lawyers Alliance, Michael Kirby Chambers, Hobart  
**Professor Peter Baume AC**, former Chancellor, Australian National University, former Federal Minister for Health and Education  
**Professor James Best**, Head, Melbourne Medical School and Professor of Medicine, Faculty of Medicine, Dentistry and Health Sciences, University of Melbourne  
**Dr Neal Blewett AC**, former Federal Health Minister  
**Emeritus Professor Felix Bochner**, Pharmacology Unit, University of Adelaide  
**Mr Bill Bowtell**, Director, Lowy Institute, HIV/AIDS Project  
**Professor Andrew Boyd**, Head, Leukaemia Foundation Research Unit, Queensland Institute of Medical Research  
**Professor Jonathan Carapetis**, Director, Menzies School of Health Research  
**Associate Professor Shane Carney**, School of Medicine and Public Health, University of Newcastle  
**Professor Suzanne Cory**, Walter & Eliza Hall Institute of Medical Research, University of Melbourne  
**Professor Nick Crofts**, University of Melbourne  
**Professor Ric Day**, Professor of Clinical Pharmacology, St Vincent's Clinical School, University of New South Wales  
**Emeritus Professor Dick Denton AC**, Founding Director, Howard Florey Institute  
**Professor Peter Doherty AC**, Nobel Laureate Professor, University of Melbourne  
**Associate Professor Kate Dolan**, National Drug and Alcohol Research Centre  
**Sister Regis Mary Dunne RSM AO**  
**Associate Professor Brett Emmerson**, Executive Director, Royal Brisbane & Women's Hospital, Medical Mental Health Services  
**Professor Murray Essler AM**, Associate Director, Baker Medical Research Institute  
**Associate Professor Gavin Fabinyi**, Director of Neurosurgery, Austin Hospital

**Professor Geoff Farrell**, Chair of Hepatology at Australian National University, Head of Hepatology at Canberra Hospital  
**Professor Robert (Frank) Gardiner AM**, Professor of Urology, The University of Queensland  
**Professor Paul Gatenby**, Sub-Dean Research, Professor of Immunology, Australian National University  
**Professor Michael Good AO**, Chair, National Health and Medical Research Council  
**Ret Major General Ian Gordon AO AM**, Deputy Chief of Army 2004–2006  
**Professor Paul Haber**, President-elect, Chapter of Addiction Medicine, Royal Australasian College of Physicians  
**Professor Margaret Hamilton AO**, University of Melbourne  
**The Hon Bill Hayden AC**, Governor General of Australia 1989–1996  
**Mrs Janet Holmes a Court AC**, Australian business woman  
**Ret Major General W.B. Digger James AC AO MBE**, former President of the Returned Services League  
**Professor Brian Kay AM**, Deputy Director – Queensland Institute of Medical Research, Queensland Tropical Health Alliance  
**Professor Stephen Kent**, Head, HIV Vaccine Laboratory, Department of Microbiology and Immunology, University of Melbourne  
**The Hon Duncan Kerr SC**, former Federal Minister for Justice  
**Professor Michael Kidd AM**, Executive Dean, Faculty of Health Sciences, Flinders University  
**Professor Susan Kippax**, Professorial Research Fellow, University of NSW  
**The Hon Justice Michael Kirby, AC, CMG**, former High Court judge, UNDP Global Commission in HIV and Law, UNAIDS Reference Group on HIV and Human Rights  
**The Hon Joan Kirner AM**, Premier of Victoria, 1988–1990  
**Professor Justin La Brooy**, Clinical Director, Internal Medicine Service, Royal Adelaide Hospital  
**Professor Andrew Lloyd AM**, Director, Inflammation and Infection Research Centre, School of Medical Sciences, University of New South Wales  
**Ms Annie Madden**, Executive Officer, Australian Injecting and Illicit Drug Users League  
**Ms Wendy McCarthy AO**, Australian businesswoman  
**Professor John McNeil AM**, Head, School of Public Health and Preventive Medicine, Monash Faculty of Medicine, Nursing and Health Sciences

**Ms Helen McNeil**, Hepatitis Australia  
**Professor Lisa Maher**, National Centre in HIV Epidemiology & Clinical Research  
**Professor Mel Miller**, Director, Siggins Miller, Professor of Psychology, Griffith University  
**Emeritus Professor Jacques Miller AO AC**, Professor of Experimental Immunology, University of Melbourne  
**Professor Adrian Mindel**, Professor of Sexual Health Medicine, STI Research Centre, Sydney Medical School, University of Sydney  
**Dr Graham Mitchell AO**, Principal, Foursight  
**Professor Rob Moodie**, Chair of Global Health, Nossal Institute of Global Health, University of Melbourne  
**Professor Brian Morris**, School of Medical Sciences and Institute for Biomedical Research, University of Sydney  
**Emeritus Professor Sir Gustav Nossal AC CBE**, Department of Pathology, University of Melbourne  
**Professor Kerin O'Dea**, Director, Samson Institute for Health Research, University of South Australia  
**Professor Ned Pankhurst**, Deputy Vice Chancellor (Research), Griffith University  
**Emeritus Professor David Penington AC**, Chair, Bio21 Australia Ltd  
**Professor Chris Puplick AM**, Former Chair, Australian National Council of AIDS, Hepatitis C and Related Diseases  
**Dr Kane Race**, Senior Lecturer, Gender and Cultural Studies, SOPHI, University of Sydney  
**Adjunct Professor George Rubin**, President of Faculty, Royal Australian College of Physicians, Australasian Faculty of Public Health Medicine  
**Professor John Paul Seale**, Professor of Clinical Pharmacology, University of Sydney  
**Dr Sepehr Shakib**, Director, Department of Clinical Pharmacology, Royal Adelaide Hospital  
**Professor Cindy Shannon**, Centre for Indigenous Health, University of Queensland  
**Air Vice-Marshal Bruce Short AM**, former Australian Defence Force Surgeon General  
**Emeritus Professor Richard Smallwood AO**, University of Melbourne  
**Professor Robert Stable**, Vice Chancellor and President, Bond University  
**Professor Jon Stanhope**, former ACT Chief Minister

**Associate Professor Janelle Stirling**, Aboriginal Health, University of Sydney  
**Professor Carla Treloar**, Deputy Director, National Centre in HIV Social Research, University of New South Wales  
**Professor Mark von Itzstein**, Director, Institute of Glycomics, Griffith University  
**Gino Vumbaca**, Executive Director, Australian National Council on Drugs Secretariat  
**Emeritus Professor Ian W Webster AO**, University of New South Wales  
**Professor Jason White**, Head, School of Pharmacy and Medical Sciences, Division of Health Sciences, University of South Australia  
**Dr Alex Wodak AM**, Director, Alcohol and Drug Services, St Vincent's Hospital  
**Dr Helen Watchirs OAM**, ACT Human Rights and Discrimination Commissioner  
**Dr Marion Woods**, Senior Specialist Infectious Diseases and Director of Advanced Training RACP, Royal Brisbane and Women's Hospital  
**Organisations that have supported a trial of NSP in prison:**  
**Alcohol and Other Drug Council of Australia**  
**Australian Drug Foundation**  
**Australian Federation of AIDS Organisations**  
**Australian Injecting and Illicit Drug Users League**  
**Australian Medical Association**  
**Australian Health Ministers Conference**  
**Australasian Society for HIV Medicine**  
**Australasian Therapeutic Communities Association**  
**Drug and Alcohol Nurses Association**  
**Hepatitis Australia**  
**National Centre in HIV Social Research**  
**Family Drug Support Australia**  
**The Pharmacy Guild of Australia**  
**Public Health Association of Australia**  
**Royal Australasian College of Physicians**

anex

Authorised by A. Barry, AIDS Action Council of the ACT,  
16 Gordon Street, Acton, ACT 2601  
and J. Ryan, Anex, 600 Nicholson Street, Fitzroy North, 3068

EVIDENCE FROM OVERSEAS: Reduction in needle-stick injuries for prisoners and staff • Needles not used as weapons against officers

• No observable increase in injecting or other forms of drug use • Less blood borne virus transmission • Acceptance by staff and inmates.



PENINGTON  
INSTITUTE

## Aust Medical Association endorsement

program were to go ahead in the ACT's prison. The AMA believes, however, that the health and safety of corrections staff will best be preserved in the long term by the operation of a suitably controlled needle and syringe exchange program.

has endorsed policy specifically supporting clinical trials

Yours sincerely

Dr Steve Hambleton  
President  
2 September 2011



PENINGTON  
INSTITUTE

# Which model?...the tricky part...





## Which model?...the tricky part...

- ❑ The director of the Human Rights Law Centre, Philip Lynch, said it was only a matter of time before a prisoner successfully sued a prison and government over exposure to infectious diseases.
- ❑ The case comes as various peak health organisations continue to push for needle and syringe programs in prisons, including the Australian Medical Association, the Royal Australasian College of Physicians and Anex, a group working with Sir Gustav Nossal and Professor Doherty to reduce drug-related harm.
- ❑ "AMA Victoria believes that prisoners should have the same access to healthcare as the general population," he said.



## Moore review and ‘model options

- The head of Public Health Association contracted to develop protocols:

- Preferred model was for:

“a contained NSP operated by **outside agency** within the prison’s Health Centre.”

In reality, like a ‘safe injecting room’ in prison where prisoners escorted by guards .....

- Other option:

One-for-one exchange based out of the Health Centre, run by the Health Centre.



PENINGTON  
INSTITUTE

## Pledge on election eve

❑ Chief Minister announcement August 15, 2012.

“as a first step, detainees be given regulated access to sterile injecting equipment on a ‘one-for-one’ exchange basis with the medical officer having responsibility for the equipment exchange (as opposed to nursing staff).”

**Opposition: Vote against it at Election!!!**

**Union: More moderate, then back against it.**

## Election result – Labor won

- ☐ NSP didn't become a public issue.
- ☐ Opinion polling did not record needle exchange as an issue on voters' minds.



PENINGTON  
INSTITUTE

- ☐ On-going consultation
- ☐ Part of Enterprise Bargaining consultations
- ☐ Still union opposition ...
- ☐ Do government's govern???



## ACT Chief Minister Katy Gallagher to resign, run for the Senate



**Photo:** ACT Chief Minister Katy Gallagher says she will stand down from the position of Chief Minister next Wednesday. (ABC News: Kathleen Dvett)



PENINGTON  
INSTITUTE

## Corrective Services staff to vote on Alexander Maconochie Centre needle exchange program



Justice Minister Shane Rattenbury signs the deed of agreement with Community and Public Sector Union national president Alistair Waters. (1st April 2015)

[www.penington.org.au](http://www.penington.org.au)

<http://www.canberratimes.com.au/act-news/corrective-services-staff-to-vote-on-alexander-maconochie-centre-needle-exchange-program-20150401-1mcp4v.html>

## Update

Development of Alexander Maconochie Centre needle-exchange scheme under way



<http://www.canberratimes.com.au/act-news/development-of-alexander-maconochie-centre-needleexchange-scheme-under-way-20151002-gk06sg.html>



PENINGTON  
INSTITUTE

## The end is near?

- ☐ Right political environment
- ☐ An educated city
- ☐ Excellent Chief Minister
- ☐ Lot of it behind the scenes.



PENINGTON  
INSTITUTE

- ❑ Coalition approach - local up to national

- ❑ Issue can be re-positioned.

- ❑ Little media interest elsewhere. Not a big deal in the media (a surprise to us).

THERE IS NO END



## CONTACT DETAILS

John Ryan  
Penington Institute  
95 Drummond Street  
Carlton Vic 3053  
E: [j.ryan@penington.org.au](mailto:j.ryan@penington.org.au)