

Corrections in the Balance

A Review of Corrective Services in Queensland

Contents

<i>Foreword</i>	1
<i>Executive Summary</i>	2
<i>Recommendations</i>	7
<i>Terms of Reference</i>	14
<i>Chapter 1: Commission and Board</i>	15
<i>Chapter 2: Purchaser/provider division</i>	28
<i>Chapter 3: Accountability mechanisms</i>	40
<i>Chapter 4: Oversight of the private providers</i>	57
<i>Chapter 5: Aboriginal and Torres Strait Islander issues</i>	63
<i>Chapter 6: Interface issues</i>	71
<i>Chapter 7: Community corrections</i>	79
<i>Chapter 8: Legislation</i>	91
<i>Chapter 9: Implementation</i>	96
<i>References</i>	99
<i>Appendix 1: Letter from the Minister</i>	101
<i>Appendix 2: Methodology used</i>	102
<i>Appendix 3: Queensland's performance relative to other States</i>	105
<i>Appendix 4: Privatisation and competition in prisons</i>	108
<i>Appendix 5: National Competition Policy advice</i>	111
<i>Appendix 6: Employment and crime</i>	113
<i>Appendix 7: Legislation issues for consideration</i>	115
<i>Appendix 8: Submissions received</i>	133
<i>Appendix 9: Individuals and service providers consulted</i>	135
<i>Appendix 10: Documents received</i>	138

Figures

1	<i>Trend in prisoner populations 1987-1997</i>	34
2	<i>Use of information for planning and management</i>	50
3	<i>Government intersections in the Criminal Justice System</i>	72
4	<i>Cost of community supervision, 1996-97 (\$ per offender per day)</i>	88
5	<i>Recurrent expenditure per prisoner per day in secure custody</i>	105
6	<i>Recurrent expenditure per prisoner per day in open custody</i>	105
7	<i>Prisoner death rates by all causes for 1996-97</i>	106
8	<i>Prison assaults for 1996-97</i>	106
9	<i>Successful completion rate for community custody across applicable jurisdictions</i>	107
10	<i>Escape from secure custody rates for all jurisdictions 1992-93 to 1996-97</i>	107

Tables

1	<i>Accountability mechanisms</i>	42
2	<i>Proposed accountability framework</i>	56
3	<i>Occupancy of "outstations"</i>	67
4	<i>Indigenous deaths in Queensland custodial centres</i>	69
5	<i>Categories for all community-based orders completed during the financial years 1996-97, 1997-98</i>	83
6	<i>Successful completion and termination of community corrections orders in Queensland, 1996-97 and 1997-98</i>	86
7	<i>Annual incident rates 1996-98</i>	109

Foreword

On Tuesday 18 August 1998, the Minister for Police and Corrective Services announced my appointment to head a review of the Queensland Corrective Services Commission (QCSC). Section 72 of the *Corrective Services (Administration) Act 1988* requires five and ten year reviews of the effectiveness of the operation of that Act, the *Corrective Services Act 1988* and the Corrective Service Commission.

In addition to the terms of reference specified by the Act, the Minister added some additional issues for the review's consideration. These additional issues were the purchaser and provider division, the oversight of privately managed corrections centres, the sufficiency of accountability mechanisms, the provision for Aboriginal offenders and Torres Strait Islander offenders, the interface with other elements of the criminal justice system and the profile of community corrections (see Appendix 1). The purpose of this review is to report on the effectiveness of the operations of the Acts and to recommend ways in which they might be improved.

The review was formally established as a Commission of Inquiry to provide various powers and protection as specified by sections of the *Commission of Inquiry Act 1950*. Information about the methodology used in the review is contained in Appendix 2.

The review acknowledges the tremendous gains made in the management of corrective services in Queensland since 1988. The Public Sector Management Commission's review in 1993 also generated substantial reforms. These gains were achieved during a decade of considerable change and reform while maintaining high standard operations in the "tough" environment of custodial and community corrections. The recommendations of this review aim to build on the foundation of the last ten years with a suite of proposals aimed at further developing and refining management arrangements at the State-level.

The review acknowledges the many dedicated staff and community workers who contribute daily to the difficult task of providing the widely acclaimed, high quality corrective services in Queensland.

My special thanks go to the other members of the review team, Ms Therese Ellis-Smith, Miss Catherine Howe, Mr Mark Kane and Mr David Scott, whose efforts made this report possible.

On behalf of the review team, I have pleasure in presenting *Corrections in the Balance*, the second five year review of Queensland Corrective Services and its recommendations for the future.



F J Peach
Chief Executive
Queensland Corrective Services Review

January 1999

Executive Summary

Introduction

In the past five years there has been a strong and growing perception within the community that the level and gravity of crime has increased.

Unemployment, the emergence of an under-class, sensationalised reporting and an increased awareness of crime within the community have prompted successive governments to act by providing increasingly lengthy and punitive sentences through the Courts.

As a result of this influx of “long stay” prisoners, the number of people in custody in Queensland has increased at the fastest rate in Australia.

Our prisons are now holding almost double their intended capacity and community supervision orders apply to a greater percentage of people in Queensland than they do in any other Australian State.

The corrective services system has had to bear the brunt of the community’s demand for law and order while coping with a government focus on efficiency and competitive business management techniques.

On the surface, corrective services has performed remarkably well. Queensland has one of the most efficient prisons systems in Australia and real advances have been made in efficient prisoner management. A massive capital works program will provide more and better prisons and the introduction of competition by private providers has assisted in sharpening operational management practices.

The downside goes largely unseen by the community. Overcrowding, coupled with a focus on economic performance, has resulted in genuine concern within the system and indications of a growing problem.

Management is preoccupied with operational issues and heading off crises. The levels of incidents and assaults among prisoners have risen alarmingly in recent times. A significant and targeted approach is still required to eliminate deaths in custody.

As a result of this pressure the corrective services system has evolved into two sections: QCSC which is driving economic reform and efficiencies; and QCORR which is a business in competition with private providers, in an environment where prisoners are in oversupply.

The current focus is now on security, cost-cutting and maintaining minimum requirements. Customised rehabilitation, programs for special needs prisoners and post-release monitoring are issues which have taken a back seat as the system attempts to cope with the increasing numbers of prisoners being “processed” through the system.

Corrective services is now at a critical point where the government must decide its future direction and indeed determine the future success or failure of the system as a means of protecting the community from crime.

There are good arguments that current sentencing and prison conditions provide more than adequate punishment and act as a strong deterrent. What is not known, however, is what happens when prisoners are released with only the fear of further imprisonment to act as a deterrent to further offences.

The success of corrections is now in the balance.

Clear choices now face the Queensland Government on a wide range of issues. These issues come down to the dominance of economic or social policy and what effect this will have on the corrective services system. Is it good policy to simply lock offenders away for longer periods as they re-offend, or is it worthwhile focusing on the reasons for criminal behaviours and rehabilitating prisoners where possible?

This report promotes a balance between social and economic policy that retains the economic advances already made, while looking at ways to reduce crime, re-offending and the cost to the community. (See Appendix 2 Methodology used)

Corrections in the Balance proposes:

- abolishing corporatisation while maintaining joint public and private sector delivery of corrective services;
- redesigning corrective services so that it can deliver custodial and community corrections more effectively;
- renewing the focus on crime prevention by researching the causes and effects of crime, establishing criminal profiles and using this information to make corrections more efficient and effective;
- recognising the special needs of women offenders, Aboriginal offenders and Torres Strait Islander offenders by modifying the system to provide culturally meaningful and gender relevant deterrents and a stronger likelihood of rehabilitation;
- providing the courts with increased sentencing options which provide a range of community corrections options aimed at reducing criminal behaviours; and
- investigating the potential of community corrections to prevent crime through rehabilitation—reducing prison numbers and the associated social and economic costs to the community.

Getting the balance right is an issue for everyone in Queensland. As the cost of corrections escalates with prisoner numbers we must look at alternative ways to reduce criminal behaviour. With the commitment of the government it is possible to punish and rehabilitate offenders by providing an intelligent and measured response to what is part of a much larger social problem.

Summary of findings

Commission and Board

Corrective services in Queensland are operating effectively, relative to other Australian jurisdictions. There is ample evidence that a statutory authority with a Commission and Board structure is no longer required. A departmental structure that provides much simpler accountability and reporting relationships while reducing a range of imposts associated with the operation of a Board is proposed. The proposed new structural arrangements will strengthen the many available opportunities for community stakeholders to contribute to the operations of corrective services.

Purchaser/provider division

The use of the purchaser/provider concept has provided a number of benefits to the operation of corrective services—warranting its retention. The particular model of this concept adopted by QCSC with the introduction of corporatisation and the separation into two separate entities—purchaser/provider—should not continue due to the inefficiencies created.

There was no evidence that corporatisation of the public provider has been successful. It is therefore recommended that the new department operate as a purchaser, and Queensland Corrections (QCORR) operate as a commercial business unit providing custodial correctional services.

Accountability mechanisms

There are more than sufficient accountability mechanisms applying to corrective services in Queensland. The range of mechanisms includes all those applying to the public sector along with others that are specific to corrective services. The current public sector accountability mechanisms should remain as they are—with corrective services accountability mechanisms such as contract management, performance measurement and analysis and audit functions—improving the accountability of service providers.

Oversight of the private providers

Service contracts and audits are the primary mechanisms to oversight the operations of the private providers. The current level of oversight of the privately managed community correctional centres is inadequate. The absence of an effectively focused audit function has reduced the capacity to conduct effective audits of privately managed community correctional centres. Improvements to the contracts with the private providers and a greater emphasis on the importance of managing information, to assess performance, will strengthen the effectiveness of the oversight of privately managed facilities.

The shift to output-based contracts and the enhancement of contract management, performance measurement and analysis and audit will significantly improve the oversight of service providers.

Aboriginal and Torres Strait Islander issues

The operation of the corrective services Acts and related legislation does not cater adequately for indigenous people. Indigenous people in custody are over-represented in the prison population and under-represented in State corrections bodies and management structures.

The involvement of indigenous people in the corrective services system is important to improving the current situation. A range of management reforms is proposed to reflect the significance of indigenous offender issues. The use of “outstations” as community corrections centres has considerable value as a front-end sentencing option.

Interface issues

A number of matters outside the direct responsibility of the Minister for Police and Corrective Services impact negatively on the operation of the corrective services Acts. Interdepartmental cooperation is required to address these matters.

Some of the issues include the legislative limitations to front-end sentencing options; access to information from other departments in respect of offenders; transport and placement of prisoners; and people with an intellectual disability or mental illness who are incarcerated or subject to a community-based order.

A final issue is the continuation of the current administrative arrangements relating to the *Penalties and Sentences Act 1992*. This Act provides the legislative base for community orders and is presently administered by the Department of Justice and Attorney-General. The establishment of a ministerial committee would provide an opportunity for these and other interface issues to be considered by all relevant ministers.

Community corrections

The current organisational structural arrangements inhibit community corrections from maximising its contribution to the delivery of effective corrective services. The present structure has resulted in some inequities that can be alleviated by separating community corrections from custodial corrections—while maintaining the benefits from co-location in the one organisation.

Crime prevention through supervision and rehabilitation should be the principal role of community corrections in the criminal justice system. Staff would be better placed within the professional stream of the public service.

Legislation

The legislation, along with the hierarchy of subordinate legislation and rules, is in urgent need of comprehensive revision. In many respects the current Acts are unworkable because of the numerous recognised deficiencies. Subordinate legislation, including

regulations and rules, is unnecessarily complex and cumbersome—it needs to be rationalised and consolidated to improve the accessibility and workability of correctional policies and procedures.

Implementation

Careful planning is required to implement these recommendations due to the significance of the proposed reforms and their ramifications for corrective services. A change management team is needed to oversee the process of implementation.

Recommendations

Chapter 1: Commission and the Board

- 1 That the Queensland Corrective Services Commission (QCSC) and its Board be replaced by a department to be established in a new Corrective Services Act. (See Recommendation 55)
- 2 That a planned change management process be adequately resourced and implemented to effect the transition from QCSC to a new department. (See Recommendation 58)
- 3 That current permanent employees of QCSC and QCORR be guaranteed that the reorganisation of corrective services will not cause them to lose their employment with the organisation.
- 4 That a Corrective Services Advisory Council, reporting directly to the Minister, be established and its role, functions, membership and frequency of meetings be included in the new Corrective Services Act.
- 5 That the role of the Corrective Services Advisory Council be to advise the Minister of community views about corrective services generally. The council will also provide: specific advice about the department's policies and procedures; undertake tasks at the request of the Minister; and contribute to a culture of openness and transparency in corrective services management.
- 6 That the Corrective Services Advisory Council be broadly representative of the stakeholder groups in corrective services. The council should include people with business, legal and advocacy and employee relations expertise, people of Aboriginal descent and Torres Strait Islander descent, staff representatives, and the Corrective Services Director-General. This council should be appointed by the Minister; and consist of no more than ten people including the chair.
- 7 That the Corrective Services Advisory Council meet four to six times each year.
- 8 That stakeholders' meetings comprising representatives from community agencies be held at least twice each year.
- 9 That a cultural change program be implemented to develop a culture that values continuous learning, openness and transparency to replace the punitive culture which currently pervades the organisation.
- 10 That the Director-General of the new department lead a broadly consultative process to develop and promote a vision for the future of corrective services that aligns with the purposes of the system as stated in the new Act.
- 11 That a revised individual performance planning and review process be implemented in the new department as a matter of urgency. This process will start from the "top down" beginning with the Director-General of the new department, directors or their equivalent in head office, regional managers and general managers of correctional centres. This process shall link each officer's personal accountabilities with the outputs and outcomes sought in the strategic plan and, that as a further symbol of openness and a desire to create a learning organisation, should include the use of 360 degree feedback.

- 12 That a Board of Management be established to advise the Director-General on strategic issues facing the department; and that the Board consist of the Director-General as chair and the senior executives of the department.

Chapter 2: Purchaser/provider division

- 13 That the use of service contracts for public and private providers of corrective services be retained.
- 14 That the application of the purchaser/provider concept be retained.
- 15 That corporatisation in corrective services be abandoned.
- 16 That the QCORR Board be abolished and that custodial corrections become a commercial business unit within the department, retaining the name Queensland Corrections (QCORR) and its corporate identity.
- 17 That universal market testing be abandoned, but that the right to market test any aspect of corrective services be retained at the Minister's discretion.
- 18 That when major tenders are called (eg for a new prison) a temporary New Projects Unit be established, staffed by a small number of contracted officers from outside the public service to manage the tender process, and to ensure transparency and public accountability.
- 19 That the New Projects Unit work to a steering committee charged with advising the Minister on the tender; and that the steering committee consist of the Minister for Police and Corrective Services (Chair), the Under Treasurer, the Director-General of Public Works, the Director-General of Justice and Attorney-General and the Director-General of the Department of the Premier and Cabinet.

Chapter 3: Accountability mechanisms

- 20 That urgent action be taken to define the essential information requirements needed by the department to hold accountable both the public and private providers of custodial and community corrections.
- 21 That the Director-General develop and implement procedures to ensure that information collected through performance monitoring and auditing is used to hold service providers accountable, and to assist them to improve their performance.
- 22 That the research, planning, policy and programs functions of the department be resourced so that the following can be carried out effectively:
 - the analysis of emerging international and national trends and issues in corrective services.
 - the prediction of forward needs of the system based on analyses of information collected from across the criminal justice system.
 - the formulation of plans and policies for the system, based on well researched information and on information collected from collaborative work with staff and stakeholders.

- the development of offender program outcomes and specifications and the evaluation of program effectiveness.
- 23 That information technology architecture be established as a matter of priority for the department so that information technology standards are clear to all sectors of corrective services and so that these standards can be included in future contracts.
- 24 That a process to transfer information electronically to improve productivity and the flow of critical information across the corrective services system be implemented.
- 25 That a Contract Management Unit be established and the unit's functions include: -
- collaborating with other sections of the department in the coordination and development of standards for inclusion in contracts;
 - developing contracts;
 - negotiating contracts, including re-negotiation, with service providers;
 - assessing information about the contract performance of service providers; and
 - recommending the application of incentives and sanctions, and whether contracts should be renewed or market testing should occur, to the Director-General.
- 26 That output-based contracts be introduced as a matter of urgency and that they include explicit outputs, standards and measures of performance so that the performance of the public and private providers can be monitored and evaluated.
- 27 That consultation with service providers be undertaken to negotiate the movement of all service providers to the new output-based contracts prior to the end of 1999.
- 28 That the new output-based contracts include clearly defined incentives for superior performance and clearly defined sanctions for inferior performance as well as procedures for applying these incentives and sanctions.
- 29 That a Performance Measurement and Analysis Unit be established to monitor and evaluate the performance of both the public and private service providers; and that the unit's functions include:
- coordinating the development of a framework which describes the information required to manage and oversee corrective services;
 - collaborating with the Contract Management Unit to ensure this information is included in contracts or other mechanisms;
 - collecting and analysing all performance information from the public and private providers; and
 - providing reports on the performance of public and private providers to the Board of Management, Contract Management Unit, research, planning, programs and policy functions, service providers and the community.
- 30 That performance information be gathered quickly and systematically by the Performance Measurement and Analysis Unit, with the use of information

technology. This information will be analysed and reported regularly to senior management and service providers throughout the year, and to Parliament and the public in the annual report.

- 31 That the scope of audit coverage include financial, operational and security matters.
- 32 That an independent Audit Unit reporting directly to the Director-General be strengthened and resourced with suitably skilled officers to oversee the operations of all units (public and private), and with a capacity to undertake unannounced random audits; and that the unit's functions include:
 - operational, financial and security audits of all private and public custodial and community correctional centres;
 - random audits in relation to matters emerging from programmed audits;
 - conduct of special investigations as ordered by the Director-General; and
 - relaying information to the Director-General and the Performance Measurement and Analysis Unit.
- 33 That the Proactive Support Group be abolished and the savings be used to boost the quality of other accountability mechanisms, especially the Performance Measurement and Analysis Unit and the Audit Unit.
- 34 That official visitors' reports be forwarded directly to the Director-General.

Chapter 4: Oversight of the private providers

- 35 That the department oversee thoroughly the operations of privately operated community corrections centres, and that the same rigour be applied to the oversight of the publicly operated community corrections centres.
- 36 That the Criminal Justice Commission's jurisdiction be extended to include incidents that occur in privately operated correctional centres.

Chapter 5: Aboriginal and Torres Strait Islander issues

- 37 That focused evaluation be undertaken of the effectiveness of programs and services delivered to Aboriginal prisoners and Torres Strait Islander prisoners.
- 38 That urgent action be taken to ensure that culturally appropriate needs-based programs are available to Aboriginal offenders and Torres Strait Islander offenders regardless of where they are serving their sentence or order.
- 39 That an Aboriginal and Torres Strait Islander Unit, reporting directly to the Director-General, be established to consolidate accountability for policy, staffing, training and development, service delivery and outcomes for Aboriginal and Torres Strait Islander people in corrections. The unit's functions shall include:
 - development and implementation of policy as it applies to Aboriginal people and

Torres Strait Islander people in corrective services;

- establishment and achievement of staffing and training targets for Aboriginal employees and Torres Strait Islander employees;
- development and implementation, in collaboration with other accountable officers, of programs for Aboriginal offenders and Torres Strait Islander offenders;
- development of programs and support services to discourage Aboriginal people and Torres Strait Islander people from re-offending; and
- ongoing development and operation of those centres currently referred to as “outstations”.

- 40 That two additional officers be appointed to the Aboriginal and Torres Strait Islander Unit and that they be stationed in Cairns and Townsville.
- 41 That Aboriginal representation and Torres Strait Islander representation on State and Regional Community Corrections Boards be increased commensurate with the overall representation of indigenous people in custody. The Director-General shall be accountable for indigenous issues in the new Board of Management.
- 42 That the department, in consultation with Aboriginal staff and Torres Strait Islander staff and stakeholders, establish a target of at least 10 percent for the recruitment and promotion of Aboriginal staff and Torres Strait Islander staff, and a target of 100 percent for the retention of Aboriginal staff and Torres Strait Islander staff.
- 43 That the department establish scholarships and a training and development program for Aboriginal staff and Torres Strait Islander staff.
- 44 That “outstations” be renamed “community corrections centres”.
- 45 That the concept of “outstations” be retained and they be resourced so that the standard of facility, range of accountability processes applied to them, and support for their management are equitable in relation to other corrections facilities across Queensland.
- 46 That the establishment of additional “outstations” be considered—where supported by local Aboriginal communities and Torres Strait Islander communities—if they can be used effectively as a front-end sentencing option.

Chapter 6: Interface issues

- 47 That the Minister for Police and Corrective Services ask the Minister for Justice and Attorney-General to consider amending the *Penalties and Sentences Act 1992* to extend the range of sentencing options available to the judiciary—especially the option of sentencing offenders directly to “outstations” and home detention.
- 48 That the Queensland Government establish a committee at ministerial level to coordinate the interface of the operations of the criminal justice agencies and to recommend legislative amendments, where necessary, and to clarify roles and responsibilities.

Chapter 7: Community corrections

- 49 That the role of community corrections be included in the new Corrective Services Act and that the major focus of this role be crime prevention through rehabilitation and supervision.
- 50 That recognition be given to the importance of community corrections in corrective services by placing suitably qualified community corrections officers, community corrections coordinators/supervisors and area managers in the professional stream of the public service.
- 51 That community corrections remain part of corrective services but separate from QCORR, which will continue to operate custodial corrections. The senior executive of community corrections shall be a member of the Board of Management.
- 52 That a review of the administrative separation of community corrections from custodial corrections be undertaken two years after implementation.
- 53 That output-based contracts apply to community corrections.
- 54 That the department implement a range of initiatives designed to exploit the potential of community corrections to prevent crime through rehabilitation and supervision, reduce the number of offenders sentenced to prisons and to assure the public and the judiciary of the effectiveness of community corrections' operations.

Chapter 8: Legislation

- 55 That revision of the two Acts be undertaken by preparing drafting instructions with the intention of locating in one consolidated Act and Regulation, the core functions of corrective services—following a thorough consideration of the legislative issues listed in Appendix 7 and emanating from other recommendations in this report.
- 56 That in addition to having one Act, the department's policy framework be:
 - the Regulation that contains administrative detail not appropriate in the Act;
 - mandatory policies and procedures; and
 - General Managers' Rules that are centre-specific where local flexibility is possible within mandated policies.
- 57 That the core functions of corrective services be identified and included in the new Act and that these core functions include:
 - a clear purpose for corrective services—including the specific purposes of custodial corrections and community corrections;
 - a definition of the roles, responsibilities and power of delegation of the Minister and the Director-General;
 - a definition of the roles and responsibilities of the purchaser/regulator and the providers of corrective services; and

- the accountability of public and private providers to the Minister, the Director General and the public.

Chapter 9: Implementation

- 58 That an Implementation Unit be established to prepare a detailed implementation plan and direct the change process until the new department is operational. (See Recommendation 2)

Terms of Reference

Introduction

The terms of reference were set by the Minister for Police and Corrective Services. Some were pre-determined by the *Corrective Services (Administration) Act 1988* which required this review.

The terms of reference were used as the basic framework in collecting information from those consulted during the review. Information presented to the review considered outside the terms of reference was forwarded to the appropriate agency for attention.

On 21 October 1998, the Minister wrote to the Chief Executive of the Queensland Corrective Services Review requesting additional matters be considered as provided for under the last term of reference. (See Appendix 1)

The consolidated terms of reference are listed below.

Terms of reference

The Inquiry to review the Queensland Corrective Services Commission shall report to the Minister for Police and Corrective Services in regard to:

- the effectiveness of the operation of the *Corrective Services Act 1988* and the *Corrective Services (Administration) Act 1988* with particular reference to:
 - the effectiveness of the operations of the Commission and its Board and the need for their continuation;
 - the effectiveness of the division of the Commission into two bodies as the purchaser/provider of corrective services, and the desirability of its continuation;
 - the effectiveness of the oversight by the Commission of the privately managed prisons and community correctional centres;
 - the sufficiency of accountability mechanisms, including:
 - accountability to the responsible Minister; and
 - accountability of the service provider in its exercise of powers and performance of functions given under legislation (and contract); and
- such other matters as appear to the Minister to be relevant to the operation and effectiveness of the Act and the Queensland Corrective Services Commission, namely:
 - the effect of the operation of the Acts on persons of Aboriginal and Torres Strait Islander descent;
 - the effectiveness of the operation of the Acts when they interface with other Acts in the criminal justice sphere, especially in regard to front-end sentencing options; and
 - the effectiveness of community corrections and how the delivery of this service can be enhanced to meet the expectations of the community and judiciary.

Chapter 1: Commission and Board

Introduction

Scope

This chapter assesses the effectiveness of the Commission and Board and the need for their continuation, in accordance with section 72 of the Corrective Services (Administration) Act 1988.

Background

The creation of the Queensland Corrective Services Commission (QCSC) was recommended by Jim Kennedy in his 1988 Review of Queensland's Corrective Services. Enabling legislation was proclaimed in December 1988 and QCSC was created as a statutory body, with a Board of eight commissioners appointed by the Governor in Council.

All powers and functions of the Commission are vested in the eight commissioners.

Finding

The Commission and Board structure is no longer required to direct the operations of corrective services in Queensland.

Discussion

Mindful of the history behind the structure of the Board and Commission, the review examined the main reasons for this arrangement as originally set out in the 1988 Review.

Judging effectiveness

In judging the effectiveness of the Commission and the Board, and their future, the following issues were considered. The first four of these statements were originally proposed as the main reasons for QCSC's establishment:

- the Commission/Board structure drives reform in corrections;
- the Board provides community input into the development of correctional policy;
- the Board effectively distances the Minister from operational responsibility;
- the Board adds value to the operations of the Commission; and
- staff and stakeholders are satisfied with the operations of the Board and the Commission.

The following discussion details some of the evidence or specific information considered by this review in conjunction with historical and contextual factors leading to the establishment of the Commission and Board.

Does the Commission/Board structure drive reform?

There was evidence that the Board drove reform in the late 1980s and early 1990s—but the impetus and stimulus for reforms originated elsewhere. The implementation of the various reforms did not result from, nor was it dependent on the Board structure.

As one staff member observed, *the Board does not rule in total—even without the Board, reform would have taken place.*

The original intention in 1988 was that a Board would act as an *independent committee to supervise the implementation of the recommendations of this Review and ensure momentum for change and reform is not lost* (Kennedy, 1988(a) p19).

The implication that the Board would continue reforming the corrections system was considered by the review—but the basis of the finding to discontinue the Commission/Board structure was prompted by an analysis of the origins of the major reforms in corrective services over the past ten years.

Reform was largely driven by inquiries and other agencies

The major reforms implemented by QCSC were generated from a variety of sources such as the 1988 Commission of Review, the 1991 Royal Commission into Aboriginal Deaths in Custody, the 1993 Public Sector Management Commission (PSMC) Review and the 1997 Mengler Commission of Inquiry.

The most recent reform—the corporatisation of the service provider functions—has its origins in the Queensland Commission of Audit Report of 1996. This report detailed the role of the government in service delivery and recommended that certain principles be considered by all government agencies. This reform was implemented by QCSC staff in conjunction with the Board.

Each of these significant reforms to the corrections system could have been made irrespective of the organisational structure.

QCSC has achieved parity with national standards

In addition to these major reforms, a discussion of the various reforms in services overseen by QCSC would not be complete without reference to the many achievements within community and custodial corrections.

Queensland has achieved parity with many of the national standards, as demonstrated by the performance indicators for corrections. These are reflected in the latest report on government services by the Industry Commission's Steering Committee for the Review of Commonwealth/State Service Provision.

See Appendix 3 for comparisons with other Australian jurisdictions.

Many improvements would have occurred—regardless of organisational structure

Other achievements, such as improvements to offender programs, the management of prisoners at risk of self-harm and services for indigenous offenders were also likely to have occurred under alternative structures. The inter-jurisdictional sharing of information and expertise, and the considerable increase in academic interest and research on correctional issues over recent years and the influence of private companies in corrections administration would have reasonably been expected to result in operational reforms.

There is no consensus across Australian jurisdictions as to the most appropriate organisational structure for corrective services. A range of alternative management structures is in place in other States for managing corrections. Options include placing corrective services in a department with other functions such as justice, or as a separate department. Queensland is the only State with a commission structure for corrective services.

Given these sector-wide advances, the reforms implemented in Queensland would have occurred under an alternative organisational model, as they have in other Australian States.

Does the Board provide community input into the development of correctional policy?

Given the lack of community involvement in corrections prior to the establishment of the Board, significant gains were made in community involvement in corrective services following its implementation. The same circumstances no longer exist.

There is no longer a need to rely on Board representation for community input

Today there are many more opportunities for community involvement in the corrections system, and the need to rely on a community representative Board to provide this input is no longer imperative. In fact since the *Corrective Services (Administration) Act 1988* was amended to delete reference to specific groups which should be represented on the Board, the Board's role "to reflect community attitudes" has diminished.

In the corrections system of 1988 there was little community involvement. The intention was that the Board would provide an opportunity for increased community input into corrective services:

The appointment of an appropriate Board will go a long way towards solving the problems arising from the present lack of real involvement of the community in the correction of its offenders (Kennedy, 1988 (a), p19).

The new Act in 1988 stipulated the community groups from which Board membership should be drawn, and the role of individual members to represent the various groups in the community with an interest in corrections.

Board membership cannot represent all relevant community groups

In 1998 Board membership no longer represented all of these groups, such as corrections staff or religious orders. There was no representative of specific ethnic or cultural groups other than one representative from the Aboriginal community.

All community groups with an interest in corrections could not be equally represented on QCSC's Board. The Board provides a degree of community input into the corrections system but it does not—and could not—comprehensively reflect the many views on corrective services held within the community.

Community input into corrections would not be lost with the abolition of the Board

While the Board does provide some level of community involvement, there is mixed support from staff and stakeholders for its continuation based on its ability to provide community input into corrections. There was no evidence that this input would be lost to the corrections system if the Board structure were abandoned.

In order to influence the development of correctional policy, community groups have found numerous alternative mechanisms for lobbying issues. These alternative avenues for

involvement in the corrections system provide opportunities at all levels, and this variety and scope are appropriate and should be encouraged.

It is impractical to expect one mechanism—such as the Board—to be the main vehicle for community involvement in corrections. Over the last ten years other avenues for community involvement—such as stakeholder meetings, consultation workshops and direct representations to the Minister, QCSC and operational staff—have developed. Official visitors continue to provide additional sources of community advice about all correctional and community corrections centres.

In addition, since 1988, there have been substantial legislative reforms, including the *Freedom of Information Act 1992*, the *Judicial Review Act 1991* and the *Criminal Justice Act 1989*. Each of these provides a legislative base for increased accountability and oversight of government agencies and ensures that the operation and management of corrective services is open to increased public scrutiny.

The Board is influenced by political considerations, as well as community concerns, as a result of the appointment process

A final concern about the ability of the Board to provide community input to the corrections system relates to whether Board members can truly represent community interest groups. The review received many comments from staff and stakeholders about the relationship between appointees to the Board and the political process.

Notwithstanding the amendments to Section 10 of the *Corrective Services (Administration) Act* in 1994 whereby “expertise” in corrections must be considered by the Governor in Council when appointing persons to the Board, concerns were raised as to whether real community representation could be achieved. Staff and stakeholder groups indicated that where individuals had little knowledge of corrections or were associated with a lobby group within the corrections system, broad community representation might not be achieved.

Community representation is no longer a persuasive argument for the retention of the Board.

Does the Board effectively distance the Minister from operational responsibility?

There was strong evidence that the Board does not distance the Minister from operational matters—partly due to the part-time availability of the Chairperson and Board members.

In order to arrive at this finding it was necessary to consider the contextual factors surrounding the decision to establish QCSC. Queensland’s social and political climate during the mid to late 1980s was particularly sensitive to the involvement of government leaders in the administration of justice and “law and order” agencies, as well as the probity of senior departmental officers.

It was intended that the introduction of a Board would assist the Queensland Government by providing an independent buffer between politics and the administration of corrective services.

In his interim report Kennedy clearly enunciated his vision for the Board and its relationship to the Minister:

Whilst holding the power to direct the Commission, the Minister will be freed from the need for day to day concern with the administration of the system,

- *he will be in a position to ensure that the Board properly addresses administrative problems and sets broad overall policy,*
- *the Board reports directly to him,*
- *he would explicitly have the power to direct the Board, to appoint the Board and in certain circumstances, to dismiss the Board or any member of it* (Kennedy, 1988 (a) p19).

The Minister, not the Chairman of the Board, is publicly regarded as the person ultimately accountable for corrections

The extent to which the QCSC Board can distance the Minister from sensitive or contentious operational issues has been questioned by staff and community groups. These groups expressed the expectation that it was the Minister, not the Chairman of the Board, who was publicly accountable for the operations of the corrections system.

Given the propensity for crises within the corrections system, it is reasonable to expect that the Minister and the Queensland Government would want to direct policy and publicly respond to operational matters giving rise to community concerns. The community and indeed the majority of staff and stakeholders regard the Minister as primarily accountable for corrective services, and expect a leadership role in dealing with significant issues.

The public face of QCSC is the Director-General—not the Board or its Chair

Submissions and focus groups pointed to an imprecise relationship between the Minister, the Board and the Director-General. This is highlighted whenever a serious incident occurs such as a death in custody or an escape. For example, the majority of media statements over the last four years were released by the Director-General, rather than the QCSC Chairperson or other Board members. While it is acknowledged that the Board members are part-time and not always available, the public face of the organisation is the Director-General. It is the Director-General who is more likely to interface with the Minister's office. The Minister and the Director-General deal with the media in the event of any crisis.

The part-time status of the Board cannot effectively insulate the Minister from day to day operational problems

The merits of a part-time Board were considered by the PSMC Review in 1993 and its recommendations provided guidance as to the specific roles and accountabilities of the Board, the Director-General, and the Minister. Several suggestions made by the PSMC to clarify the role of the Board have not been implemented—such as the formation of a research unit attached to the Board and the development of a public profile. If these had been implemented the Board's role may have become more clearly defined and valued.

The original intention for the Board to distance the Minister from day to day operations remains sound in principle; however given that Board members are part-time, and it is usually operational issues that cause the greatest “political fall-out”, the Board is not well placed to provide sufficient distance.

Does the Board add value to the operations of the Commission?

The Board is limited in the amount of “added value” it can provide because it is largely reliant on the Director-General and QCSC executive for expertise, corrections history and background to issues and policy options. It is also strongly evident that corrective services in Queensland has reached a level of maturity and development where the need for a Board is open to question.

The Board's aims have largely been achieved

In 1988 it was envisaged that the Board would bring increased accountability, greater management control and supervision, and improved protection of the system from administrative neglect. Each of these aims has been realised, when the current corrections system is compared to the former pre-QCSC regime; however the question whether the Board should continue remains. This has been examined by looking at the extent to which a community representative Board can add to the gains already being achieved in corrections and the potential for such a Board to further add to corrections expertise in the development of policy and management of the system.

As there are no agreed indicators which measure the effectiveness of the Board's operation, or method of assessing the value to the system added by the Board, the review conducted an analysis of Board papers provided to the QCSC Board by Executive.

The Board is generally reactive to QCSC rather than proactive

The process of seeking approval or direction from the Board for policy or key decisions is well documented. Board agendas are largely determined by the QCSC executive—consisting of the Director-General and senior managers. Usually they seek either approval or ratification of recommendations, or decisions between options, in respect of key policy initiatives. The costs associated with the operation of the Board and the preparation of Board papers by QCSC staff is estimated to be \$650,000 per annum.

Most Board decision papers were approved without amendment

Of all papers prepared for Board consideration over the past 15 months, two-thirds were information papers, rather than papers requiring a decision or direction. Of the total number of decision papers considered by the Board during this period, a small number were returned to QCSC Executive for further changes or additional information. The majority of decision papers were approved without significant change. Eleven percent of papers prepared for the Board by staff were initiated by a Board member requesting a paper on a specific issue. This breakdown suggests that the Board's role in correctional policy formulation and determination is subordinate to that of the staff of QCSC. QCSC is characteristic of an organisation that has matured, is self-sufficient and does not require the additional Board mechanism to add value to its operations.

Many staff and stakeholders are dissatisfied with the operations of the Board and the Commission

Many staff and stakeholder groups were dissatisfied with the level of openness and transparency within the corrections system. Some staff groups were in favour of retaining the Board and QCSC structure; however the majority referred to the added delays in progressing policy and key decisions, and the limited capacity for part-time Commissioners to contribute to the management of the system.

Complete staff and stakeholder satisfaction with the current structure could not be achieved in an environment of conflicting interests. Staff and stakeholder agencies' criticism of correctional policies and decisions should be respected and responded to where practically possible. Regular attendance to the views of external agencies and groups should be formalised, to ensure that the development of correctional policy is broadly inclusive of these views and subject to wide consultation.

Options

There are several options in relation to this section of the terms of reference, two of which were considered in detail.

Option One: Maintain the current structure of QCSC as a statutory body with a Board.

Option Two: Abolish the statutory body of QCSC and its Board and replace them with a government department.

Option Two is the preferred choice for several reasons.

The reasons for creating a Department of Corrective Services

QCSC has reached a level of maturity where it does not require a Board structure to implement on-going reforms in corrective services. Additionally, a departmental structure would provide simpler reporting relationships, and a greater role definition between the Minister for Police and Corrective Services and the Director-General.

There is also a lack of compelling evidence to conclude that the Board “adds value” to the development, management and operations of the corrections system. There is a range of alternative opportunities for consultation with the Minister and senior management, and the level of community contribution and expertise provided by the Board would not be lost to the system.

A departmental structure would ensure that accountability was vested in a Director-General rather than a part-time Board and that decisions were made overtly by officers with direct operational expertise in corrections. The expense ordinarily associated with the operation and servicing of the Board could be saved.

Significant reforms have been implemented in corrective services over the past ten years, indicative of substantial achievements in the humane management of prisoners and offenders under community supervision. Credit for these achievements rests with those individuals who have contributed as Board members, senior executives and corrections staff rather than as a direct result of the Board’s structure.

Organisational structure

The following are recommendations in relation to the continuation of the Commission and its Board.

RECOMMENDATION 1

That the Queensland Corrective Services Commission (QCSC) and its Board be replaced by a department to be established in a new Corrective Services Act.

The change proposed is a significant one and care must be taken to manage the change process thoughtfully and thoroughly so that services are not diminished while the reorganisation is occurring. Chapter 9 discusses processes and principles for the management of organisational change and the importance of a consultative and inclusive approach.

RECOMMENDATION 2

That a planned change management process be adequately resourced and implemented to effect the transition from QCSC to a new department.

A critical aspect of the change process will be the ability of the senior leadership team to assure current staff that their jobs will be secure and that they have important roles to play in the transition process and in the new organisation.

RECOMMENDATION 3

That current permanent employees of QCSC and QCORR be guaranteed that the reorganisation of corrective services will not cause them to lose their employment with the organisation.

The issue of an external group of community representatives and corrections experts to advise the Minister was also considered by the review. This was particularly relevant given the recommendation to abolish the QCSC Board. While the review recommends the abolition of the decision-making Board, formalising advice from outside the department to the Minister was regarded as beneficial and should be encouraged.

These benefits included the potential for targeted ideas, skills and knowledge to contribute to the overall operations of corrective services, and the value of providing opportunities for a range of views to be presented and for these to be considered in the development of policy. This advisory function is different from the strategic decision-making Board in the current structure.

An advisory body reporting directly to the Minister has the potential to ensure the system is able to listen to a range of community and expert views about corrections.

RECOMMENDATION 4

That a Corrective Services Advisory Council, reporting directly to the Minister, be established and its role, functions, membership and frequency of meetings be included in the new Corrective Services Act.

RECOMMENDATION 5

That the role of the Corrective Services Advisory Council be to advise the Minister of community views about corrective services generally. The council will also provide: specific advice about the department's policies and procedures; undertake tasks at the request of the Minister; and to contribute to a culture of openness and transparency in corrective services management.

RECOMMENDATION 6

That the Corrective Services Advisory Council be broadly representative of the stakeholder groups in corrective services. The council should include people with business, legal and advocacy and employee relations expertise, people of Aboriginal descent and Torres Strait Islander descent, staff representatives, and the Corrective Services Director-General. This council should be appointed by the Minister; and consist of no more than ten people including the chair.

It is recommended that the Corrective Services Advisory Council meets regularly and that the requirement to meet be included in the new legislation to guarantee its role.

RECOMMENDATION 7

That the Corrective Services Advisory Council meet four to six times each year.

It is not intended that meetings of the Corrective Services Advisory Council completely replace the stakeholders' meetings. The review supports the continuation and strengthening of consultation with community and agency stakeholders.

Stakeholder meetings provide valuable problem-solving opportunities for corrections administrators and can strengthen partnerships between agencies. They can be viewed as a vehicle for the provision of assistance and valuable feedback to the corrective services system.

RECOMMENDATION 8

That stakeholders' meetings comprising representatives from community agencies be held at least twice each year.

An unstable organisational culture

There is a punitive organisational culture within corrective services in which senior officers are transferred or forced to resign when significant operational crises occur. This practice tends to result in a culture of instability, whether intentional or not, where scarce expertise and experience are drained from operational areas and the risk of loss of organisational memory is heightened.

Such a culture has the potential to work against the maintenance of openness and transparency, so critical in such a sensitive portfolio, as staff fear losing their positions or being sacked if serious incidents occur. The review is not advocating that negligence and inadequacy be excused or countenanced, but rather that a working environment be cultivated where staff are encouraged to learn from mistakes, and where continuous learning is encouraged.

Some senior staff expressed concerns about their lack of job security when rising to management positions, given the propensity within corrections for critical incidents to see them "fall from grace". The prevalence of a blame culture and the numerous sackings or resignations of key executives and Board members have resulted in unnecessary changes in leadership and therefore, instability. Consequently there is no evidence of QCSC being regarded internally as a learning organisation in recent years.

The following recommendation is designed to address this issue and provide a clear message to staff and stakeholders that the organisation values continuous learning and expertise.

RECOMMENDATION 9

That a cultural change program be implemented to develop a culture that values continuous learning, openness and transparency to replace the punitive culture which currently pervades the organisation.

The numerous senior leadership changes in corrective services in recent years have, according to staff and stakeholders, resulted in a loss of vision for the organisation. Many people consulted by the review spoke of "Kennedy's vision" and "Hamburger's vision" but were not inspired by any widely held understanding of what corrective services is currently aiming to achieve, despite the existence of a vision statement in the QCSC Strategic Plan.

A clear vision for the future should be developed because the corrective services system is constantly buffeted by conflicting ideologies and operational issues. Examples of this include the emphasis currently placed on law and order policies in the community and the propensity for crisis in any corrective services system.

The development of a vision should occur with staff and stakeholders to provide consistency for staff in their work during a period of rapid change where crisis management is often difficult to avoid. The existence of a widely agreed and well known vision—a description of what corrective services will be like in the future—will assist staff to remain focused on achieving the organisation's goals.

RECOMMENDATION 10

That the Director-General of the new department lead a broadly consultative process to develop and promote a vision for the future of corrective services that aligns with the purposes of the system as stated in the new Act.

There is a need to standardise and implement a performance planning and review process for senior management. An individual performance planning and review process will be a critical element in assisting senior leaders to develop skills, and will form a key component of the cultural change process. It is essential that such a process be integrated with, and responsive to, the development of the organisation's strategic plan. Senior leaders must be assessed in accordance with the organisation's outputs and outcomes, and this assessment should include feedback from peers, subordinate staff and stakeholders, as well as more senior officers to reinforce a culture of learning, openness and transparency.

The following recommendation is designed to ensure an effective process is implemented that is consistent with notions of openness and accountability.

RECOMMENDATION 11

That a revised individual performance planning and review process be implemented in the new department as a matter of urgency. This process will start from the "top down" beginning with the Director-General of the new department, directors or their equivalent in head office, regional managers and general managers of correctional centres.

This process shall link each officer's personal accountabilities with the outputs and outcomes sought in the strategic plan and, that as a further symbol of openness and a desire to create a learning organisation, should include the use of 360 degree feedback.

With the abolition of the Board, new processes for strategic decision making will be required. In line with modern practices, a management board, which includes the senior executives of the department, should be established to assist the Director-General. This Board should primarily focus on strategic issues, with operational decisions being left to the executives who have accountability for those decisions.

RECOMMENDATION 12

That a Board of Management be established to advise the Director-General on strategic issues facing the department; and that the Board consist of the Director-General as chair and the senior executives of the department.

Chapter 2: Purchaser/provider division

Introduction

Scope

This chapter deals with the division of QCSC into separate organisational entities and whether this arrangement is effective and should continue.

Background

The decision of QCSC to separate its role as service purchaser and regulator from its role as the public provider of corrective services led to the formation in 1997 of Queensland Corrections (QCORR) as a corporation under the Government Owned Corporations Act 1993.

The establishment of QCORR enhanced the opportunities for the public provider to compete with the private providers to deliver corrective services. The Queensland Government's motivation in doing this was to improve corrective services and further reduce costs. Since corporatisation, competition with the private providers has been limited to competitive tendering for additional beds as a result of the rapid increase in prisoner numbers.

Discussion

The review considered organisational purpose and design, cost effectiveness, operational effectiveness and satisfaction of staff and stakeholders in determining whether the current organisational structure was effective and should continue.

Organisational purpose and design

The issues confronting the review were whether the concept of a purchaser/provider arrangement has application to corrective services, and whether corporatisation provides any additional benefits. A number of alternative purchaser/provider arrangements have been applied to other government departments and the benefits in retaining a purchaser/provider arrangement in corrective services are clearly evident.

Purchaser/provider identifies the real cost of services

The purchaser/provider arrangement allows the service provider to better determine the actual cost of delivering services. This encourages the service provider to identify opportunities to reduce its costs—thereby improving efficiency and the cost-effectiveness of public funding. This approach is consistent with the requirement for all publicly funded agencies to achieve greater efficiencies in the delivery of government services.

Service contracts improve standards

The purchaser/provider arrangement has provided the impetus for QCSC to establish formal service contracts with the public provider allowing QCSC to hold QCORR contractually accountable for the standard of its services.

The introduction of service contracts with the public provider has contributed to an improvement in the standard of financial management and budgeting at the correctional centre level. Service contracts provide certainty of funding for any increase in prisoner numbers or offenders under supervision. The introduction of service contracts has also assisted in addressing the problem of centres exceeding their budget allocation—due to higher prisoner numbers than expected—which was a common occurrence prior to the division of roles.

QCSC is currently reviewing its service contracts with a view to amending its standard contract to include output-based performance measures to improve their effectiveness. The amended contracts should reflect the service requirements of the Queensland Government as the purchaser of corrective services in addition to the inclusion of output-based measures. The move to output-based contracts and the need for effective contract management is discussed in Chapter 3.

RECOMMENDATION 13

That the use of service contracts for public and private providers of corrective services be retained.

Finding

The application of the purchaser/provider concept has improved the delivery of corrective services and should be retained; however the creation of a commercial unit within the new department is a more appropriate structure for the future.

Purchaser/provider encourages innovation

Separation of the purchaser/provider roles has enabled QCSC to focus on its role as purchaser-regulator and allows the service provider to focus on the delivery of corrective services to the standard set out in its service contracts with QCSC. The separation of roles also provides an opportunity for the service provider to be innovative in its approach to delivering services and to be more responsive to the service requirements of the purchaser in a competitive environment.

Ancillary services in the purchaser/provider model

The need to allocate functions between the purchaser/provider creates difficulties for central support functions in this instance. The placement of the Training and Development Centre, Transport and Escort Group, Dog Squad, Armourer and Court Advisory Services functions with QCORR and the Proactive Intelligence Network and Proactive Support Group with QCSC illustrate the difficulties of achieving an efficient and effective separation of functions under a purchaser/provider arrangement. However, the placement of particular functions with the public provider could be resolved through the contracting out of these functions.

Providers need to provide feedback on policies to purchasers

The separation of roles also results in the separation of policy formulation from policy implementation. This may have a negative impact on operational performance.

QCSC as the purchaser responsible for developing policy does not have any formal mechanism to revise its policy on the basis of issues encountered by service providers. This difficulty could be resolved by the purchaser developing an appropriate mechanism to receive feedback from the service provider.

Competition is driving operational reform

The purchaser/provider arrangement also enables the government to encourage competition between the public and private providers in the delivery of corrective services. The ability to engender competition has the potential to further reduce costs and drive reform in an environment where reform has been traditionally slow. The benefit of competition in corrective services was recognised in the 1996 Report of the Queensland Commission of Audit (p23) which stated that *private sector participation in Queensland's prisons system has been successful in achieving efficiencies in unit costs per prisoner per day.*

There are compelling arguments for continuing the application of the purchaser/provider arrangement to corrective services. The benefits of this arrangement clearly outweigh the difficulties associated with its continued application. For example, the difficulties encountered by QCSC in separating its functions—and the implications for policy implementation—are issues which the purchaser is able to resolve.

RECOMMENDATION 14

That the application of the purchaser/provider concept be retained.

Corporatisation

Corporatisation resulted in the establishment of QCORR in 1997 as a corporate entity under the *Government Owned Corporations Act 1993*. This decision was made in response to the criticisms of the tendering process for Woodford Correctional Centre in 1995 and the general thrust of the recommendations of the Report of the Queensland Commission of Audit (1996).

It was argued that corporatisation would assist in “levelling the playing field” between the public and private providers and eliminate similar criticisms by private providers in future competitive tenders. Executive staff of QCSC and QCORR stated that corporatisation was implemented as a long-term strategy and that the physical separation of the purchaser and public provider would enable the purchaser to consider the transfer of certain business risks to the service providers as part of the contract negotiation process.

Corporatisation has not transferred risk

QCSC has been able to transfer some of the financial risks to service providers—but only on a limited scale as the ability of the purchaser to transfer risk is dependent on the willingness of the service provider to accept such risks. In the event that the service provider is prepared to accept risk, the cost is factored into its contract price.

Risk transfer does not mean risk elimination and there are some risks—such as political risk—which can not be transferred by contractual means. Political risk is undoubtedly the most significant risk facing corrective services and has not been minimised by corporatisation.

The corporatisation of QCORR has created duplications

The formation of QCORR is regarded by some stakeholders as unnecessary duplication in the delivery of some functions. The need to operate separate corporate offices and the decision to operate separate human resource and payroll systems and finance areas were identified as examples of duplication. Corporatisation requires a Board that has an additional annual overhead cost of \$170,000 to QCORR.

Corporatisation prompted job insecurity and the loss of experienced staff

QCORR and QCSC staff maintained that the separation between the organisations is largely artificial. The formation of QCORR resulted in the loss of skilled and experienced staff to the new organisation which severely depleted the number of experienced staff remaining in QCSC. QCSC currently relies heavily on its close relationship with QCORR to compensate for the loss of expertise.

Community corrections staff argued that corporatisation was not appropriate for community corrections. It was a common perception among community and custodial corrections staff that corporatisation has been a distraction for staff due to concerns about job security arising from the threat of market testing. The staff view was that the role of corrective services should remain more focused on service delivery rather than fulfilling the economic objectives of a corporate entity.

Corporatisation has resulted in additional overhead costs, the loss of experienced staff and unnecessary duplication.

Corporatisation can unbalance social and economic priorities

The primary objective for the government in discharging its corrective services responsibilities is to ensure that an effective system is operating. The major emphasis must be to administer an efficient and effective correctional system that reduces the risk of crime to the community, facilitates the correction of offending behaviour, and prevents recidivism.

A secondary objective is to achieve effective service delivery in the most cost-efficient way. The risk to the government—if cost-efficiency dominates the system—is that the standard of service the community expects for corrections will take second place to economic pressures. The need to balance economic goals with social goals is central to decisions by the government about the way all community services are provided. This is even more so with corrective services, because a failure to deliver an adequate standard of service places the community at risk.

Corporatisation presents a risk that the government's social priorities for corrective services and the objectives of the corporate entity will be dominated by the drive to continually reduce costs.

QCORR's profit is fictitious

QCORR receives approximately 90% of its funding in the form of contract payments from QCSC with the remainder derived from prison industries. This means that QCORR is effectively operating like a government department in terms of its funding arrangements. QCORR does not derive any revenue on a fee-for-service basis—as would be expected of a corporation.

QCSC, as a statutory authority, receives all its funding from the government. The requirement for QCSC to pay QCORR from this funding means that any operating profit by QCORR was funded by the government.

QCORR—a corporation in name only

QCORR reported a net profit before tax figure of \$2.3 million in its first year of operation. This profit was essentially funded from Consolidated Revenue and then returned partly in the form of a dividend to each shareholding minister.

Queensland Treasury has described QCSC's purchasing role with the service providers as a "principal" and "agent" arrangement where service providers are essentially delivering the same service that QCSC did prior to the division. The service contracts—which focus on inputs—reflect this approach.

In addition, QCORR is the smallest Government Owned Corporation (GOC) in Queensland with reported net assets of \$0.7 million. It is the only corrective services corporation of its type in Australia.

Corporatisation led to confused corporate accountability

Under the current contractual arrangements, QCORR and private providers are accountable to QCSC through the QCSC Board rather than directly to the Minister. However, QCORR is also accountable to the Minister as joint shareholding minister under the *Government Owned Corporations Act 1993*. These issues are further discussed in Chapter 3.

This arrangement confuses the accountability relationships between the Minister and the various agencies and could result in a conflict of interest for the Minister in trying to satisfy both corporate and legislative priorities.

Cost effectiveness comparisons

The cost of corrective services has continued to fall since 1993. The continuation of this trend was due to factors not influenced by the corporatisation of QCORR.

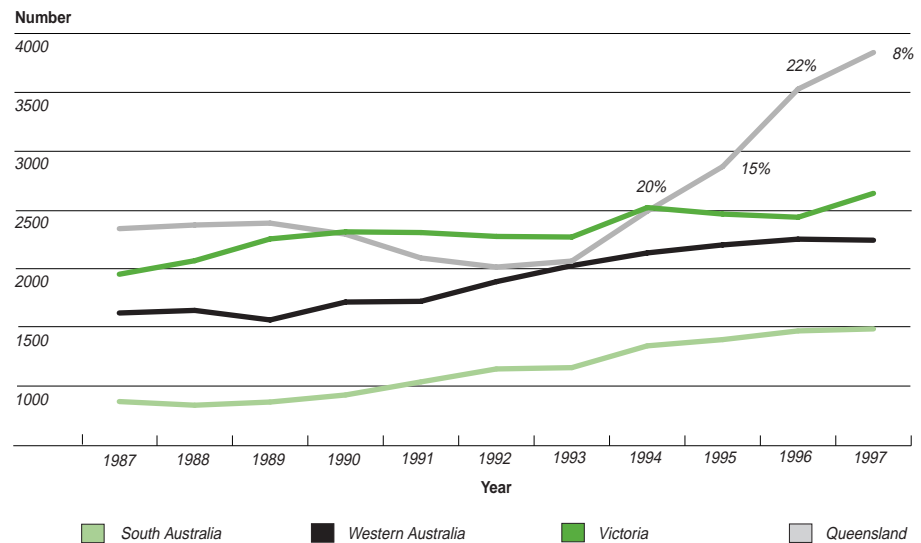
Recurrent expenditure per prisoner per day in Queensland in secure custody has continued to fall since 1992-93. This result is in direct contrast to the position in New South Wales where the level of recurrent expenditure has continued to increase over the same period. It is not possible to draw a comparison with Victoria due to the lack of published data.

Recurrent expenditure in Queensland on open custody—on a per prisoner per day basis—has increased since 1992-93. However, the level of expenditure on open custody during the period 1992-93 to 1997-98 remained significantly below the level of expenditure of other States. This data suggests that Queensland has continued to deliver a cost-effective service since 1992-93—in terms of the cost per prisoner per day, and in comparison with expenditure by other States.

Prisoner numbers have increased dramatically

Data on the following page shows the trend in prisoner numbers in selected States from 1987 to 1997.

Figure 1: Trend in prisoner populations 1987–1997



Source: *Prisoners in Australia, 1997 ABS*

Queensland has experienced a rapid increase in prisoner numbers, not encountered by other States. While the State's prisoner numbers declined between 1989 and 1992, the number has increased at a rapid rate since 1993. Although the pattern of change in numbers in South Australia and Western Australia are similar, the rate of change does not match that experienced by Queensland. While prisoner numbers in Victoria have fluctuated during the period, the change in numbers displays an upward trend consistent with the other States.

Although New South Wales has the highest number of prisoners, the rate of increase in prisoner population in recent years has been well below that experienced by Queensland.

“Double ups” have reduced the cost of imprisonment

The rapid increase in prisoner numbers and the lack of available infrastructure led to the decision to double up prisoners in cells in both public and privately managed custodial centres. Competition for extra beds has assisted in reducing the day cost per prisoner paid to providers in the south-east region. The day cost in the northern part of the State is based on the standard rate negotiated prior to corporatisation and remains unchanged.

The decision by QCSC to negotiate a change in its purchasing practice for extra beds, by using double ups, has also reduced the day cost per prisoner. Prior to corporatisation, QCSC purchased additional beds—under a block purchasing arrangement—where the total amount was paid to the service provider irrespective of whether the required number of beds was filled.

Since corporatisation, QCSC has adopted the practice of paying for actual beds occupied which has assisted in reducing the day cost per prisoner. While QCSC has been successful in negotiating the change in purchasing practice with QCORR, different practices still exist across the private providers.

Efficiencies are due to “double ups”—not corporatisation

The day cost per prisoner, as a result of double ups, has increased marginally in recent months due to the fact that most custodial centres are operating at close to double their full capacity. The ability of QCSC to negotiate further concessions on cost is limited due to the premium placed on the number of remaining available beds.

The improved cost effectiveness of corrective services is attributable to competition among providers to supply extra beds. This is a result of the lack of new prison infrastructure to accommodate the rapid increase in prisoner numbers rather than the effect of corporatisation.

The change in purchasing policy for extra beds could have been adopted prior to corporatisation and is equally achievable with other purchaser/provider structural arrangements discussed later in this chapter. Corporatisation has not directly contributed to the cost of corrective services falling since 1997.

Competition between providers has been beneficial

The presence of private providers in corrective services provides continuing benefits to corrective services in Queensland. Private sector involvement has reduced the cost of corrective services and enabled the government to compare performance and thus improve the performance of the public provider. Appendix 4 contains a discussion of a range of issues related to privatisation and competition in prisons, the role of private providers, the impact of privatisation on service delivery and an historical overview of privatisation in prisons in Australia, USA and UK.

Operational effectiveness

There is insufficient data to assess the impact of corporatisation on the standard of service provided in custodial centres. Executive staff of QCSC and QCORR claimed that it was inappropriate to assess QCORR's performance given the relatively short time since corporatisation. However, the lack of performance information is unacceptable and is a condemnation of the state of current contracts. The inability of QCSC to collect information to perform its role properly as purchaser and regulator is also unacceptable.

The effect of corporatisation on incident rates

QCORR was invited to provide hard data, to substantiate the view that corporatisation had led to more operationally effective corrective services in Queensland. In response, the QCORR submission contained data only on incident rates. Similar data was obtained from QCSC and a comparison of data disclosed significant differences both in numbers of

incidents and whether the particular incidents had either increased or decreased since 1996-97. Data provided by QCSC was used for the purpose of analysing the change in incident rates and to calculate an annual incident rate. (See Appendix 4)

Incident rates in both open and secure custodial centres increased during the period 1996-97 to 1997-98. However, the increase in rates was due to a range of contributing factors and can not be used alone as a reliable measure of operational performance. The annual incident rates contained in Appendix 4 were calculated on the basis of monthly data provided by QCSC.

In summary

There is no reliable data that operational effectiveness improved as a result of corporatisation. This fact, together with the assessment that corporatisation has not contributed to improved cost effectiveness, and given the serious deficiencies of corporatisation as discussed above, is sufficient justification to consider alternative structural arrangements.

There are alternative structures that allow the establishment of clear lines of responsibility and provide greater accountability for performance to the Minister. These structures also retain all the advantages of corporatisation without the added costs associated with operating the service provider as a corporate entity. Corporatisation for corrective services is considered an unnecessarily complex structure to provide the public provider with a degree of flexibility and address issues of competitive neutrality. These matters can be addressed in a more simplified structure.

RECOMMENDATION 15

That corporatisation in corrective services be abandoned.

Options

The review identified several alternatives to the current arrangement. These options fall into two categories. One category includes a physical separation of the purchaser/provider roles and the other does not. The recommendation to abolish QCSC and replace it with a department—as outlined in Chapter 1—is the starting point for the consideration of these options.

Option One: Government department with QCORR as a separate corporate or statutory entity.

Option Two: Government department which includes QCORR operating as an internal commercial business unit.

The advantages and disadvantages of each option were evaluated and the second option was selected as the most effective purchaser-provider division for corrective services in Queensland. A departmental structure—which includes custodial corrections using the name Queensland Corrections (QCORR) to operate as a commercial business unit—

allows corrective services to retain the benefits of corporatisation, but avoids the disadvantages that come with corporatisation. The placement of community corrections in the new organisation is discussed in Chapter 7.

There is no downside to QCORR becoming a commercial business unit within a government department

The proposed structure allows the organisation to maintain a clear separation of the roles of the purchaser/provider and to treat, and be seen to treat, public and private providers equally. The formation of a government department provides the Minister with the opportunity to guide policy and also improves the accountability of the service purchaser and the providers to the Minister.

The decision to operate QCORR as a commercial business unit within the department, and the continued use of service contracts, will ensure the continuation of a business-like approach to the delivery of corrective services. It will eliminate the need to operate two separate organisations and remove the need for a Board structure. The simplification of the structure will assist in improving communications between the purchaser and the public provider and in dealing with the media.

The proposed structure will enable the organisation to focus on its primary objective of ensuring effective corrective services for Queensland. It retains a business-like approach to corrective services which is useful for the efficient and effective delivery of any government service. It eliminates the inappropriate use of corporatisation given that the public provider does not generate its own revenue but receives funding from QCSC, which comes from Consolidated Revenue.

The establishment of QCORR as a commercial business unit operating custodial corrections will provide appropriate distance between the purchaser and the public provider. Public and private providers will be treated equally by the purchaser with no disadvantages in this arrangement for private providers.

The retention of QCORR's corporate identity—such as staff uniforms and signage—should minimise any costs associated with the proposed structural rearrangement.

The advantages of a commercial business unit when compared to a corporatised entity provide a powerful argument for the proposed restructure of corrective services in Queensland.

QCORR needs business expertise

It is acknowledged that the abolition of the QCORR Board with the decision to incorporate QCORR as a commercial business unit within the department may result in the loss of business expertise to the organisation. This loss of expertise could be compensated by the formation of an advisory board consisting of people with business acumen to assist QCORR in the pursuit of its commercial interests. Other internal commercial business units within government operate with an advisory board and advise that this arrangement

is beneficial to operations. The Director-General, in consultation with the head of QCORR, should assess the benefits of establishing an advisory board for QCORR.

RECOMMENDATION 16

That the QCORR Board be abolished and that custodial corrections become a commercial business unit within the department, retaining the name Queensland Corrections (QCORR) and its corporate identity.

Other issues

Market testing should be used selectively

Market testing is a strategy available to the Minister to ensure that Queensland continues to receive an efficient and effective corrective services system. It can be used to improve the cost effectiveness of the system by requiring the public provider to compete with the private providers. This form of competition allows the government to consider the proposed cost of services and what services are to be delivered by the provider. It is a strategy which, however, does not have to be used on all occasions.

There are a number of options available to the government. Firstly, the government may decide to market test only new centres or centres where the contract expires and performance fails to meet contract standards. This approach to market testing was supported by QCORR in its submission.

Secondly, the government may decide to segregate the market and encourage competition between the private providers. This arrangement could apply to both new and replacement centres. Victoria has adopted this model by declaring that private providers will secure up to 50% of the market.

Both approaches offer benefits to the government and could contribute to improving the cost effectiveness of corrective services. The approach to market testing is a decision for government.

Some of QCORR's staff claim that the threat of market testing has contributed to concerns surrounding security of employment—providing an unwanted distraction for staff. While such concerns are understandable, the threat of market testing also has the positive effect, from the government's perspective, of moderating industrial unrest in the public centres.

The use of market testing and its relationship with the National Competition Policy (NCP) was raised with Queensland Treasury. The review sought clarification of whether full market testing was mandatory under NCP and whether selective market testing would breach the policy. Queensland Treasury confirmed that full market testing was not mandatory and that selective market testing was consistent with the policy. (See Appendix 5)

The argument that market testing be restricted to new prisons would partly address the security of employment concerns raised by staff of the public provider. Such an arrangement, coupled with clearly stated performance standards—and the Minister having the discretion to market test where a provider is not performing to expectations—would be sufficiently robust to eliminate the risk of complacency on behalf of the providers.

RECOMMENDATION 17

That universal market testing be abandoned but that the right to market test any aspect of corrective services be retained at the Minister's discretion.

Tendering processes are fair—but they need to be more transparent

Criticisms of the tender process for the Woodford Correctional Centre in 1995 highlighted the need for transparency in the tendering process. This requirement could be achieved by establishing a temporary New Projects Unit to manage all aspects of the tender process for the establishment of new custodial centres. The process should be subject to review by a probity auditor consistent with the practice adopted in the tender for the Woodford Correctional Centre.

The unit should be staffed by officers from outside the public service and work to a steering committee that would advise the Minister. The steering committee should consist of the directors-general of the departments that have an interest in the tendering process from a whole of government perspective. One of the participants should be the Director-General of Public Works and Housing; however care should be exercised that no perception of a conflict of interest arises if the Department of Public Works and Housing is involved as a tenderer. Such an arrangement will ensure there could not even be a perception of a conflict of interest.

The formation of this unit raises the issue of the suitability of the purchaser undertaking the dual role of managing the tendering process and also monitoring the performance of the private providers. The notion of separating the role of the regulator from QCSC's role as service purchaser is further discussed in Chapter 3.

RECOMMENDATION 18

That when major tenders are called (eg for a new prison) a temporary New Projects Unit be established, staffed by a small number of contracted officers from outside the public service to manage the tender process, and to ensure transparency and public accountability.

RECOMMENDATION 19

That the New Projects Unit work to a steering committee charged with advising the Minister on the tender; and that the steering committee consist of the Minister for Police and Corrective Services (Chair), the Under Treasurer, the Director-General of Public Works, the Director-General of Justice and Attorney-General and the Director-General of the Department of the Premier and Cabinet.

Chapter 3: Accountability mechanisms

Introduction

Scope

This chapter deals with the sufficiency of accountability mechanisms—including the accountability of QCSC and QCORR to the Minister—and of the service providers to QCSC. Sufficiency covers the purpose, coverage, quality and effectiveness of each accountability mechanism.

Background

Accountability has two dimensions—internal and external. Internal accountability in this context relates to the performance of QCSC and QCORR to the responsible Minister and of the service providers to QCSC. External accountability relates to the performance of QCSC and QCORR to the general public and external agencies in terms of their external reporting obligations. There is an extensive range of mechanisms—standard public sector mechanisms and corrective services-specific—which cover both dimensions.

This chapter focuses on the effectiveness of accountability mechanisms which are specific to corrective services in Queensland.

There is considerable overlap between the accountability mechanisms for corrective services in Queensland, discussed in this chapter, and the oversight of privately managed corrections centres discussed in the next chapter. It is intended that Chapters 3 and 4 be considered together.

3

Discussion

The quantity and quality of mechanisms and satisfaction of staff and stakeholders were considered in determining whether the existing accountability mechanisms were sufficient.

Quantity of accountability mechanisms

Accountability to the Minister

The *Corrective Services Act 1988* does not state that QCSC or its Board is accountable to the Minister. The Act does not deal with the issue of accountability and the term “Minister” is used infrequently. While it is generally accepted that QCSC is accountable to the Minister, the legislation should make this clear.

QCORR is accountable to the Minister and to the Treasurer as joint shareholding ministers under the *Government Owned Corporations Act 1993* and the *Government Owned Corporations (Queensland Corrections Corporatisation) Regulation 1997*. The activities of QCORR are governed by a *Statement of Corporate Intent*, which requires the organisation to provide quarterly performance reports to each shareholding minister and an annual report to Parliament. QCORR has met these accountability requirements.

Accountability to the Minister will improve under a departmental structure

The move to a departmental structure will greatly improve accountability relationships to the Minister with the removal of the intervening QCSC Board and make clear the accountability of the Director-General to the Minister. The later recommendation in Chapter 8 to redraft the corrective services legislation to define clearly the roles, responsibilities, accountabilities and the powers of delegation—in relation to the Minister and Director-General—will improve accountability.

Two ranges of accountability mechanisms apply to corrections

The corrective services system is subject to accountability mechanisms which apply generally to public sector agencies or are specific to corrective services, such as inspectors and official visitors. The range of mechanisms includes:

Finding

The quantity of accountability mechanisms is sufficient; however changes to particular mechanisms and the amalgamation of others will improve the accountability of the corrective services system.

Table 1: Accountability mechanisms

Public Sector Mechanisms	
<i>Financial Administration and Audit Act*</i>	
<i>Freedom of Information Act*</i>	
<i>Corrective Services Act 1988</i>	
<i>Corrective Services (Administration) Act 1988</i>	
<i>Government Owned Corporations Act*</i>	
Public Accounts Committee*	
Estimates Committee*	
Public Works Committee*	
Treasury Capital Works Report*	
Parliamentary Commissioner for Administrative Investigations	
Judicial Review	
Queensland Audit Office*	
Criminal Justice Commission*	
Annual Report*	
Those mechanisms marked * do not apply in part or total to the private providers.	
Corrective Services Mechanisms	
Internal Mechanisms	External Mechanisms
QCSC Board	Prisoners' Legal Service
QCORR Board	Aboriginal legal services
Service contracts, specifications and rules	State Coroner
Audit and Evaluation Unit	Parliamentary reviews
Incident reports	
Proactive Support Group	
Proactive Intelligence Network	
Corrective Services Investigation Unit	
Official Visitors	
Inspectors	

Accountability mechanisms are sufficient, if not excessive

Table 1 lists 28 mechanisms, which suggests that the number of accountability mechanisms is sufficient, if not excessive. While some QCORR general managers expressed concern that judicial review was often used by prisoners to seek a further review of issues previously dealt with through other review mechanisms, these concerns did not justify any change.

The standard public service mechanisms listed above should continue to apply to corrective services to maintain appropriate public confidence in its operations. However, with the abolition of the Commission and Board a new department is proposed. This provides the opportunity to legislate accountabilities for the Director-General, streamline and strengthen accountability mechanisms and develop a clear policy framework.

Corrective services should also retain the following internal accountability mechanisms as the core of its accountability framework:

- service contracts;
- audit;
- incident reports;
- Proactive Intelligence Network;
- Corrective Services Investigation Unit;
- official visitors; and
- inspectors.

The external accountability mechanisms listed above should also continue. The recommendation in Chapter 4 to extend CJC coverage to private providers will further strengthen the external accountability of corrective services.

Quality of corrective services accountability mechanisms

Changes to particular accountability mechanisms will improve operational effectiveness and strengthen the accountability framework. There is a powerful body of opinion (Harding 1997; Moyle 1994) that a strong accountability regime is essential in corrective services and is even more essential when private providers deliver services on behalf of the government.

Accountability can be improved through service contracts

Improvements to service contracts and strengthening the audit function will improve the accountability of the service providers to the purchaser, and of the department to the Minister. The accountability of corrective services to the general public is best served by the continued involvement of stakeholder groups in the proposed new department and the annual report to Parliament. In addition, the annual report by the Ombudsman is an effective means of highlighting issues of concern and for providing information about corrective services to the public.

Information gathering needs to be improved

The collection and analysis of information gathered through research, information technology, contract management, performance measurement and audit is essential to the accountability of corrective services and should be enhanced.

The ability to collect and validate information about performance is central to accountability. Performance monitoring and accountability rely on gathering, analysing and reporting quality information. To do this effectively requires information systems. Similarly, clearly defined decision-making processes are needed so that action is taken on the basis of the available information.

The new department needs—as a matter of urgency—to clarify what information it needs to collect through performance monitoring and auditing, and to whom, and when, this information should be reported. How this information will contribute to accountability and improving performance must also be clear.

RECOMMENDATION 20

That urgent action be taken to define the essential information requirements needed by the department to hold accountable both the public and private providers of custodial and community corrections.

RECOMMENDATION 21

That the Director-General develop and implement procedures to ensure that information collected through performance monitoring and auditing is used to hold service providers accountable, and to assist them to improve their performance.

Research is needed to improve the system's performance

The lack of a dedicated research function in QCSC was highlighted in the consultation process and is a major concern. Effective research assists the continual improvement of policy, planning and service contracts; the development of appropriate performance measures; and enables the benchmarking of this data against reliable industry standards.

For example, QCSC was unable to anticipate the rapid increase in prisoner numbers in the early 1990s and is unlikely to be able to predict future demand for prison places. The difficulties of predicting future trends and demand in a volatile political environment are recognised. Nevertheless there is a very strong need for research and predictive modelling so that future needs can be determined—an issue which was raised by the PSMC (1993 p87).

The current status of QCSC's prison industries policy is another example of the need for effective research. QCSC released a draft policy early in 1998, inviting comments from all service providers. When approved, the new policy should reflect best practice—as identified by research into the operations of prison industries in other jurisdictions in Australia and overseas.

Research contributes to rehabilitation

While recognising the difficulties in judging the effectiveness of the outcomes of various offender programs, it is critical that the purchaser is aware of the outcomes sought and how the effectiveness of programs is to be measured. A research capacity is therefore needed to ensure that worthwhile programs—which contribute to the rehabilitation of both male and female offenders—are being delivered.

For example, Appendix 6 summarises Australian and international research about the link between unemployment and crime. Information such as this is vital when planning meaningful rehabilitation programs for prisoners. Without reliable research and information there is a risk that public money will be wasted through the implementation of programs which have little or no benefit to the prisoner or to the community. This is particularly relevant to female offenders.

Research is currently isolated and under-resourced

The current level of resources dedicated to research in QCSC is inadequate, given the complex nature of corrective services and the need for innovation to improve policy, planning and programs. Greater emphasis on research is needed to assist the new department to plan and improve its core business of managing and rehabilitating prisoners.

Given the wide range of information which is required to operate effectively it is proposed that the research function be provided with the capacity to access information from a variety of external sources, including the Government Statistician's Office and the Criminal Justice Information Integration System (CJIS). The opportunity to out-source the collection and analysis of the statistical data component of its research function should also be available if required.

QCSC does not work well with other stakeholder agencies

The requirement to work collaboratively with external agencies does not appear to be widely accepted within corrective services. QCSC "tolerates" stakeholder agencies, rather than valuing their assistance in the process of improving the accountability and performance of service providers. This attitude is evidenced by the fact that, until recently, there were no stakeholder meetings for almost two years.

The ability of stakeholder agencies to reflect on issues and the performance of service providers from different viewpoints is of great value to corrective services management. The new department needs to make better use of information from stakeholders to provide a wider and alternative perspective on the performance of service providers.

Chapter 1 also discusses the value of stakeholders' feedback.

RECOMMENDATION 22

That the research, planning, policy and programs functions of the department be resourced so that the following can be carried out effectively:

- **the analysis of emerging international and national trends and issues in corrective services.**
- **the prediction of forward needs of the system based on analyses of information collected from across the criminal justice system.**
- **the formulation of plans and policies for the system, based on well researched information and on information collected from collaborative work with staff and stakeholders.**
- **the development of offender program outcomes and specifications and the evaluation of program effectiveness.**

Standard information technology protocols need to be established across the system

An IT standard for equipment and software needs to be established to facilitate the development of a communications network between the department and all service providers.

The new department will need to develop a process to ensure that its technology standards are adopted by both public and private providers to achieve compatibility across the corrective services system. These standards should be included in the service contract to ensure compliance is enforced as part of the routine audits of the private providers.

Recommendation 23

That information technology architecture be established as a matter of priority for the department so that information technology standards are clear to all sectors of corrective services and so that these standards can be included in future contracts.

All service providers need an IT link with the department in order to function efficiently

QCSC is currently responsible for overseeing the performance of 21 contracts with QCORR—as well as contracts with each private provider—for the management of custodial and community correctional centres. Some units of community corrections are not connected to the computer network. Private providers do not have on-line access to the correctional information systems. Similarly, QCSC does not have on-line access to the computer systems of each private provider.

The lack of a computer network between the service purchaser and all service providers contributes to inefficiencies in the collection and dissemination of information. Establishing a computer environment in which the majority of information is transmitted electronically will assist decision-making processes greatly.

The purchaser should develop its computer network to facilitate the transfer and dissemination of information electronically between units within the organisation and between the purchaser and service providers.

RECOMMENDATION 24

That a process to transfer information electronically to improve productivity and the flow of critical information across the corrective services system be implemented.

Contract management resources are inadequate

Contract management is the primary mechanism for QCSC holding service providers accountable and there are 21 contracts with QCORR as well as individual contracts with each private provider.

There is, however, only one full-time officer dedicated to the administration of contracts, with limited assistance being provided by other officers as required. This function is obviously under resourced as an effective means of control and accountability.

Contract management is a specialist function that requires adequate resourcing and an appropriate location in the organisational structure. It is proposed that a new Contract Management Unit be established to manage existing contracts while improving future contracts. The unit should assume responsibility for negotiating contracts with both private and public providers.

RECOMMENDATION 25

That a Contract Management Unit be established and the unit's functions include:

- **collaborating with other sections of the department in the coordination and development of standards for inclusion in contracts;**
- **developing contracts;**
- **negotiating contracts, including re-negotiation, with service providers;**
- **assessing information about the contract performance of service providers; and**
- **recommending the application of incentives and sanctions, and whether contracts should be renewed or market testing should occur, to the Director General.**

The shift to output-based contracts offers significant advantages

QCSC is seeking to change the focus of the current contracts from input-based to output-based. The shift to a focus on outputs will provide the flexibility to enable service providers to develop better services. QCSC believes that this arrangement will encourage the identification and sharing of best practice in the delivery of services.

While the shift towards output-based contracts is supported, the purchaser must be positioned to ensure that providers perform as expected, by developing outputs, standards and measures as part of the contract development process.

This will require a significant change in contract design specifications and careful consideration of outputs, standards and measures. The QCSC Board Information Paper titled, Performance Management for Contracted Correctional Centres (dated 8 October 1998) provides a useful framework to develop this process further.

Incentives and penalties can help to drive contract performance

The inclusion of incentives and penalties in contracts was discussed with QCSC and QCORR staff and with the private providers. There was a general consensus that contracts should include both incentives and penalties. Their inclusion in contracts with both the private and public providers should involve a commitment to reward superior performance and enforce sanctions for inferior performance.

The Western Australian Government did this with the tender document for Wooroloo Prison South Project by nominating financial penalties for major incidents. The document also contained minimum standards for each required service—which the successful tender must achieve.

As it can be expected that service providers will strive for improved performance it will be necessary to set aside sufficient funding to reward superior performance.

RECOMMENDATION 26

That output-based contracts be introduced as a matter of urgency and that they include explicit outputs, standards and measures of performance so that the performance of the public and private providers can be monitored and evaluated.

RECOMMENDATION 27

That consultation with service providers be undertaken to negotiate the movement of all service providers to the new output-based contracts prior to the end of 1999.

RECOMMENDATION 28

That the new output-based contracts include clearly defined incentives for superior performance and clearly defined sanctions for inferior performance as well as procedures for applying these incentives and sanctions.

Performance measurement and analysis should guide operations

The use of information for planning and management is critical to any organisation. QCSC receives information from several internal and external sources.

Current sources include:

- Audit and Evaluation—collates information from reports prepared by inspectors and official visitors which forms the basis of standing reports to the QCSC Board;
- the Information Technology Branch—collects data on incidents in custodial centres; and
- related agencies—relevant information collected from within the industry and the judicial system.

Information needs to be analysed to be useful

While there is a range of data available—a critical issue is the ability of QCSC to collate and analyse this information to assess the performance of both the private and public providers, to evaluate trends, and to plan and use this information to improve performance across the system.

In its 1993 report, the Public Sector Management Commission (p112) also highlighted the importance of the need to manage information and recommended improvements to QCSC's Corrections Information System.

This requirement has not changed and there remains an urgent need for better quality information to allow the purchaser to:

- determine if performance meets contracts specifications,
- establish benchmarks and targets, for accountability, and
- assist providers to improve performance.

A Performance Measurement and Analysis Unit should be established

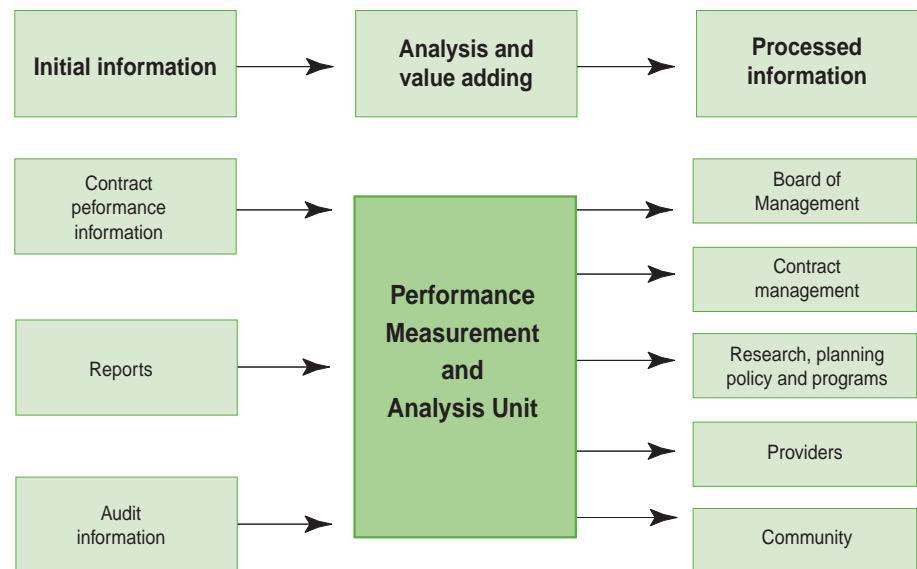
There is a strong need for the establishment of a separate unit with the responsibility to monitor and evaluate the performance of the service providers. This role is essential to the use of contract management as a mechanism to improve performance.

The Performance Measurement and Analysis Unit will have the task of adding value to information collected from a variety of sources and be accountable for the collection, analysis and reporting of all information collected within the system. This unit will deliver "refined" information which outlines trends, facilitates improved decision making, and reveals whether desired performance levels have been achieved.

Properly directed information flows will improve performance

Figure 2 represents the proposed flow of performance information to and from the Performance Measurement and Analysis Unit. It also illustrates the significant role of that unit in adding value to this information.

Figure 2: Use of information for planning and management



RECOMMENDATION 29

That a Performance Measurement and Analysis Unit be established to monitor and evaluate the performance of both the public and private service providers; and that the unit’s functions include:

- **coordinating the development of a framework which describes the information required to manage and oversee corrective services;**
- **collaborating with the Contract Management Unit to ensure this information is included in contracts or other mechanisms;**
- **collecting and analysing all performance information from the public and private providers; and**
- **providing reports on the performance of public and private providers to the Board of Management, Contract Management Unit, research, planning, programs and policy functions, service providers and the community.**

RECOMMENDATION 30

That performance information be gathered quickly and systematically by the Performance Measurement and Analysis Unit, with the use of information technology. This information will be analysed and reported regularly to senior management and service providers throughout the year, and to Parliament and the public in the annual report.

Separate organisations for purchasing and regulating do not offer any advantages

This issue was raised in consultations and is significant in the context of accountability in corrective services.

The argument for separating the regulator and purchaser roles into different organisations is based on the need for monitoring, evaluating and reporting on performance and the perception of a conflict of interest with the roles of either purchaser or provider.

The separation of the purchaser and regulator role in this way would be inappropriate for corrective services at this time as the creation of separate entities would inevitably lead to conflicts over boundaries and result in a loss of accountability and synergy. Similar issues were discussed in detail in relation to the separation of the purchaser/provider roles into two separate entities in Chapter 2. The critical issue is to define clearly the roles of purchaser and regulator. Separation into separate entities will not deliver any additional benefit.

Effective separation can be achieved within a departmental structure

The most practical way to achieve the desired result would be to readjust the accountability function within a departmental structure by creating separate units to deal with contract management and audit; and performance measurement and analysis.

It is proposed that the Performance Measurement and Analysis Unit would be an independent entity within the department—dealing solely with performance measurement, analysis and reporting—accountable to the Director-General. The outputs of the unit would be widely available across the corrective services system.

Auditing is not currently being effectively used to improve performance

Effective audit is necessary to monitor the performance of private providers and assure the Minister of the purchaser's accountability.

The Audit and Evaluation function is currently part of the Contracts and Audit Program, which also includes finance, contracts and administration, information technology, custody services and standards development. The program has also become a repository for those services and functions which do not conveniently align with other areas of the organisation.

Audit and Evaluation conducts a program of audits covering custodial and community correctional centres. These audits review operational procedures to ensure compliance with contract specifications—and report non-compliance. Unfortunately compliance auditing is limited by the quality of the contract specifications and does not encourage value-adding or best practice, if they do not exist in the contract.

Audit and Evaluation does have the authority to conduct broader “performance” type audits of the private and public providers, if prompted by compliance audits. The capacity to undertake this type of audit, however, is constrained by a lack of staff and staff with formal audit training.

The current requirement for Audit and Evaluation to perform other functions in addition to its primary purpose significantly reduces its capacity to conduct audits of community correctional centres and undertake comprehensive audits of custodial centres as deemed necessary.

Community audit and complaint mechanisms

In addition to these audit reports, individual reports from inspectors, official visitors and chaplains are received, summarised and presented to the QCSC Board.

Focusing audit to improve performance

It is clear that the audit function should be used to improve performances across corrective services. It is apparent that the audit function needs to be revitalised and afforded the status it deserves to reflect the significance of the audit role as a measure of accountability for service providers.

This measurement function should also be widened to include the collection and reporting of information which contributes to the organisation’s assurance of the quality of its services and programs.

Compliance audits should continue to be conducted to ensure compliance with the contract specifications and information from these audits should also be used to identify areas where further targeted and random audits are conducted.

An expanded role for audit

The scope of future audits undertaken by the new Audit Unit should cover financial, operational and security matters, to ensure comprehensive audit coverage of a centre’s operations. The results of physical security assessments will assist with planning for the conduct of future audits of centres and information from these audits should be reported to other relevant units within the new department.

Responsibility for physical security assessments should be transferred to the audit unit from the Proactive Support Group (PSG). The reason for this is discussed later in this chapter.

RECOMMENDATION 31

That the scope of audit coverage include financial, operational and security matters.

It is expected that a revitalised audit unit with a clear focus—in combination with new units such as the Performance Measurement and Analysis Unit and the Contract Management Unit—will greatly improve accountability.

RECOMMENDATION 32

That an independent Audit Unit reporting directly to the Director-General be strengthened and resourced with suitably skilled officers to oversee the operations of all units (public and private) and with a capacity to undertake unannounced random audits; and that the unit's functions include:

- **operational, financial and security audits of all private and public custodial and community correctional centres;**
- **random audits in relation to matters emerging from programmed audits;**
- **conduct of special investigations as ordered by the Director-General; and**
- **relaying information to the Director-General and the Performance Measurement and Analysis Unit.**

Other corrective services accountability mechanisms

Proactive Support Group (PSG)

The role of the Proactive Support Group and its effectiveness drew considerable comment during consultations. The cost of this group was \$2.1 million in 1997-98. Some staff claimed that the Proactive Support Group was unnecessary and was a “knee-jerk” reaction to the highly publicised break out at Sir David Longland Correctional Centre in 1997.

QCORR staff also expressed concern that the PSG was unable to provide a rapid response to all centres throughout the State. The location of PSG staff in Brisbane effectively means that the group is able to only service the south-east region. Staff also questioned the ability of PSG to service these centres in a timely manner—given the logistics involved—and suggested that it was highly probable that other support services would arrive at the centre before PSG.

Some general managers stated that in the event of a riot they would rely on their own backup support, rather than rely on the PSG. This comment was not a reflection on the ability of PSG staff, but recognition of the need for a quick response to regain control as soon as possible.

It is difficult to assess the effectiveness of PSG, in the role of a proactive support service, as it has not been required. The inability of PSG to provide a rapid response in the case of

a riot and the limitation of the group to respond to simultaneous calls for assistance are sufficient justification to abolish the group.

Security assessments were valued by centres

The security assessments conducted at several centres were regarded as a valued service.

Private providers did express concern that they were not advised of the framework used by PSG when conducting a security review, which would have enabled them to contribute to the exercise.

The conduct of physical security assessments was appreciated by both the public and private providers—warranting its retention. Responsibility for the conduct of physical security assessments should be transferred to the new Audit Unit.

RECOMMENDATION 33

That the Proactive Support Group be abolished and the savings be used to boost the quality of other accountability mechanisms, especially the Performance Measurement and Analysis Unit and the Audit Unit.

Official visitors are an integral part of the accountability framework

The concept of official visitors to encourage greater community involvement in the corrective services system was recommended by the first corrective services review in 1988. Official visitors are appointed by the QCSC Board, in accordance with the *Corrective Services Act 1988*. The introduction of official visitors has assisted in “opening up” the system and as an accountability mechanism to assist QCSC to improve its performance continually.

Official visitors’ reports are received by the Audit and Evaluation Unit and summaries of these reports are prepared and referred to the QCSC Board as a standing report. Some official visitors expressed concern that common issues were continually being reported—which raised questions about the resolve of QCSC to address these issues.

Official visitors are an integral part of the accountability framework and should continue. Reports should be forwarded directly to the Director-General and the office of the Director-General shall assume responsibility for following up the issues raised. This process will alert the Director-General to trends and recommended policy changes to deal with emerging issues.

RECOMMENDATION 34

That official visitors’ reports be forwarded directly to the Director-General.

Satisfaction of staff and stakeholders

Eliminating a perceived Ministerial conflict of interest

The fact that the Minister for Police and Corrective Services is also a shareholding minister in QCORR has attracted comment from staff and stakeholders. Some claimed that this arrangement confused the lines of accountability—because the Minister is both purchaser and provider of corrective services.

This arrangement does create a dilemma for the Minister, where QCORR approaches the Minister as joint shareholding minister, if the QCSC refers similar issues to the Minister as Minister for Police and Corrective Services.

The formation of a department, which includes QCORR as a commercial unit, resolves the concerns surrounding this issue. A departmental structure would clarify the lines of responsibility within the organisation and improve the accountability of the organisation to the Minister.

Two sets of accountability mechanisms are required

QCORR staff claimed that additional accountability mechanisms were placed on the public provider. For example, the preparation of ministerial briefings and the need to liaise with the Minister's office are additional requirements. However, these requirements are a normal part of the public sector environment rather than additional mechanisms.

Sharing commercial information

The issue of “commercial-in-confidence” was viewed by some external agencies as a barrier to their ability to obtain information from private providers. The service contract provides QCSC with a contractual right of access to information that does not extend to other agencies which are not party to the contract. This contractual protection of the commercial interests of the private providers is consistent with sound business practice.

Better accountability, not more

Enhancements to the audit role, better use of information, changes to reporting practices for official visitors and extending CJC coverage to include private providers (see Chapter 4) will strengthen the effectiveness of each mechanism and improve the accountability of the corrective services system.

New accountability framework

A proposed accountability framework for corrective services is provided in Table 2.

Table 2: Proposed accountability framework

- Legislative requirements—roles, responsibilities, accountabilities and powers of delegation of the Minister and the Director-General.
- The new department's policy framework—Regulations, mandatory policies and procedures, and General Managers' rules.
- Output-based contracts.
- Audit.
- Performance monitoring—measurement, analysis and reporting of service providers' outputs and trends.
- Reports—investigations, official visitors, incidents.
- External mechanisms—advocacy groups, Parliamentary Reviews, State Coroner.
- Public sector mechanisms—*Financial Administration and Audit Act*, *Freedom of Information Act*, Public Accounts Committee, Estimates Committee, Public Works Committee, Treasury Capital Works Committee, Parliamentary Commissioner for Administrative Investigations, Judicial Review, Queensland Audit Office, Criminal Justice Commission, and the annual report.

Chapter 4: Oversight of the private providers

Introduction

Scope

This chapter examines the effectiveness of the oversight of the privately managed prisons and community corrections centres.

Background

Twenty-six percent of the State's prisoners in secure custody are accommodated in privately managed prisons. There are four community corrections regions throughout the State and six community correctional centres—four of which are operated by private providers under contract to QCSC.

The central mechanism for the oversight function is the service contract. The ability of QCSC to effectively carry out its oversight role is dependent to a large extent on the terms and conditions set out in the contract with the private provider. Contracts provide the mechanism to assess performance and improve the accountability of the service provider to the purchaser.

The audit function is also an integral part of the oversight of privately managed centres. This function is responsible for the conduct of regular audits of both the private and public providers to assess their level of compliance with the contract specifications and to follow up on recommendations.

4

Finding

The oversight of privately managed community corrections centres is inadequate and current mechanisms to oversight privately managed prisons need to be strengthened.

Discussion

The review considered the appropriateness and quality of each mechanism and the satisfaction of staff and stakeholders in assessing the effectiveness of the oversight of private providers.

Appropriateness and quality

Private providers have been part of corrective services since 1990 when Corrections Corporations Australia was awarded the contract to manage the Borallon Correctional Centre. This contract was renegotiated in 1995 and extended for a further five years. In 1992 Australasian Corrections Management was awarded the contract to manage Arthur Gorrie Correctional Centre.

Chapter 3 discussed the essential role of the service contract in the oversight and accountability of service providers. It was recommended that a Contract Management Unit be established and that the purchaser continue to develop the quality of its service contracts. A shift to output-based contracts to replace the existing input-based contracts was also supported.

Current contracts do not reflect best practice

QCSC executive has acknowledged that its service contracts with private providers need to be improved to reflect best practice. As the current service contracts between QCSC and QCORR are based on the standard private provider contract, it follows that they should also reflect best practice.

In addition to improving the standard of its service contracts, there is also a need for the purchaser to define the essential information required to perform the oversight function. The ability of the purchaser to oversee the performance of private providers is governed by the contract provisions relating to its right of access to information. In a commercial sense, private providers are required to provide only the information stated in the contract.

Self-reporting will be improved by guidelines

QCSC relies on the private and public providers to report incidents that occur within their centres. While serious incidents resulting in death or injury are promptly reported, QCSC does not have the same level of assurance for the uniform reporting of minor incidents. The use of self-reporting is not challenged. The critical issue for the proposed new department will be the implementation of a process that ensures that providers relay all required information. Without such a process, QCSC is unable to state with certainty that all required information—including notification of incidents—has been reported.

In strengthening this process, the new department should review the reporting arrangements operating in other States and adopt measures which meet Queensland's requirements. It is essential that the same level of oversight is applied equally to each privately managed prison and community correctional centre. This approach will ensure that the proposed new department receives comparable information in order to draw valid

conclusions about the performance of centres both individually and collectively.

An essential task for senior management will be to determine what information needs to be reported to manage the corrective services system effectively. This determination is critical to the establishment of output-based contracts, the operation of the enhanced audit function, the design of systems and processes to collect information, and the operation of the new Board of Management.

The oversight of private community correctional centres is inadequate

The general level of internal audit coverage of community corrections centres has been less than adequate. Centres operating outside the south-east region received minimal audit coverage. The current audit plan focuses heavily on conducting compliance audits of custodial centres. The need to extend audit coverage to include comprehensive performance audits was discussed in Chapter 3.

The current practice of QCORR providing services and performing the oversight function on behalf of QCSC, under contract, raises the issue of whether it is appropriate for the purchaser to devolve the oversight responsibility to a competing service provider.

For example, the Australian Community Safety and Research Organisation Incorporated (ACRO) as a private provider of community corrections operates Halcyon House in Rockhampton. The running of the centre is overseen by QCORR's Central Community Corrections Region, in accordance with the terms of its contract with QCSC. In addition, the required daily security check to confirm prisoner numbers is conducted by a private security firm as part of the contractual arrangement.

The oversight of all centres must be consistent

The service purchaser must ensure consistency of oversight across all community correctional centres to assess the performance of each centre and the operational effectiveness of community correctional centres generally. The purchaser should oversee the operations of all privately operated community correctional centres as a matter of principle.

RECOMMENDATION 35

That the department oversee thoroughly the operations of privately operated community corrections centres, and that the same rigour be applied to the oversight of the publicly operated community corrections centres.

QCSC oversight of privately managed prisons should be improved

QCSC is not able to provide a comprehensive report on the service performance of privately managed prisons in Queensland. It is only able to report the results of regular compliance audits and the information stipulated in contract specifications. As the purchaser of correctives services from private providers, this situation is far from ideal.

The previous chapter introduced a suite of accountability reforms which will significantly strengthen the level and quality of the oversight mechanisms applying to both private and public service providers.

The reforms in Chapter 3 included enhancements in the following functions:

- the use of information through improved research and technology,
- contract management,
- performance measurement and analysis, and
- audit.

These measures will apply equally to the oversight of private service providers and address the “level playing field” perceptions often raised by staff from private and public providers.

Criminal Justice Commission (CJC) jurisdiction should be extended to private providers

The Criminal Justice Commission does not currently have the power to investigate allegations of official misconduct against staff employed by private providers.

The CJC has argued that it should have jurisdiction to investigate allegations involving official misconduct by private providers on the same basis afforded to the public provider.

The authority of the State to incarcerate and administer punishment to those convicted of a crime is delegated by the State to the private provider. This delegation of authority demands an effective accountability regime to ensure consistency across the system in the treatment of prisoners. It is also reasonable to expect private providers to be accountable for the performance of their centres and the proper conduct of their staff.

Contracts renegotiated with the private providers should include a standard clause that the CJC has jurisdiction to investigate allegations of official misconduct. The relevant legislation should be amended to reflect this change—thereby improving the adequacy and strength of the oversight of the privately managed centres.

RECOMMENDATION 36

That the Criminal Justice Commission’s jurisdiction be extended to include incidents that occur in privately operated correctional centres.

Self-reporting and good information analysis negate the need for on-site monitors

On-site monitors were introduced in privately managed prisons in 1991. They operated for approximately 18 months until the QCSC withdrew them in 1993.

When canvassed about their possible reintroduction private providers were indifferent to the suggestion. While some staff said that on-site monitors might assist their centre to

resolve issues as they arise, others expressed the concern that on-site monitors might discourage innovation and simply encourage compliance with the minimum standards.

In 1997, Harding (p33) discussed the risk of “capture” and the need for the regulator to manage this risk. Capture refers to the situation where the on-site monitor—by virtue of the fact that the person is physically located in a custodial centre—is at risk of being unduly influenced by centre management.

For example, the placement of QCSC staff in a privately managed correctional centre—in the role of on-site monitor—would place them at risk of being regarded as a resource of the centre and subject to the direction of the general manager. In some respects, the risk of capture could be managed through the careful selection of the people to perform this role and a policy of rotating monitors among centres.

On-site monitors are used widely in custodial centres overseas, with their numbers based on the prisoner population and size of the centre. While their potential value and contribution are acknowledged, the risk of capture and the difficulty of minimising this risk are considered too high to justify their reintroduction. Other recommendations in this chapter and in chapters 2 and 3 will sufficiently improve the overall adequacy and strength of the oversight of privately managed centres.

The formation of the Performance Measurement and Analysis Unit, the enhancement of the audit function and the development of output-based contracts will enable the organisation to better assess the performance of the private providers. In situations where performance falls below the predetermined standard, the Director-General should direct the Audit Unit to undertake a comprehensive performance audit which may involve the placement of an audit staff member at the centre for the duration of the special audit—which could extend to a lengthy period if necessary.

Satisfaction of staff and stakeholders

There were differing views expressed on the issue of whether the current level of oversight by QCSC was effective. Private providers of community correctional centres advised that although audit coverage had been minimal, the service was satisfactory. Other staff commented negatively on the fact that the oversight role was performed by the Central Community Corrections Region on behalf of QCSC.

QCSC executive stated that “commercial-in-confidence” did not present a problem for QCSC in obtaining information from the private providers. QCSC has not been denied or refused access to information with private providers demonstrating an ability to respond promptly to requests for information. Commercial-in-confidence is a constraint faced by those parties other than QCSC as party to the contract.

Other issues

Sentence management: a responsibility of the State

A number of staff and stakeholders commented about this function. The Office of Sentence Management was established in 1997, following the corporatisation of QCORR, to address the need to ensure consistency in sentence management and treatment of prisoners across all centres.

As prisoners may be transferred from or to privately managed centres during their sentence, the issue of private providers participating in sentence management decisions and the administration of punishment arises.

As a matter of principle it is strongly believed that the State should retain this responsibility, however there are practical implications associated with doing this.

It would place additional demands on the Office of Sentence Management which may delay decisions. QCORR staff advised that current limitations on the authority of general managers to make decisions about prisoners serving less than 12 months were causing “bottlenecks” and delayed prisoner movements through the system. While no tangible evidence was presented to substantiate this claim, QCSC is currently examining this issue as part of a review of the Office of Sentence Management.

The continued involvement of private providers in sentence management decisions is an issue which the internal review should consider before making a recommendation to the Director-General to ensure a balance between the “in principle” viewpoint and the operational inefficiencies of changing the current arrangement.

Chapter 5: Aboriginal and Torres Strait Islander issues

Introduction

Scope

The Minister asked the review to consider the effect of the operation of the Acts on people of Aboriginal or Torres Strait Islander descent.

Background

In addition to visits to correctional centres, discussions with relevant staff and community groups and the receipt of submissions, a workshop on this topic was conducted in Cairns. The workshop focused specifically on addressing the issues raised with the review and assisting in an exploration of viable options.

QCSC has made considerable progress in recent years in the management of indigenous prisoners with the implementation of various initiatives such as the Family Support Program, Elders Visits Program, and the alcohol abuse education program, Ending Offending. QCSC has been instrumental in encouraging other indigenous assistance groups into correctional centres, including mental health workers and sexual health workers as well as indigenous medical centre staff.

QCSC also introduced the Murrie Chaplaincy Program to all major centres.

During the first years of the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, QCSC implemented a strategy to recruit 10% of its staff from people of Aboriginal or Torres Strait Islander descent, but in recent years this level has not been maintained.

There have been many attempts, over a long period of time, to address indigenous correctional issues. This has occurred through other review processes, described by some stakeholder groups as chiefly “talk” sessions, which have mainly resulted in the provision of additional resources. Despite these efforts there is a lingering frustration remaining with the present results.

The need for an integrated whole of government approach—to address the conditions in which many Aboriginal people and Torres Strait Islander people live—has been acknowledged for some years, but little progress seems to have been made.

Chapter 6 also refers to Aboriginal and Torres Strait Islander correctional issues, particularly in relation to legislative matters.

Finding

The operation of the corrective services Acts and related legislation does not cater adequately for indigenous people.

Discussion

In making this finding, the review considered the cultural appropriateness of current services and programs and the satisfaction of staff and stakeholders.

Cultural appropriateness of current services and programs

There are fundamental differences in the values and principles in relation to crime and punishment on which traditional indigenous laws and the Queensland Criminal Code are based. Many argue that traditional laws should be re-empowered to better balance this tension and that law and order in designated communities should be provided in cooperation with established Community Justice Groups.

The current situation

Much of the discussion in the PSMC's review, in relation to cultural differences and indigenous prisoner issues, is still relevant today. The PSMC's 1993 (p148) finding that *Aborigines and Torres Strait Islanders were over-represented in the prison population* remains true today.

The current disproportionate representation of indigenous offenders in custody is a reflection of the wider problems of poverty and unemployment, combined with a breakdown in traditional family and community relations. The excessively high number of indigenous prisoners—a large proportion of whom are re-offenders—was referred to many times during consultation (currently 23% statewide, 51.5% at Lotus Glen Correctional Centre and 54% at Townsville Correctional Centre).

The complexity of the situation was illustrated by indigenous stakeholders and staff who stated that north Queensland's correctional centres have become part of the "rite of passage" to manhood for young indigenous offenders. Staff at Lotus Glen reported difficulty in discharging some prisoners who did not want to leave.

Tailoring programs for indigenous offenders

While the corrective services system provides programs for indigenous people in custody, their effectiveness has not been monitored and there is insufficient research and evidence on their value to prisoners.

For example, a sex offender treatment program and a family violence program are being developed for indigenous prisoners to be implemented in 1999. Given the high proportion of indigenous offenders, part of this development should be an evaluation of cultural appropriateness, relevance to the needs of particular groups of prisoners and, after implementation, their effectiveness in generating outcomes for indigenous prisoners. Programs for indigenous people under community corrections supervision do not exist currently and should be developed.

An additional consideration is the wide cultural, social and geographic diversity of indigenous prisoners—which is not reflected in corrections programs. Queensland's

corrective services legislation in relation to Aboriginal and Torres Strait Islander programs and services could reasonably be described as “culturally blind”.

There is a lack of appropriate placement options for some minor offenders who are accommodated in high security centres.

RECOMMENDATION 37

That focused evaluation be undertaken of the effectiveness of programs and services delivered to Aboriginal prisoners and Torres Strait Islander prisoners.

RECOMMENDATION 38

That urgent action be taken to ensure that culturally appropriate needs-based programs are available to Aboriginal offenders and Torres Strait Islander offenders regardless of where they are serving their sentence or order.

Indigenous representation in management structures should be increased

Present management structures do not adequately represent the diverse needs of indigenous offenders. Indigenous stakeholders claimed that the importance of indigenous families and communities, including elders, in resolving issues was not fully utilised. Indigenous people felt that they should be directly involved in resolving the many issues related to corrective services for indigenous offenders.

The potential contribution of Community Justice Groups is discussed in Chapter 6. These groups should be a wider government responsibility to ensure they remain empowered and have status within the judiciary and their own communities.

The issue of corrections for indigenous people is of sufficient significance to warrant the attention of a specialist unit—reporting to the Director-General—to ensure issues receive the required attention. Members of this unit should be centrally located in head office—except for those officers out-posted across the State—in order to better respond to the differing regional management issues. All staff should report to the general manager of this unit.

As there is a strong case for indigenous issues to be presented to the new Board of Management it is proposed that the head of the Aboriginal and Torres Strait Islander unit report to the Director-General, as the most appropriate accountable executive for indigenous issues in this decision-making forum.

RECOMMENDATION 39

That an Aboriginal and Torres Strait Islander Unit, reporting directly to the Director-General, be established to consolidate accountability for policy, staffing, training and development, service delivery and outcomes for Aboriginal and Torres Strait Islander people in corrections. The unit's functions shall include:

- **development and implementation of policy as it applies to Aboriginal people and Torres Strait Islander people in corrective services;**
- **establishment and achievement of staffing and training targets for Aboriginal employees and Torres Strait Islander employees;**
- **development and implementation, in collaboration with other accountable officers, of programs for Aboriginal offenders and Torres Strait Islander offenders;**
- **development of programs and support services to discourage Aboriginal people and Torres Strait Islander people from re-offending; and**
- **ongoing development and operation of those centres currently referred to as "outstations".**

RECOMMENDATION 40

That two additional officers be appointed to the Aboriginal and Torres Strait Islander Unit and that they be stationed in Cairns and Townsville.

Representation of indigenous people on State and Regional Community Corrections Boards should better reflect the proportion of indigenous people in custody. This would ensure that an indigenous perspective is presented and adequately represented in these significant decision-making groups.

RECOMMENDATION 41

That Aboriginal representation and Torres Strait Islander representation on State and Regional Community Corrections Boards be commensurate with the overall representation of indigenous people in custody. The Director-General shall be accountable for indigenous issues in the new Board of Management.

ATSI staffing targets need to be re-established

There is a need to reinstate high but realistic expectations in relation to the recruitment, selection, training, promotion and retention of Aboriginal staff and Torres Strait Islander staff throughout the system. This includes the appointment of more indigenous staff with specialist skills such as counselling and psychology.

RECOMMENDATION 42

That the department, in consultation with Aboriginal staff and Torres Strait Islander staff and stakeholders, establish a target of at least 10 percent for the recruitment and promotion of Aboriginal staff and Torres Strait Islander staff, and a target of 100 percent for the retention of Aboriginal staff and Torres Strait Islander staff.

RECOMMENDATION 43

That the department establish scholarships and a training and development program for Aboriginal staff and Torres Strait Islander staff.

“Outstations” are worthwhile but under-utilised

Staff and others representing the needs of indigenous prisoners stated that the lack of a range of front-end sentencing options such as “outstations” disadvantaged indigenous prisoners in their efforts to address their offending behaviour. The current prisoner classification system was also regarded as disadvantaging indigenous prisoners.

The quality of services and facilities available in some “outstations” is unacceptable and severely limits their use. In many instances this discourages applications for transfer from secure custody. As a government agency responsible for the provision of equitable services throughout the State, corrective services should ensure that the same standards for facilities apply in far north Queensland as they do in the south-east corner of the State.

The alternative of “outstations” as a front-end sentencing option is addressed in Chapter 6.

In the course of the review issues relating to the use, ownership and oversight of “outstations” were raised.

Recent analysis of occupancy showed that few centres were operating near capacity. Table 3 shows the capacity and occupancy at these facilities in early 1998.

Table 3: Occupancy of “outstations”

Centre	Capacity	Average occupancy for year to date	Annual budget
Wathaniin	14	8.4	\$220,000
Baa's Yard	20	10.5	\$370,000
KASH (Mt Isa)	12	6.3	\$240,000
Kitchener Bligh (Palm Island)	12	2.2	\$240,000

Source: QCSC Board Paper 13 February 1998.

“Outstations” should be subject to regular accountability mechanisms and be conducted as a cooperative partnership between the department and local communities. Prior to the establishment of any new “outstations” the department should seek an indication of the local community’s support.

Owing to a variety of negative connotations, the name “outstations” was considered inappropriate to a number of indigenous advocacy groups. It is proposed that these facilities be renamed Community Corrections Centres as this better indicates their role in the corrections system.

RECOMMENDATION 44

That “outstations” be renamed “community corrections centres”.

RECOMMENDATION 45

That the concept of “outstations” be retained and they be resourced so that the standard of facility, range of accountability processes applied to them, and support for their management are equitable in relation to other corrections facilities across Queensland.

RECOMMENDATION 46

That the establishment of additional “outstations” be considered—where supported by local Aboriginal communities and Torres Strait Islander communities—if they can be used effectively as a front-end sentencing option.

Satisfaction of staff and stakeholders

Many Aboriginal stakeholders and Torres Strait Islander stakeholders claimed that government services were not well integrated. For example, links can be drawn between increased levels of criminal activity and lower levels of education and training, employment opportunities, health standards as well as a wide range of family and community factors. The integration of government services in Aboriginal and Islander communities is not perceived to be coordinated in a way that maximises the prevention of crime or assists in reducing re-offending.

Improved coordination between relevant government agencies is proposed as a response to some of the points outlined in this chapter. This response is addressed more fully in Chapter 6.

Aboriginal and Torres Strait Islander Deaths in Custody

Need for continuing efforts to eliminate deaths in custody

The following table shows that indigenous deaths continue to occur in Queensland correctional centres despite the recommendations of the Royal Commission into Aboriginal Deaths in Custody — RCIADIC (1991). The following statistics include all deaths—not only those caused by suicide.

Table 4: Indigenous deaths in Queensland custodial centres

Year	Indigenous Deaths in Queensland Custodial Centres	Suicide	Murder	Natural causes
1988-89	1	1		
1989-90	3	2	1	
1990-91	1	1		
1991-92	1	1		
1992-93	2	2		
1993-94	3	1		2
1994-95	2	2		0
1995-96	3	3		0
1996-97	4	2		2
1997-98	1	1		0
1998-99	2	1		1
Total since 1988	23	17	1	5
Total since RCIADIC	17	12	0	5

Source: QCSC Audit & Evaluation Unit 1999.

Whilst it is difficult to draw conclusions about what specific factors contributed to these deaths, it is clear that the correctional system must maintain a vigilant and targeted approach to the elimination of deaths in custody.

QCSC advises that all recommendations from the Royal Commission into Aboriginal Deaths in Custody have been implemented where they apply to corrective services. The recommendations of this report will further the Commission's efforts and promote the recommendations of the RCIADIC so that correctional services policies and management practices remain cognisant of the needs of indigenous prisoners.

Specifically this report recommends that:

- indigenous prisoners have a greater opportunity to transfer to a community corrections centre, particularly in north Queensland regions;
- that indigenous correctional staff representation be increased and that scholarships and training programs be established to increase the number of staff with professional qualifications, particularly in the fields of psychology and counselling; and

- that programs and services for indigenous prisoners be evaluated to determine their cultural suitability and that action be taken to improve their effectiveness.

In addition it is recommended that the department's Aboriginal and Torres Strait Islander Unit, with staff to be located in the north of Queensland, have a greater emphasis on the development of programs and policies for indigenous offenders in community corrections centres.

Chapter 6: Interface issues

Introduction

Scope

The purpose of this chapter is to describe where the corrective services Acts interface with other Acts in the criminal justice system and to suggest ways of dealing with the operational issues which emerge as a result of this interaction.

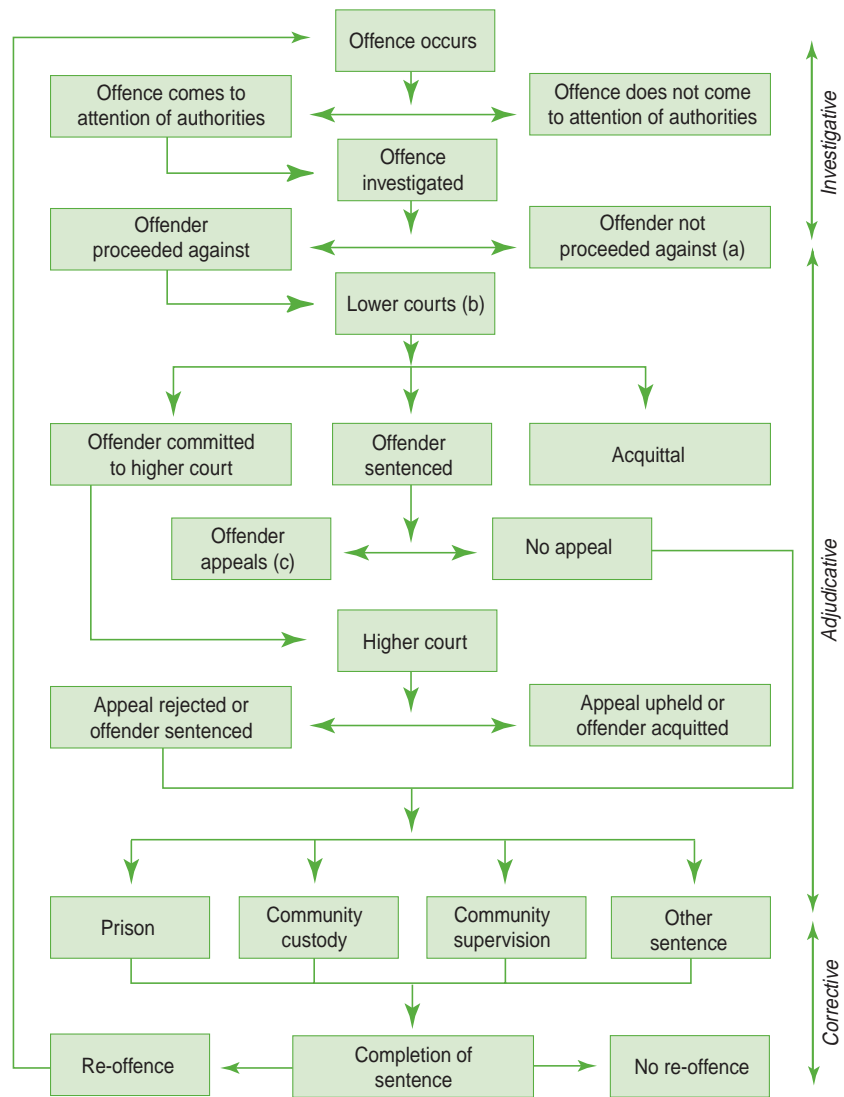
Background

Legislation dealing with issues relevant to the criminal justice system—which are the responsibility of other ministers—has an impact on corrective services. Given the complexity of the legislation and the interrelationships between the parts of the criminal justice system, it is not surprising that tensions arise from time to time as a result of competing agency interests.

6

The following diagram shows the intersections across government departments within the criminal justice system.

Figure 3: Government intersections in the Criminal Justice System



(a) No offender found, police caution offender or decide not to prosecute
 (b) Lower courts include Local Courts, Petty Courts, Magistrates' Courts, Children's Courts
 (c) Higher courts include District Courts, County Courts, Supreme Courts, Appeals Court and the High Court

Source: Report on Government Services, Vol. 1, Steering Committee for the Review of Commonwealth/State Service Provision, Industry Commission 1998.

It should be noted that the option of sentencing to community custody is available in some Australian States but not Queensland.

Discussion

Front-end sentencing options need to be examined

Various submissions have proposed an increase in the sentencing options available to the judiciary. For example, it was suggested to the review that consideration be given to broadening the range of sentencing options available to the judiciary in dealing with minor offenders, and in particular Aboriginal people and Torres Strait Islander people. It was claimed that for many indigenous offenders—particularly in north Queensland—a prison sentence carried no shame, had little or no deterrent effect and contributed little, if anything, to an offender’s rehabilitation.

Similarly many fine defaulters—not originally given a custodial sentence—are imprisoned when warrants are executed and may emerge from prison more likely to re-offend than before they entered the corrections system.

There is a strong case for introducing alternative sentencing options

When summarised the case for introducing additional non-custodial sentencing options is strong.

- The cost of custodial sentencing is very high when compared with community corrections alternatives. (See Appendix 3)
- Increased prisoner numbers have resulted in prison overcrowding.
- Custodial sentences for minor offences may encourage re-offending.
- Additional prisoners in the system reduce the effectiveness of offender management.

Judges and magistrates do not currently have the option to sentence people directly—to “outstations” or community corrections centres for example—by either home detention or release to work orders. It is only when prisoners are sentenced to a custodial centre and near eligibility for release are they considered for one of these orders.

Similarly, transfer to either a community corrections centre or an “outstation” is not within the scope of the judiciary—as placement options are limited to corrective service administrators.

If the option to sentence some offenders to either home detention or to an “outstation” was available, this could result in offenders being effectively removed from the community without placing additional pressures on an already overcrowded prison system.

Although “outstations” are currently under-utilised they are still cost effective when compared to secure custody.

An investigation into the viability of alternative sentencing options is proposed in Chapter 5.

Finding

A number of matters outside the direct responsibility of the Minister for Police and Corrective Services impact negatively on the operation of corrective services, and interdepartmental cooperation is required to address these matters.

RECOMMENDATION 47

That the Minister for Police and Corrective Services ask the Minister for Justice and Attorney-General to consider amending the *Penalties and Sentences Act 1992* to extend the range of sentencing options available to the judiciary—especially the option of sentencing offenders directly to “outstations” and home detention.

All criminal histories should be accessible to corrective services officers

Criminal history records are required by corrective services officers as part of the initial reception and on-going sentence planning functions. Decisions must be made about the prisoner’s time while in custody and the criminal history record is a valuable source of information to assist staff in various assessment procedures. Assessment occurs in relation to security classification, program requirements, and in relation to the prisoner’s suitability for release.

Queensland criminal history data is generally available to corrective services staff but there are limitations surrounding access to interstate criminal histories. The absence of a reliable process for corrective services officers to be granted access to interstate criminal histories results in difficulties, and often delays decisions concerning the management and release of prisoners.

Community corrections staff need to know of domestic violence orders before making decisions about home detention

As well as criminal history information, community corrections staff said they needed access to information relating to domestic violence orders. If an assessment was being made by a Community Corrections Board considering granting home detention, it would be expected that this information would be provided through the corrections system.

This would be particularly appropriate if a prisoner with a history of violent domestic behaviour requested home detention.

The Department of Justice and Attorney-General is presently coordinating a project to increase information sharing amongst agencies involved in the criminal justice system. The Criminal Justice Information Integration Strategy (CJIS) project should alleviate some of the information sharing difficulties identified and deserves the support of all agencies.

Demarcation problems in the watch-house

Some demarcation problems exist concerning responsibility for prisoners awaiting transfer to correctional centres.

When prisoners are yet to appear before a Court they are “police prisoners”. Once they have been dealt with by a Court and are awaiting transfer to a correctional centre, police regard these prisoners as “corrective services prisoners”.

Under the *Corrective Services Act 1988* prisoners are not “corrective services prisoners” until they are received into custody at a correctional centre.

As a result of this demarcation problem the issue of prisoners in watch-houses awaiting transfer to a correctional centre has caused friction between the QCSC and Queensland Police Service—despite relevant legal and policy considerations being addressed in detail in the Review of the Queensland Police Service (1996).

There have been instances of prisoners being detained in watch-houses for up to 30 days while they awaited transfer. As a result, the Minister for Police and Corrective Services in the previous government issued a direction that prisoners should be held for no more than seven days in a watch-house. Following this direction watch-house stays were reduced, but ongoing problems continue to occur.

Release from watch-houses

Another issue causing delays and unnecessary costs is the requirement for people who have been detained in a watch-house to be transported to a correctional centre in order to be granted seven days remission—or early release under section 81 of the *Corrective Services Act 1988* on their sentence.

This practice has proved to be particularly cumbersome in some instances, for example, when a female prisoner held in the Cairns watch-house had to be transported to the Townsville Correctional Centre to be processed and released. In circumstances such as immediate turnaround it would be sensible for prisoners to be released directly from watch-houses.

Security cannot always be provided by a “proper officer” of the Court

An issue raised by the Department of Justice and Attorney-General relates to the delegation authorising the “proper officer” of a Court to be responsible for the security of prisoners in the Court. While these officers may not have sufficient training or equipment to manage prisoners effectively in the Court, they may still be held responsible and liable if an incident were to occur.

Treatment of prisoners with a mental illness

The national trend towards the de-institutionalisation of people with a mental illness commenced in the early 1980s when many hospitals and institutions were closed. These initiatives meant that alternative placements for residents or patients diagnosed with a mental illness were required. Simultaneously, corrective service agencies reported increasing numbers of these people coming into contact with the criminal justice system.

In Queensland, people coming into custody who are identified as having a mental illness are transferred to a secure mental health hospital for assessment, and when stable are returned to the referring correctional centre. As there are no secure mental health hospitals in north Queensland, prisoners held in correctional centres in Rockhampton,

Townsville and Cairns are transferred to south-east Queensland for treatment. This particularly disadvantages indigenous prisoners.

Lack of treatment options for personality disorders

According to the QCSC Health and Medical Consultant, up to one-third of all prisoners may suffer some mental illness or personality disorder. However the *Mental Health Act 1962* does not include persons with a personality disorder in its definition of mental illness. Therefore individuals with a personality disorder cannot be admitted to psychiatric institutions for long-term treatment.

Accurate diagnoses are often prevented due to a significant proportion of prisoners having a history of substance and/or psychotropic drug abuse. Some assistance from the Department of Health in the assessment and treatment of prisoners with a personality disorder would be advantageous.

Equity requires the extension of CJC jurisdiction to include the employees of private providers

The CJC has jurisdiction to investigate allegations of official misconduct by public sector employees. This means employees working in the publicly operated correctional centres are subject to CJC oversight. This jurisdiction does not currently apply to employees in privately operated prisons or privately managed community corrections centres in Queensland.

As prisoners move between public and private prisons and community corrections centres, the inequity is obvious and could be interpreted as the State abrogating its responsibility to prisoners.

A recommendation to place private providers within the CJC's jurisdiction is made in Chapter 4.

The corrective services system does not cater adequately for offenders with intellectual disabilities

The percentage of prisoners in Queensland with an intellectual disability is unknown, however interstate research by Hayes (1988), indicated that up to 12% of people in custody have an intellectual disability.

In Queensland, the Department of Families, Youth and Community Care has responsibility for services in relation to people with an intellectual disability who are in receipt of a pension.

There are few appropriate services available to these individuals during their incarceration. Programs are not tailored specifically to meet their conceptual or learning needs; accommodation areas do not segregate these prisoners; nor do corrections staff have regular training to identify, assess or manage intellectually disabled prisoners. In many instances, the disability is masked, as it may not be perceived to be in the interests

of the prisoner to be identified as intellectually disabled. In addition an intellectual disability may be accompanied by a mental disorder or illness.

When people with an intellectual disability are released from prison there are difficulties associated with decisions about which agency should provide services as they integrate back into the community. People with an intellectual disability who are supervised on community orders also face a lack of appropriate services, such as accommodation and counselling services.

Corrections staff said they did not have specialist staff to properly meet the needs of people with an intellectual disability. Families, Youth and Community Care department representatives have indicated they were not always in a position to provide these services as the offenders were within the corrective services system. A coordinated effort across both agencies is required to resolve these matters.

Community Justice Groups have been effective in indigenous communities

Community Justice Groups have a key role to play in encouraging Aboriginal people and Torres Strait Islander people to live within the law. Groups operate in the Aboriginal communities of Kowanyama, Palm Island and Pormpuraaw promoting Aboriginal law. The fourth Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner (1996) stated that their intention was to: *enforce correct behaviour in the community, to sort out disputes, to support families in crisis and to punish community offending*. Their functions now include: ensuring compliance with bail and Court; developing programs for community-based orders; and ensuring compliance with parole conditions.

The Palm Island Community Justice Group has reported considerable success with 60% of youth offenders counselled by the Community Justice Groups not re-offending.

Given their reported success, the expansion of Community Justice Groups has the potential to reduce criminal activity by indigenous people in north Queensland (see Chapter 5).

In order for Community Justice Groups to achieve their full potential there must be close cooperation between relevant agencies—the judiciary, corrective services and the Department of Aboriginal and Torres Strait Islander Policy and Development, which is responsible for Community Justice Groups.

Legislation should be aligned with portfolio responsibilities

The *Penalties and Sentences Act 1992* is in the portfolio of the Minister for Justice and Attorney-General. It provides a range of sentencing options currently available to the judiciary, and thereafter administered by corrective services.

Community corrections supervises all community-based orders imposed by the Courts and, as a result, has developed policies and procedures based on the *Penalties and Sentences Act 1992* to guide staff in their implementation of these options.

Corrections staff raised a number of issues with respect to responsibility for this Act and many staff believed that the sections applying to the administration of community corrections orders should be the responsibility of the Minister for Police and Corrective Services.

While there are complexities associated with the transfer of legislative responsibility, there are obvious benefits to sections of the Act being moved to the jurisdiction of the portfolio administering them—such as smoother processing of future legislative changes.

Inter-departmental activities need to be coordinated

It has been suggested that when an offender is ordered to undertake a period of supervision or complete community service, the order should be signed by an offender before they leave a Court's precinct. This would prevent the offender reporting to community corrections area offices without the appropriate documentation verifying the conditions imposed by the Court. At present orders may not reach the relevant community corrections office before the offender is required to report.

This issue—and similar operational problems—could be more easily resolved if relevant parts of the *Penalties and Sentences Act 1992* were included in the new corrective services legislation to be administered by the Minister for Police and Corrective Services.

RECOMMENDATION 48

That the Queensland Government establish a committee at ministerial level to coordinate the interface of the operations of the criminal justice agencies and to recommend legislative amendments where necessary, and to clarify roles and responsibilities.

Chapter 7: Community corrections

Introduction

Scope

The Minister requested the review to consider the effectiveness of community corrections, and how service delivery could be enhanced to meet the expectations of the community and the judiciary.

Background

It is useful to discuss briefly the role and functions of community corrections.

According to Musumeci (1998), the role of community corrections in the criminal justice system is to “contribute to public safety by providing the highest standards in the assessment and supervision of offenders in the community.” The motto for this function within corrective services is “Professionals putting public safety first.”

Community corrections is responsible for a number of specific functions including:

- *providing assessment reports to the Community Corrections Boards considering applications for the release of prisoners;*
- *preparing reports to the judiciary on people appearing before the Courts;*
- *supervising offenders subject to probation orders, intensive corrections orders, community service orders, fine option orders, home detention orders, leave of absence and parole orders; and*
- *supervising and managing people accommodated in Community Corrections Centres and at Work Out Reach Camps (WORC).*

Individuals under community corrections supervision are selected on the basis of their criminal history and propensity to act illegally. These individuals are ordered by Courts and Community Corrections Boards to undertake a period of supervision by community corrections officers, and are subject to various levels of surveillance or oversight.

The purpose of releasing an individual directly from Court to a period of community supervision is to provide a chance to correct their offending behaviour. When prisoners are released from a correctional centre to parole supervision, they have been assessed as deserving of an opportunity to prove that they can stay within the law and not re-offend.

This post-prison supervision may occur while offenders are accommodated in their own home or in facilities such as community corrections centres, “outstations” or in WORC camps.

While under community supervision, staff assess an individual's risks and needs in order to assist in the development of a strategy which will enable the successful completion of the order and compliance with the specific conditions imposed. A key condition of all orders is that no offence shall be committed while the order is in place.

Staff are therefore focused on preventing any further criminal behaviour through rehabilitation and supervision.

Officers are legally obliged to take action to return the offender to Court or to the releasing authority if criminal activity occurs. The Court will make a decision on the individual's future management and the continuation of the order. In many cases the order is allowed to continue, perhaps with additional conditions. The purpose of this is to ensure that risk to the community is minimised and that the individual's behaviour is dealt with according to law.



Finding

The current organisational structural arrangements inhibit community corrections from maximising its contribution to the delivery of effective corrective services.

Discussion

In assessing the effectiveness of community corrections the satisfaction of staff, stakeholders and the judiciary, and the effectiveness of the services, including cost effectiveness were considered.

A fundamental issue—articulated consistently by community corrections officers throughout the State—was the role of community corrections in crime prevention.

A major role in crime prevention through rehabilitation and supervision

While the role of community corrections is implicit in community corrections' motto, crime prevention should be the principal purpose of community conditions. In the context of corrective services crime prevention refers to the role of community corrections officers as supervisors of offenders in the community for the principal purpose of ensuring that these individuals do not commit further offences. Queensland has consistently supervised the highest number of individuals of any Australian State on community corrections orders.

This focus on crime prevention is the key to reducing the number of people coming into contact with corrective services and, in particular, reducing the number of people in custodial centres by using vigilant supervision—rather than imprisonment—to ensure that known offenders do not commit any further crimes. This approach has the potential to set a new direction for community corrections in Australia.

Community corrections has a vital role to play in crime prevention and has the added benefit of keeping people out of prison. As stated in a submission *Corrections should not be a euphemism for prisons*. Its value has been recognised within the corrections system and additional resources are required to maintain satisfactory levels of supervision.

RECOMMENDATION 49

That the role of community corrections be included in the new Corrective Services Act and that the major focus of this role be crime prevention through rehabilitation and supervision.

Satisfaction of staff, stakeholders and the judiciary**Community corrections should be an opportunity to rehabilitate**

Staff from community corrections frequently expressed dissatisfaction with many issues associated with the way community corrections was managed by QCORR—including its location within the system and inadequate resourcing for basic items such as computers.

A wide range of internal management and operational issues, which are affecting the morale of community corrections staff, were put forward indicating that the amalgamation of community and custodial corrections—and more recently corporatisation—was having a negative impact on performance.

The majority of staff did not support the corporatisation of corrective services because they believed that the supervision and management of offenders in the community should not be based on profit margins or viewed as a business opportunity.

The following quotes from staff indicate serious problems resulting from the corporatisation of community corrections:

The move to a market enterprise focus for QCORR has been made necessary by the corporatisation process, however it comes at the cost of a reduction in focus on offender rehabilitation. Community corrections will become a business where decisions are made not in the interests of the offenders, or the community, but in the interest of the bottom line.

Community corrections and its core programs—Probation, Parole, Community Service, Home Detention and Leave of Absence—are currently being managed by the Director of Finance.

The professionalism of community corrections officers

Staff across Queensland said that since community corrections functions became organisationally amalgamated with custodial corrections in 1988, the emphasis on funding, policy and program development had centred on the more contentious and sensitive area of custodial centres.

In one submission, staff referred to the misconceived management vision of a generic Corrections Officer in relation to the QCSC decision to link salary progression in community corrections to the completion of a Diploma in Corrections designed primarily for custodial officers. Community corrections staff viewed this as “de-professionalising” community corrections officers because the majority of these officers already had degrees.

The relevant employee award specifies that progression to pay points above CO1-7 is dependent upon completion of the diploma. As enterprise bargaining agreements are negotiated jointly with community and custodial officers, the former regarded themselves as disadvantaged in terms of wage structures. The idea of a generic officer who moves across community and custodial corrections is not supported within community corrections. The following quote from a submission summarises this sentiment.

Where the objective was for community corrections professionalism to influence the prison culture with a view to improving the latter, the reverse has resulted. Custodial influences and culture have infiltrated community corrections over the last 10 years to our detriment.

Differentiating between community corrections and custodial corrections officers

The concept of a generic officer is flawed given the substantial difference between the role and functions of officers in community corrections and custodial corrections. The Diploma in Corrections has until recently been focused on custodial corrections. The requirement to undertake this diploma as a condition of progression to a higher salary point is also a point of contention for community correctional officers.

To recognise the expertise of community corrections all suitably qualified community corrections staff currently on the Corrections Officer salary scale should be transferred to the Professional Officers salary scale. There are several benefits that would flow to staff such as the ability to transfer to positions across government agencies and opportunities to participate in sector-wide training. Most significantly this action will acknowledge the professional status of community corrections officers.

RECOMMENDATION 50

That recognition be given to the importance of community corrections in corrective services by placing suitably qualified community corrections officers, community corrections coordinators/supervisors and area managers in the professional stream of the public service.

Organisational placement of community corrections

Many submissions from community corrections staff proposed that community corrections be removed from the corrective services portfolio and placed under the jurisdiction of the Department of Justice and Attorney-General. The reasoning behind this suggestion was that the majority of offenders subject to community supervision came through the Courts on either probation, intensive corrections, community service or fine option orders.

Table 5 provides a breakdown of the various orders, including post-prison orders of parole, prison-probation and home detention for 1996-97 and 1997-98.

Table 5: Categories for all community-based orders completed during the financial years 1996-97, 1997-98*

Order	Year	Total
Home Detention	1996-97	538
	1997-98	422
Parole	1996-97	1,018
	1997-98	1,126
Fine Option	1996-97	25,530
	1997-98	30,510
Community Service	1996-97	2,807
	1997-98	3,065
Probation	1996-97	3,593
	1997-98	4,129
Prison — Probation	1996-97	166
	1997-98	171
Intensive Correction	1996-97	124
	1997-98	156
Totals	1996-97	33,776
	1997-98	39,579

*Source: Queensland Corrections: Response to Additional Terms of Reference 1998

It is clear from this table that a very small percentage of all orders supervised by community corrections staff originate from the Community Corrections Boards. In fact during 1996-97, only 1,722 orders, or 5% of the 33,776 orders supervised by community corrections that year, were post-prison orders.

This trend continued in 1997-98 when only 4.3% of orders supervised by community corrections originated from releasing authorities. The bulk of orders supervised by community corrections were Court ordered.

This summarises the main case for the transfer of community corrections to the Department of Justice and Attorney-General as this department has administrative responsibility for the *Penalties and Sentences Act 1992*, which governs Court ordered supervision options.

The relationship between community corrections and custodial corrections

However when an analysis was conducted of the number of prisoners released from custody who go on to be supervised in the community, a different relationship between community corrections and custodial corrections emerged.

It was estimated by QCSC that for the period 1996-97 approximately 30% of all prisoners were released on a community order such as home detention or parole.

This suggests that custodial corrections is far more reliant upon community corrections than the reverse, and supports the argument for the continuation of the organisational model where the two arms of corrective services are linked.

In considering the two options—that is to separate community and custodial corrections or keep them together—an administrative separation within a single department potentially enhances community corrections effectiveness with little or no impact on custodial corrections.

Community corrections should stay with the corrective services portfolio

It is acknowledged that community corrections is overshadowed by custodial issues. It is also recognised that the services provided to the judiciary and to releasing authorities must have a consistent operational and philosophical basis so that continuity of service is provided to all offenders. A transfer of responsibilities to the Department of Justice and Attorney-General would not ensure such consistency nor alleviate the issues and concerns expressed by community corrections staff.

The retention of community corrections within the department as a key operational unit will also have the benefit of ensuring that departmental leaders do not become solely focused on custodial issues.

A more balanced relationship between community corrections and custodial corrections will benefit the whole organisation

A greater representation of staff with community corrections expertise at senior management levels should provide a broader perspective of corrective service issues and encourage the development of policy initiatives and programs specifically for community corrections. This will be augmented by having the senior executive of community corrections as a member of the Board of Management and a community corrections nominee on the Ministerial Corrective Services Advisory Council.

RECOMMENDATION 51

That community corrections remain part of corrective services but separate from QCORR, which will continue to operate custodial corrections. The senior executive of community corrections shall also be a member of the Board of Management.

Community corrections must focus on achieving agreed outcomes and its performance should be monitored by the Performance Measurement and Analysis Unit. An evaluation should be undertaken to assess the effectiveness of the administrative separation from custodial corrections two years after implementation.

RECOMMENDATION 52

That a review of the administrative separation of community corrections from custodial corrections be undertaken two years after implementation.

The judiciary was satisfied with the performance of community corrections but wanted better feedback

During consultations with the judiciary, there were concerns over the lack of resources devoted to the supervision and management of offenders in the community. Judges also expressed a concern that there was little feedback provided to them with regard to recidivism rates, program completion and rehabilitation progress. Some members of the judiciary said that they usually only heard about offenders if they were returned to Court for breaching conditions.

Generally however, the judiciary was satisfied with the performance of community corrections and those interviewed indicated their support for continuing Court advisory services and the existing range of community-based orders.

Effectiveness of services

Completion of orders

The Industry Commission reported a variety of data on the effectiveness of community custody and community supervision. This included information on the successful completion of supervision orders, which was then compared with data provided by other Australian jurisdictions.

While these comparisons are useful they do not reflect the fact that successful completion rates are a result of many variables, not just the effectiveness of community corrections supervision practices or offender management.

Even though the successful completion of orders is the goal of community corrections, at times breach action is the only supervisory option available to officers. Some offenders will re-offend, or abscond, or fail to attend to the conditions on their orders.

Table 6 identifies the number of orders successfully completed, as opposed to terminated throughout Queensland for years 1996-97 and 1997-98.

Table 6: Successful completion and termination of community corrections orders in Queensland, 1996-97 and 1997-98*

Order	Year	Successful Completion		Order Terminated	Total
		No.	%		
Home Detention	1996-97	465	86.4	73	538
	1997-98	375	88.9	47	422
Parole	1996-97	726	71.3	292	1,018
	1997-98	811	72.0	315	1,126
Fine Option	1996-97	16,744	65.6	8,786	25,530
	1997-98	20,854	68.4	9,656	30,510
Community Service	1996-97	1,832	65.3	975	2,807
	1997-98	1,982	64.7	1,083	3,065
Probation	1996-97	2,340	65.1	1,253	3,593
	1997-98	2,636	63.8	1,493	4,129
Prison-Probation	1996-97	90	54.2	76	166
	1997-98	71	41.5	100	171
Intensive Correction	1996-97	66	53.2	58	124
	1997-98	85	54.5	71	156
Totals	1996-97	22,263	65.9	11,513	33,776
	1997-98	26,814	67.7	12,765	39,579

*Source: Queensland Corrections: Response to Additional Terms of Reference 1998

Of all fine option orders imposed in Queensland during 1997-98 (n = 30,510) approximately one third were terminated due to non-compliance. In addition approximately 35% of all community service orders imposed during the same period were breached. However, the majority of home detention orders were completed successfully in 1996-97 (86.4%) and 1997-98 (88.9%). 65.1% of probation orders were completed successfully during 1996-97, and in 1997-98 this percentage fell slightly to 63.8%. Approximately 30% of parole orders were revoked or terminated and offenders returned to custody during the years 1996-97 and 1997-98.

Indicators of community corrections performance

Community corrections in Queensland requires a research and information base to improve general understanding of the variables associated with its effectiveness. Issues such as offender demographics, predictive modelling and analysis of sentencing trends, supervision practices across jurisdictions and response rates to alternative supervision methodologies all warrant investigation by the research unit in the new organisational structure.

Performance indicators need to be developed to assess the effectiveness of community corrections. These indicators should be continually improved as a result of targeted research and analysis into the factors contributing to the successful completion of community orders.

The indicators should also reflect the wider community's expectations of performance by identifying:

- the success of community re-integration programs for prisoners;
- the performance of supervision methods;
- the benefits of offender reparation;
- offender restitution to the community; and
- the timeliness and completeness of Court and Community Corrections Board assessment reports or advice.

Using performance indicators to drive improvement

In order to make best use of this information it is imperative that performance indicators be linked to output measures and included in contract specifications. At present, the specifications for community correction services are broadly based on inputs. To improve their effectiveness, contracts should be renegotiated in terms of outputs as outlined in the contract management section in Chapter 2. As they fall due contract specifications should be amended so that they measure appropriate outputs and contribute to an understanding of the effectiveness of various community corrections options.

RECOMMENDATION 53

That output-based contracts apply to community corrections.

Other issues

Inadequate information, training, equipment and resources are hampering community corrections

Focus groups and submissions to the review suggested that community corrections had been handicapped by several factors beyond its control. These included poor information technology, lack of induction training for new staff, and a lack of funds to access forensic specialists to provide reports.

A focus on cost recovery and securing new contracts, for example contracts with Centrelink to run employment services was also criticised by community corrections staff as distracting from the core business of offender rehabilitation and supervision.

These issues should be addressed to allow community corrections to become more effective.

Casual staff need better training

While the turnover of permanent staff is very low (4%) there is considerable use of casual staff, which fluctuates with the number of offenders under supervision in each region. As offender numbers rise and fall so does the complement of casual staff. This can be destabilising within the system as casual staff are rarely as well qualified or well trained as permanent community correctional officers. To offset this, consideration should be given to the ongoing training needs of casual staff and the development of a pool of experienced casual officers to ensure more effective service delivery.

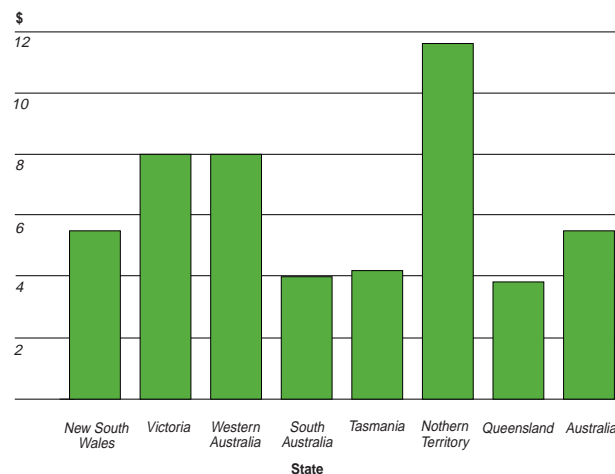
Comparisons of cost effectiveness

Community corrections in Queensland has achieved the lowest unit cost in Australia for the supervision of offenders on community-based orders at \$3.83 per offender per day. This achievement is largely due to the fact that Queensland has more offenders under supervision than any other State and benefits from economies of scale.

Queensland's unit cost of \$80 per day for community custody programs is high when compared with other Australian jurisdictions, such as the Northern Territory, however variations in how this cost is calculated, and what services are provided, accounts for some of the difference.

Figure 4 provides daily costs associated with the supervision of offenders in community corrections across jurisdictions.

Figure 4: Cost of community supervision, 1996-97 (\$ per offender per day)



Source: Report on Government Services, Vol. 1 Steering Committee for the Review of Commonwealth/State Service Providers, Industry Commission 1998.

Queensland's community corrections provides a cost-effective service when compared to other States.

Service enhancement

To supplement the current suite of community corrections options, the following proposals are worthy of consideration to enhance the supervision and management of offenders on community-based orders. These examples were developed in August 1998 as budget bids by QCORR for QCSC's consideration.

Community service site supervisors would ensure greater compliance with orders and increase confidence in the sentencing option of community service

The employment of community service site supervisors was proposed to ensure offenders meet their community service obligations as ordered by the Courts. Currently, offenders who fail to report for community work must be identified by the respective community service organisation and then reported to a community corrections officer.

This method of monitoring compliance results in variable standards, leaving the community service program vulnerable to external perceptions that supervision by corrective service authorities is insufficient. The implementation of on-site officers who are employed by community corrections would alleviate this inconsistency and would ensure that strict supervision standards are maintained. This would enhance the community's and the judiciary's perceptions, that community service orders are being implemented appropriately. This is likely to result in more offenders being diverted from custody to community service options.

A special assessment and programs unit would provide timely assessment reports

Community corrections staff are often unable to meet the Courts' and the Community Corrections Board's demands for specialist assessment services and reports on offenders. In many cases this results in offenders being imprisoned or not being released from prison to a community-based order. This proposal aimed to resource community corrections to provide a variety of specialised services such as the provision of psychiatric and psychological assessments to Courts and boards; assessments of high risk offenders; and the delivery of specialised programs and interventions, particularly to women offenders.

This proposal could result in the diversion of some prisoners from custody to a community-based option where their needs and risks can be better managed. The provision of these services would also encourage the release of prisoners from custody and significantly increase the rehabilitative element of community-based orders.

Automatic re-integration applications would reduce paperwork

This proposal sought to improve the current procedure where prisoners applying for release from custody are required to make formal application to correctional centre staff. It is proposed that these applications be initiated automatically through the sentence management process when the prisoner becomes eligible for various release options.

Prisoners usually make a last minute rush to complete recommended programs before lodging an application for release to parole or home detention. This often results in incomplete documentation and late lodgement of papers.

It is proposed that a duplicate of the application be forwarded to the prisoner who would only need to take action to stop an application rather than to initiate one. This would enable a timely processing of applications and consideration of the application for re-integration to the community.

Electronic surveillance can assist in the supervision of intensive corrections and home detention orders

The surveillance capabilities of community corrections staff who supervise offenders on intensive corrections and home detention orders would be improved by the introduction of electronic surveillance technology. This technology, which is used successfully overseas, would also increase the confidence of Community Corrections Boards and community agencies that the conditions on these orders were being strictly enforced. It is likely that this would encourage the release of more prisoners to home detention and encourage Courts to consider placing some offenders on an intensive corrections order—rather than sentencing them to prison.

RECOMMENDATION 54

That the department implement a range of initiatives designed to exploit the potential of community corrections to prevent crime through rehabilitation and supervision, reduce the number of offenders sentenced to prisons and to assure the public and the judiciary of the effectiveness of community corrections' operations.

Chapter 8: Legislation

Introduction

This chapter addresses the terms of reference in relation to the effectiveness of the operation of the Corrective Services (Administration) Act 1988 and the Corrective Services Act 1988. The review of the effectiveness of the operations of the Acts is one of the requirements of section 72 of the Corrective Services (Administration) Act 1988.



Finding

The legislation along with the hierarchy of subordinate legislation and rules is in urgent need of comprehensive revision.

Discussion

When making this finding, the workability of the Acts incorporating the satisfaction of those staff and stakeholders most affected by the legislation was considered.

A history of legislative reform

Many sections of the *Corrective Services Act 1988* or *Corrective Services (Administration) Act 1988* are regarded by staff and stakeholder groups as deficient or unclear, and therefore unworkable. The most common examples raised were in relation to delegations, remissions, drug testing, use of force, and searches of prisoners and visitors. Appendix 7 lists the extensive range of legislative issues identified during the review process—including a number of more recent issues which require legislative authority—such as the Serious Offenders Committee and segregation in the maximum security unit. The list shows the key legislative topics identified, the reference in the relevant Act, the issues raised in relation to the topic and the position of QCSC. The assistance of QCSC staff in preparing this information was greatly appreciated.

This list of legislative issues in Appendix 7 is neither exhaustive nor in any way indicative of support by the review. Further work is required to identify and evaluate legislative issues prior to any attempt at revising the Acts.

The existence of two Acts—instead of one—has also complicated the workability of the legislation. Having one major Act would improve this situation immensely.

There has been no shortage of attempts to review Queensland's corrective services legislation. QCSC provided the following list of legislative review processes undertaken in the last six years. The list demonstrates the level of concern of QCSC and others about legislative issues.

- Legislation recommendations of the Public Sector Management Commission's Review (1993)
- Legislation recommendations of the Mulholland Review (1993)
- Legislative Review Committee (1994)
- Legislation recommendations of the Review of Community Corrections Boards (1996)
- Legislation recommendations of the Review of Official Visitors Program (1996)
- Corporatisation Charter for QCORR (1997)
- Proposed amendments following serious escapes at Sir David Longland and Borallon Correctional Centres (1998)
- Inter-departmental working group for the proposed "Truth in Sentencing" Private Members Bill (1998)

These attempts at legislative revision have been largely unsuccessful, hence many of the legal issues identified since 1993 remain unresolved today. This statement from the Prisoners Legal Service Inc. submission represents a widely held view about the progress of legislative reform.

We note that the Public Sector Management Commission—in its 1993 review of the QCSC—recommended that there be a review of the Corrective Services Legislation and subordinate legislation and that the review commenced in 1994. The PLS participated in the review process from the beginning and made extensive submissions in late 1994. We note that the process was never completed and that the review remains outstanding.

A major cause for delay of reform was the difficulty of negotiating major new legislation with a minority government—and during changes of government—which has been the situation until recently. Conscious of this, QCSC is currently undertaking another legislation review process.

Legislation does not clearly support, or reflect, current practice

There is minimal reference to the role of the Minister in the corrective services Acts. Ministerial involvement occurs generally in the absence of legislated direction or guidance. This omission is further compounded by the absence of any clear statement in the current Acts, about the future purpose for corrective services in Queensland.

Clear statements about the role of the Minister and the Director-General, as well as the purpose of corrective services, are essential to the foundation and direction of legislation and the effective operation of corrective services.

There have been important developments in the operation of corrective services since the legislation was first drafted. Probably the most significant recent development was the move to corporatisation—with the creation of Queensland Corrections as a Government Owned Corporation (GOC). The current Acts outline a very different role to what is now in practice, with QCSC operating as a purchaser and regulator of services in a corporatised environment.

As this review has recommended the abolition of corporatisation, this should no longer be an issue. Any revised legislation should clearly identify the core functions of corrective services and the roles and accountabilities of public and private providers.

Impact of the legislation

The effect of the operation of the Acts on persons of Aboriginal and Torres Strait Islander descent was added to the terms of reference by the Minister. This is dealt with in greater detail in Chapter 5.

The effective operation of the corrective services legislation is influenced by the operation of legislation which is outside the direct responsibility of the Minister, for example the

Penalties and Sentences Act 1992 for which the Minister for Justice and Attorney-General is responsible. The requirement for change to other legislation is referred to more fully in Chapter 6.

Rationalising subordinate legislation and rules

The 1993 PSMC Review of Legislation (p57) described the existing *hierarchy of legislative instruments as a plethora of rules and regulations which are unwieldy and confusing*. This situation is unchanged. For staff, management and other agencies, the existence of the two Acts, the Regulation, Ministerial Guidelines, Commission's Rules, Commission's Policy and Procedures Manuals, Service Provider's CEO's Instructions, and General Managers' Rules is extremely cumbersome and further complicated by the duplication of many policies. There is no current policy framework in place that reflects the need for consistency across correctional centres in some policy areas while allowing local flexibility in other policy areas.

There is an urgent need for a simpler, more workable and accessible policy framework, as outlined in the following recommendations.

The preferred legislative option

The only real option for legislative reform is to make a fresh start. Queensland's current corrective services legislation is out of date and does not cater for the changes that have taken place in the corrections environment.

Significant changes have taken place in the roles, responsibilities and functions outlined in the legislation that was first drafted in 1988.

By addressing the major legislative issues in a holistic way, legislation can lay the foundation for the future of corrective services in Queensland and minimise currently existing inconsistencies and ambiguities.

It is suggested that the legislative review consider all relevant issues—including those identified in Appendix 7—and take a holistic approach to planning the future of corrections.

This planning should start with a clear statement of future purpose for corrective services in Queensland and involve all stakeholders in the process.

It is expected that the legislative review would involve a complete review of the content, relationship between, and communication of the subordinate legislation and rules and drive a major revision and rationalisation of policy and procedures at an operational level.

In looking at any lesser option it was recognised that current legislative problems have been largely compounded by repeated revisions and a "bandaid" approach to fixing what has become complex, and often confusing legislation. Any piecemeal attempt to remedy the situation would result in a strong likelihood of retaining current deficiencies and would result in the Minister having to take a number of legislative reforms to Parliament over a period of time.

Given this “all embracing” approach to legislative reform, it is recommended that this process should be used to drive the strategic and operational reforms outlined in earlier chapters.

RECOMMENDATION 55

That revision of the two Acts be undertaken by preparing drafting instructions with the intention of locating in one consolidated Act and Regulation, the core functions of corrective services— following a thorough consideration of the legislative issues listed in Appendix 7 and emanating from other recommendations in this report.

RECOMMENDATION 56

That in addition to having one Act, the department’s policy framework be:

- **the Regulation that contains administrative detail not appropriate in the Act;**
- **mandatory policies and procedures; and**
- **General Managers’ rules that are centre-specific where local flexibility is possible within mandated policies.**

The preparation of new legislation will need to address the core purpose and functions of corrective services in Queensland. The roles and accountabilities of key positions will need careful definition to avoid the current level of confusion. The new legislation should also avoid administrative detail that is best located in the Regulation or other policy statements.

RECOMMENDATION 57

That the core functions of corrective services be identified and included in the new Act and that these core functions include:

- **a clear purpose for corrective services—including the specific purposes of custodial corrections and community corrections;**
- **a definition of the roles, responsibilities and power of delegation of the Minister and the Director-General;**
- **a definition of the roles and responsibilities of the purchaser/regulator and the providers of corrective services; and**
- **the accountability of public and private providers to the Minister, the Director-General and the public.**

Chapter 9: Implementation

Introduction

Careful planning is required to translate the recommendations of this review into reality. Such detailed planning is outside the scope of this review. The time constraints imposed by the report deadlines prevent the lengthy consideration needed to complete this critical task. This chapter outlines a process to plan for implementation.

9

Discussion

If the Minister and the Queensland Government accept the review's recommendations, there are far reaching implications. Important decisions will need to be taken by the Minister, the Queensland Government, Parliament and senior executives in corrective services. Implementation will affect the staff of QCSC, QCORR and private providers, prisoners and their families, and stakeholders. It will also affect the way corrective services operates in the future and have significant political ramifications.

Implementation is a separate issue from the preparation of the report and was not included in the review's terms of reference. The following is proposed to indicate the way in which implementation should occur.

A suggested process

Planning and implementation of the recommended changes fall into at least four phases in 1999:

- | | |
|--------------------------------|--|
| January–early February: | Decisions about the review's recommendations by the Minister and Cabinet; |
| February: | Preparation of a detailed implementation plan; |
| February–September: | Planning for changes to legislation, gaining authority to proceed with legislative changes, drafting the legislation and gaining Cabinet approval and passage through Parliament: <ul style="list-style-type: none"> • Structural changes to the organisation (February–May); • "Policy" changes (February–September); |
| May–December: | Implementation of the organisational changes and remaining recommendations. |

The timelines needed to implement these proposals should be as short as practicable so that the organisation can remain focused on its core business. Staff should not be left concerned about their career prospects any longer than is absolutely necessary. These timelines however, should be long enough for the process to be well planned—and executed with appropriate communication and involvement—at all phases.

Implementation principles

The following implementation principles are proposed to provide direction to the change process.

- High quality service provision is maintained during the change period.
- No permanent staff will lose their employment as a result of the reorganisation.
- Partnership and collaboration: affected staff and stakeholders are consulted and involved in the change process.
- Communication is open and timely.
- Staff are very active in learning through professional development.

Finding

Careful planning and management of the organisational change process will be critical in ensuring the successful implementation of the review's recommendations.

Implementation plan framework

The implementation plan should be accessible by all staff and stakeholders. It should provide enough detail for them to understand the change process, how they will be affected by the changes, and what processes will be in place for them to transfer to the department. The implementation principles should be well known throughout the department.

The implementation plan should be structured to provide a coherent approach to organisational reform—based on a useful theoretical model—such as that proposed by Professor David Limerick (1998). The review proposes the following as a framework for the plan:

Outcome Statement

Implementation Principles

Key Result Areas

- **Legislation** — establishment of the department; “policy” issues.
- **Organisational Identity** — vision, purpose, values.
- **Organisational Design** — strategy, structure, culture.
- **Organisational Systems** — management, information.
- **Communication**
- **Professional Development**

Each key result area should relate to specific recommendations and contain details of **what** is to happen, **who** is responsible for ensuring it happens, **how** the change is to occur, **by when** it is to occur, what the **cost** will be and what **performance indicators** will be used to assess whether implementation has been completed successfully.

The success of this implementation process will also require total commitment of staff particularly the senior leadership team. As well, organisational change of this magnitude will fail unless there is a spirit of cooperation among staff and unless there is open and frequent communication about what is happening.

The planning and implementation tasks are so critical for success that a change management team and specific resources should be allocated to these tasks.

RECOMMENDATION 58

That an Implementation Unit be established to prepare a detailed implementation plan and direct the change process until the new department is operational.

References

- Canberra Education Centre, *Privatisation of Prison and Jail Operations* — An annotated bibliography — Internet.
- Curnow, B. (1997) *Private Prison Companies: Their Perspectives*. AIC Conference.
- Harding, R. (1994) *Models of accountability for the contract management of prisons in* Moyle, P. (ed.) *Private Prisons and Police*. Pluto Press. Australia.
- Harding, R. (1997) *Private Prisons and Public Accountability*. Open University Press. Buckingham (UK).
- Harding, R. (1998) Issues paper commissioned by Queensland Corrective Services Review.
- Hayes, S. (1988) *The Prevalence of Intellectual Disability in the New South Wales Prison Population — An Empirical Study*. Criminology Research Council.
- Kennedy, J. (1988) (a) *Interim Report, Commission of Review into Corrective Services in Queensland*.
- Kennedy, J. (1988) (b) *Final Report, Commission of Review into Corrective Services in Queensland*.
- Limerick, D. et al (1998) *Managing the New Organisation: Management Strategies for the Postcorporate Era* Second Edition; Business and Professional Publishing.
- Logan, C. (1996) *Private Prisons: Pros and Cons*. Oxford University Press. New York.
- Moyle, P. (1994) *Private Prisons and Police*. Pluto Press. Australia.
- Moyle, P. (1998) Issues paper commissioned by Queensland Corrective Services Review.
- Musumeci, A. (1998) *Community Supervision Planning*. Queensland Corrections.
- Public Sector Management Commission, *Review of the Queensland Corrective Services Commission* (1993).
- Queensland Police Service Review (1996) *Review of the Queensland Police Service*. Kingswood Press Pty Ltd Brisbane.
- Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Fourth Report, 1996*.
- Report of the Queensland Commission of Audit* (1996).
- Royal Commission into Aboriginal Deaths in Custody*, (1991) National Reports and Regional Report of Inquiry in Queensland, Commissioner L Wyvill QC Australian Government Publishing Service, Canberra.
- University of Maryland (1997) *Preventing Crime — What Works, What Doesn't, What's Promising*, Office of Justice Programs Research Report, US Department of Justice.

Appendices

Appendix 1: Letter from the Minister

Appendix 2: Methodology used

Appendix 3: Queensland's performance relative to other States

Appendix 4: Privatisation and competition in prisons

Appendix 5: National Competition Policy advice

Appendix 6: Employment and crime

Appendix 7: Legislation issues for consideration

Appendix 8: Submissions received

Appendix 9: Individuals and service providers consulted

Appendix 10: Documents received

Appendix 1: Letter from the Minister



QUEENSLAND GOVERNMENT

Hon. Tom Barton M.L.A.
Minister for Police and Corrective Services

PO Box 195 Brisbane Albert Street Q 4002. Telephone: (07) 3239 0199 Facsimile: (07) 3221 9985

21 October, 1998

Mr F J Peach
Chief Executive Officer
Corrective Services Review
Level 15 Santos House
Post Office Square
BRISBANE QLD 4000

Dear Frank

The Terms of Reference for the Review of Corrective Services includes "such other matters as appear to the Minister to be relevant to the operation and effectiveness of the Acts and the Queensland Corrective Services Commission."

Following are a number of matters which I would appreciate you considering in the course of your review, if you are not already doing so:-

- the effect of the operation of the Acts on persons of Aboriginal and Torres Strait Islander descent;
- the effectiveness of the operation of the Acts when they interface with the other Acts in the criminal justice sphere, especially in regard to front end sentencing options; and
- the effectiveness of community corrections and how delivery of this service can be enhanced to meet the expectations of the community and judiciary.

I am available to provide further information on the abovementioned points, if necessary and look forward to receiving your report on the review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Barton', with a long horizontal flourish extending to the right.

TOM BARTON M.L.A.
Minister for Police and Corrective Services

Appendix 2: Methodology used

Members of the review team

Frank Peach	Chief Executive, Queensland Corrective Services Review
Therese Ellis-Smith	Principal Project Officer (seconded Principal Adviser, Offender Policy Development, Queensland Corrective Services Commission)
Mark Kane	Principal Project Officer (seconded Principal Internal Auditor, Department of the Premier and Cabinet)
David Scott	Principal Project Officer (seconded Principal Policy Officer, Office of the Director-General, Education Queensland)
Catherine Howe	Executive Assistant (seconded Executive Secretary, Financial Services Branch, Department of the Premier and Cabinet)

Outline of the review process

The review process was constructed around three broad phases.

Phase one

Phase one centred on consultation with a wide a range of staff and community representatives in order to gather information and feedback on issues and questions in relation to each of the terms of reference. The list of those consulted is shown in Appendix 9 and includes many individuals whose opinions were targeted because of their significant and recognised knowledge of the management of corrective services.

Information was gathered in this phase via focus group meetings, interviews, written submissions and analysis of relevant current literature. The written submissions and documents received are listed in Appendices 8 and 10 respectively.

The output from this phase was a substantial volume of information that included comments, ideas and options for consideration and proposed recommendations for action. Collecting, coding and recording input in this way allowed the review team to analyse the issues raised, and in particular, the areas of major agreement and disagreement and the reasons for this.

Any specific issues drawn to the notice of the review determined to be outside the terms of reference were forwarded to the appropriate agency for attention.

Under the terms of reference relating to “such other matters as appear to the Minister to be relevant to the operation and effectiveness of the Acts and the Queensland Corrective Services Commission”, the Minister sought consideration of the following:

- the effect of the operation of the Acts on people of Aboriginal and Torres Strait Islander descent;

- the effectiveness of the operation of the Acts when they interfaced with other Acts in the criminal justice sphere, especially in regard to front-end sentencing options; and
- the effectiveness of community corrections and how the delivery of this service could be enhanced to meet the expectations of the community and judiciary.

Phase two

In phase two, the review team conducted a second consultation process with the theme, “Have we got it right?” The purpose of this process was to give a cross-sample of staff and community representatives the opportunity to confirm the completeness of the following information which emerged from the first phase:

- suggested criteria to be used to judge the effectiveness of the operations;
- key messages identified during the first phase; and
- the options — including advantages, disadvantages, implications or issues identified by the review team.

Conducted in early November 1998, this phase involved workshops in Brisbane and Rockhampton structured around gathering participants’ input on the above through small group discussion and individual written feedback.

The output of phase two was considered essential in reporting to the Minister the levels of agreement and disagreement with respect to the terms of reference.

A third workshop, which was conducted in Cairns, focused on particular corrections services for Aboriginal offenders and Torres Strait Islander offenders. The purpose of this workshop was to gather additional information and proposals in relation to the indigenous offender issues which the Minister had raised for review.

Review assessment

In order to be satisfied fully that the review met with recognised review standards, QualCorp, a private consulting firm, was contracted during November to provide an independent assessment of processes used. The results of this assessment were positive. The assessment of the review included the following endorsement.

The review methodology and process adopted for the Queensland Corrective Services Review has been highly appropriate to the nature of the review and its terms of reference and has been implemented in a manner which reflects best practice for review projects.

Additional assistance

Two additional external sources were used in drafting elements of the report. Firstly, two noted academics in the area of corrections systems, Professor Richard Harding and Dr Paul Moyle, both of the University of Western Australia, were asked to prepare responses

to questions and issues raised throughout the review. The issues included privatisation, international and national trends in corrections, market testing, the role of government, appropriate system level performance indicators, accountability and corporatisation. Their input is used at various points in the review.

Secondly, for each chapter of the review, which dealt with an element of the terms of reference, a “critical friend” was appointed to the review process. “Critical friends” were chosen because of their recognised experience, respected knowledge and the level of independent opinion they could contribute to the writing process. Their role was to ensure the accuracy of information in drafts of the review.

Phase three

Phase three was the preparation of the final report.

Editing

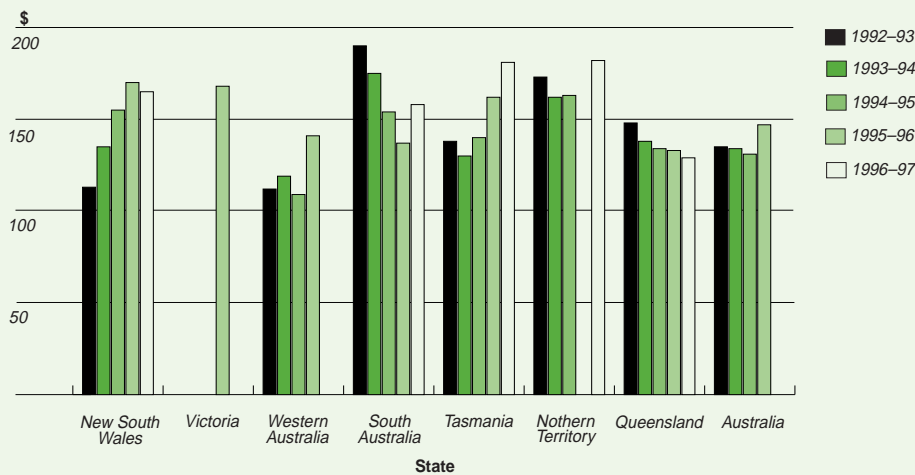
To ensure the consistency of format and language in the report, the final draft was edited and prepared for printing by Queensland Treasury’s Communication Unit.

Appendix 3: Queensland's performance relative to other States

State

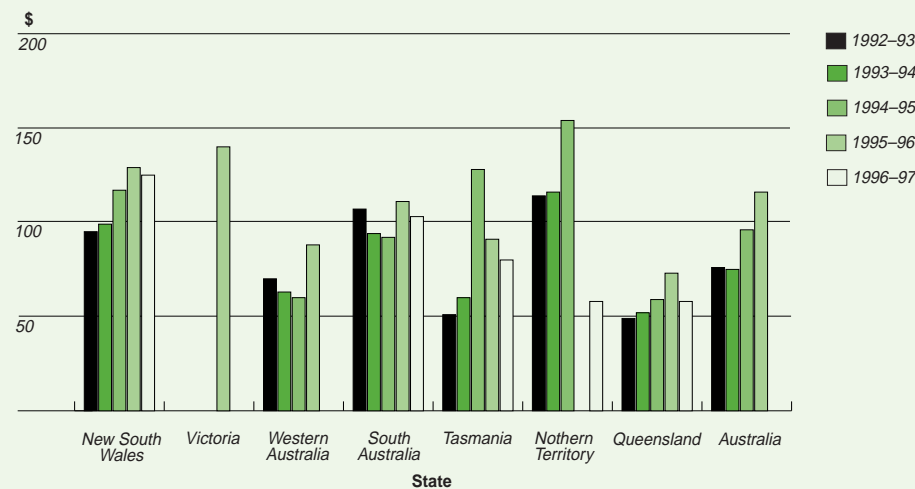
The following figures provide data on performance indicators for corrections for all Australian jurisdictions. This data was extracted from the Report on *Government Services Volume 1*, published by the Steering Committee for the review of Commonwealth/State Service Provision Industry Commission. 1997-98 data for other Australian States has not been published officially, however QCSC has provided data for Queensland.¹

Figure 5: Recurrent expenditure per prisoner per day in secure custody



Queensland's costs for accommodating prisoners in secure custody have reduced each year from 1992-93 to 1996-97. For 1997-98, QCSC report the recurrent cost per day per prisoner for secure custody to be \$116.00.

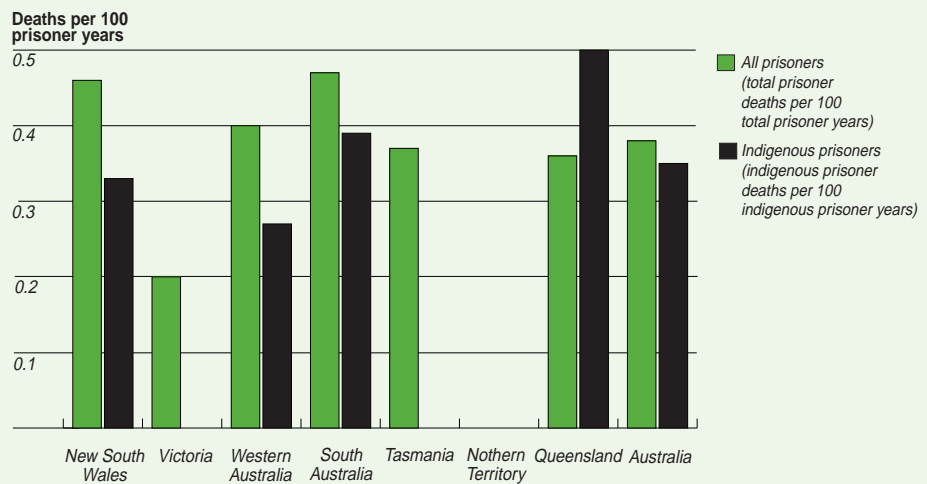
Figure 6: Recurrent expenditure per prisoner per day in open custody



¹ It must be noted that for some indicators the "counting rules" have changed from last year. In particular for 1997-98 open custody data now includes the community corrections centres. All jurisdictional data will be reported in the Industry Commission report for 1997-98 using the new counting rules, and when published that document will constitute the authoritative source of cross-jurisdictional data for correctional performance indicators.

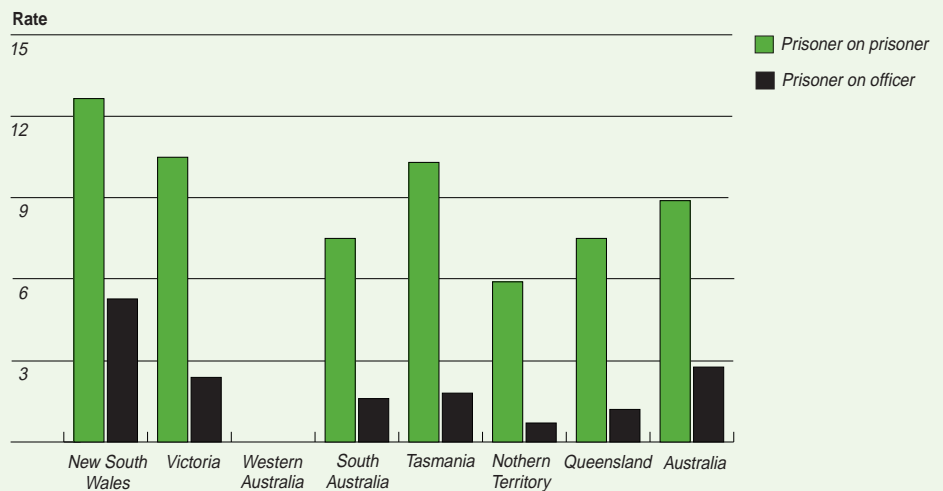
The cost associated with recurrent expenditure for prisoners in open custody in Queensland is estimated at \$64.00 per day.

Figure 7: Prisoner death rates by all causes for 1996-97



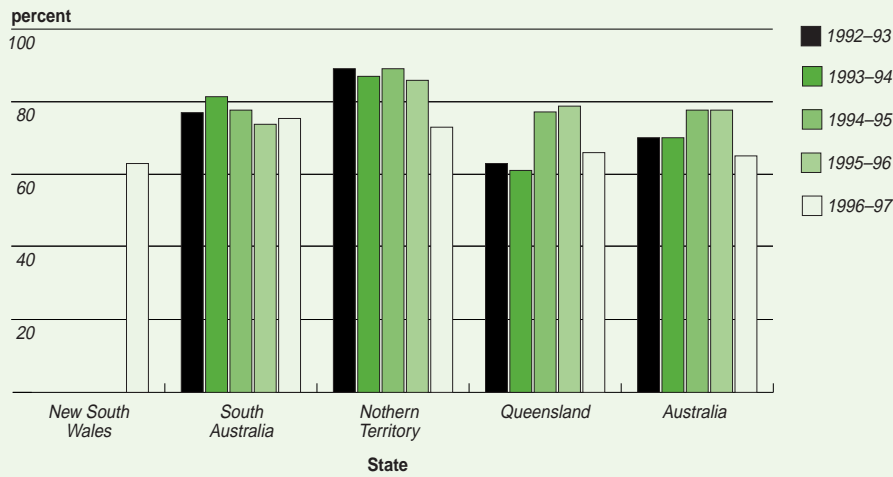
The 1997-98 death rate data provided by QCSC is .24 (n = 11) for all prisoners. Of these, one death was of an indigenous prisoner. This number is less than previous years, except 1995-96 when the total number of deaths was 10.

Figure 8: Prison assaults for 1996-97



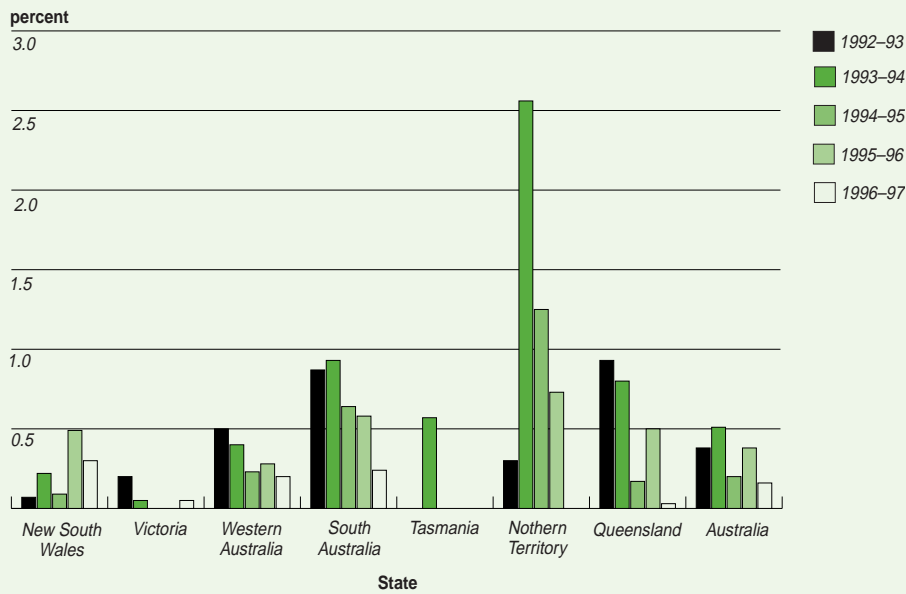
This rate is calculated as the total number of assaults divided by the daily average prisoner population multiplied by 100. For 1997-98 the rate for prisoner on prisoner assaults is 7.89 and for prisoner on officer assaults, the 1997-98 rate is 1.4.

Figure 9: Successful completion rate for community custody across applicable jurisdictions



Queensland has compared favourably with those other Australian jurisdictions offering community custody options, particularly in the last year.

Figure 10: Escape from secure custody rates for all jurisdictions 1992-93 to 1996-97



The rate of escapes from secure correctional centres in Queensland was .03 (n = 1) in the 1996-97 year.

Appendix 4: Privatisation and competition in prisons

Privatisation and the role of the private providers

Privatisation in Queensland is limited to the contracting-out of the management of correctional centres to private providers. This arrangement is distinct from the design-construct-finance and manage (DCFM) implemented overseas and more recently in other Australian States.

From the government's perspective, the primary role of the private providers in Queensland is to be a catalyst for reform and thus assist to improve the standard of service of the public provider consistent with the notion of cross-fertilisation. Harding (1997, 1998) argues that a critical mass of private providers creates an opportunity for the transfer of efficient work practices from the private to the public provider. This process will generate efficiencies within the industry and contribute to the improved performance of the public provider over time.

The existence of private providers in corrections provides motivation for the public provider to improve its performance continually. The introduction of the 12 hour shift at Borallon Correctional Centre was included in the tender document for Woodford Correctional Centre and subsequently adopted by other QCORR centres. Changes to rostering practices at Borallon have since been duplicated in other centres and have assisted in reducing overtime costs.

Reduction in unit costs

The benefits of private involvement in corrective services and the impact on cost effectiveness were recognised in the 1996 *Report of the Queensland Commission of Audit* (p23) which stated that “private sector participation in Queensland's prisons system has been successful in achieving efficiencies in unit costs per prisoner per day.”

Impact on program and services delivery

The empirical evidence in Australia and overseas is inconclusive on issues relating to differences in the quality of programs and standard of service delivery within private prisons in comparison with public prisons. The following summarises the current situation and demonstrates the need for further research.

While there is no evidence that the private sector performs at a lower level to the public sector, there are also no studies that demonstrate that the private sector provides higher quality services and better outcomes in the corrections industry.
(Canberra Education Centre, 1988)

However, Harding (1998 p2) contends that: “privatisation is the only feasible means of trying to improve prison conditions and programs.” This is consistent with the views of Logan (1996) who wrote: “private prisons provide a comparative yardstick against which to measure performance and the best guarantee of quality is competition and comparison.”

Level playing field

The issue of whether the public provider should compete directly with the private providers has attracted considerable comment. The issue of the lack of a level playing field was raised by both QCORR and the private providers. QCORR claimed that it faced a significant cost disadvantage due to the differences in salary scales and the higher number of custodial staff. It claimed this factor should be acknowledged in any tendering process. In addition, the corporate overhead costs for QCORR exceeded those of the private providers. The treatment of overheads is a structural issue to be managed by QCORR rather than justification for special consideration as part of any competitive tendering process.

The private providers also argue that corporatisation of the public provider does not ensure a “level playing field”. There was a perception that QCORR had a “right” of access to supplementary funding—notwithstanding that QCORR is a separate corporate entity operating outside the Budget sector. This perception was based on the close relationship between QCSC and QCORR, given that both entities were originally the same organisation. The issue of privatisation and competition between the public and private providers raises the issue of market testing (see Recommendation 17).

Increase in incident rates

Data provided by QCSC’s Information Technology Branch indicated that the incident rate in both open and secure custody increased during the period 1996-97 and 1997-98. The following table lists the annual average incident rate for open and secure custody for 1996-97 and 1997-98 expressed on the basis of per 100 prisoners*.

Table 7: Annual incident rates 1996–1998

Custodial centre type	1996–97*	1997–98*
Open	2.32	4.20
Secure	7.41	9.69
Secure:		
QCORR managed	2.87	3.70
Privately managed	4.54	5.99

The incident rate for open custody increased significantly from 2.32 to 4.20 which equates to an increase of 81%. There are several factors that contribute to incidents occurring within custodial centres such as overcrowding—which may partly explain the increase in open security centres. In addition, an improvement in the level of reporting across all centres may also partly account for the increase in number of reported incidents.

The incident rate for secure custody also increased by 30.7% during the same period.

Analysis of this figure indicates that the incident rate within the privately managed prisons increased by 31.9% whereas the rate within the public prisons rose by 28.9%. The increase in the number of instances is a combination of several factors—in addition to the increase in prisoner numbers and the effect of double ups.

It is not possible—from the limited data—to draw valid conclusions regarding the operational effectiveness of QCORR or the difference in incident rates between the private and public providers.

Historical overview of privatisation

- 1960s USA** — Community treatment and halfway houses were contracted out to private firms.
- 1970s USA** — Private provision of prisons was seen to overcome the procedural difficulties in building new facilities. From the early 1970s, some local governments began to contract out prison services.
- 1980s USA** — In 1983 Corrections Corporation of America (CCA) was formed in Nashville. The catalysts for privatisation can be summarised as increasing legal requirements, deteriorating and overcrowded facilities and limited budget control. In 1984, the first full-scale privately operated prison on a design, construct, finance and manage basis (DCFM) was established in Houston, Texas. In 1986, there were more than 30 institutions owned or operated by private companies. By the end of 1989, 44 secure private facilities were operating, accommodating about 2% of all prisoners in custody.
- UK** — In its third term, the Thatcher Government introduced the concept of privatising some government services, which included prisons.
- 1988 Australia** — The NSW Coalition Government met with CCA representatives to discuss privatisation.
- 1989 Australia** — The Queensland Commission of Review into Corrective Services recommended management of one of the three new prisons be contracted-out. Catalysts for the introduction of a privately managed prison at that time included:
- increasing prisoner numbers resulting from “Truth in Sentencing”;
 - funding problems, not unlike those of the governments in the USA;
 - the move towards competition and the privatisation of government instrumentalities (Hilmer Report, National Competition Policy);
 - management of politically recalcitrant prison staff;
 - the need for effective and efficient prison management; and
 - the potential for new prisoner programs to be introduced.

- 1990s** **USA** — By the end of 1997, 65 facilities (that is 4.3% of total prisons) were privately operated. The majority of these centres exist under DCFM type contracts, with lease back arrangements.
- UK** — Group 4 was the first private operator to be awarded a tender for the Wolds Remand Centre that opened in 1992. Throughout the 1990s private prison growth continued, with six additional prisons tendered up to 1998, and negotiations continuing on a further four. Private correctional facilities contain 4% of all prisoners.
- 1990** **Australia** — The contract for the first privately managed prison in the country was awarded to Corrections Corporation of Australia with Borallon opening in 1990. The QCSC entered into contracts with a number of non government organisations to operate halfway houses as part of community corrections.
- 1992** **Australia** — Australasian Correctional Management was awarded the contract for the Arthur Gorrie Remand Centre in Queensland where a non government agency would be in a position to impact on the quality and length of an individual's imprisonment. In NSW the first private prison in the State was opened at Junee. In Victoria, the new Liberal Government identified a strong commitment to privatisation, including prisons.
- 1995-98** **Australia** — In Victoria, Australasian Correctional Services signed a DCFM contract for a medium security prison to be the only prison in the country not State-owned. Negotiations for a further three DCFM private prisons are currently finalised or nearly finalised. Victoria now has the most extensive prison privatisation program in the world with the government aiming at 45% of its prisoners in DCFM facilities.
- 1998** **Australia** — The Western Australian Government approved a proposal for a new privately managed prison.

Historical information above supplied by:

Professor Richard Harding, Director, Crime Research Centre, University of Western Australia

John Rynne, Research Fellow, Crime Research Centre, University of Western Australia.

Appendix 5: National Competition Policy advice

DIRECTOR-GENERAL'S MEMORANDUM Policy Coordination Division

Title: Queensland Corrective Services Review - NCP issues

Date: 22 September, 1998.

1. PURPOSE

To provide advice on National Competition Policy (NCP) and its application to Corrective Services, as requested in the attached Memorandum from Mr Peach.

2. BACKGROUND

The key objective of NCP is to develop a more open and integrated Australian market that limits anti-competitive conduct. There is no requirement for the Government to outsource any services to a contestable market. However, where significant Government business activities do compete with the private sector, the Government is required to remove any advantages (or disadvantages) that may accrue to a Government business by virtue of its Government ownership.

3. ISSUES

The Queensland Corrective Services Commission (QCSC) was corporatised in September 1997, creating QCSC and Queensland Corrections (QCORR). As a result of this corporatisation, the provision and management of corrective services facilities (QCORR) has been declared as a significant Government business activity. As such, contractual arrangements are subject to NCP criteria relating to competitive neutrality.

This requires that the Government remove any competitive advantages to QCORR to allow private competition to be on a "level playing field". That is, QCORR is now required to pay tax dividends, receives no Government financial support and has no regulatory advantages.

However, when it comes to competitive tendering for Government contracts, NCP has no specific minimum requirements. There is no NCP requirement for contestability to be on an open market basis. Competitive tendering processes in Queensland are subject to Competitive Service Delivery requirements of the *State Purchasing Policy*, where the right to provide a service is awarded to the "best" competitive tender. Such tenders can be open market or selective, depending on individual policy decisions. The most important feature, is that when a competitive tender is entered into, each tenderer submits their bid on the basis of identical (and therefore comparable) criteria.

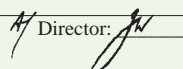
4. CONSULTATION

The matter has been discussed with Bruce McCallum, Director, NCP Unit, Queensland Treasury, phone ext. 46399. Mr McCallum is happy to talk with the QCS Review staff on this or any NCP matter.

5. RECOMMENDATION

That you note the above and refer this Memorandum to Mr Peach for his information.

Action Officer: Peter Lamont
ext: 46478

Director: 

A/DDG: _____

Appendix 6: Employment and crime

Research findings

Australian and international research has found a strong association between unemployment and the incidence of crime. However, unemployment alone is not believed to contribute to crime—rather it is the associated social and economic disadvantage that is of the greatest consequence.

Australian findings paralleled international research finding that unemployed people were significantly more likely to be arrested or convicted of a crime than people in employment. Australian studies found less than one-quarter of the prison population was engaged in paid employment at the time of arrest. Therefore, employment options—both for people at risk of criminal behaviour and those at risk of re-offending—may have considerable impacts on crime levels and crime prevention. It is further claimed that targeting people who are in prison or just leaving the criminal justice system (ie the highest risk group) is likely to represent the most effective method of crime prevention.

The comprehensive evaluation of crime prevention activities, the Sherman Report (University of Maryland, 1997) argues that preventing crime requires an investment in human capital through the provision of education and other skills that are relevant to the workforce. The report's evaluation of programs aimed at the prevention of re-offending has yielded results on what works and what doesn't (see below). Given the differing social conditions in the United States and Australia, the findings may need some additional assessment in meeting Queensland conditions.

Programs that focus on developing human capital were found to either “work” to reduce recidivism or were “promising”.

Preventing re-offending: what works?

1. Short-term vocational training programs for older male ex-offenders no longer involved in the criminal justice system.

What is promising?

1. Prison-based vocational education programs for adults.
2. Intensive, residential training programs for at-risk youth (Job Corps).

What do we not know enough about?

1. Post-release transitional assistance for offenders.
2. Wage subsidies in employment post-release.

What does not work?

1. Pre-trial diversions for adult offenders which make employment training a condition of case dismissal.
2. Subsidised work programs for at-risk youth.
3. Short-term, non-residential training programs for at-risk youth.

Elements of the programs that worked—or were promising—involved engaging individuals in the following activities while they were in, or just about to leave prisons:

- vocational skills training;
- job readiness training;
- employment/interview skills;
- assistance with finding jobs;
- government-subsidised employment;
- peer support through job clubs;
- life skills education;
- secondary level education;
- pre-apprenticeship training courses (eg carpentry).

Evaluation of these programs returned statistically significant results by which the rates of re-offending were lower than those of control groups who received none of the above training or support.

The Queensland Government has begun to address this issue through initiatives such as the Department of Employment, Training and Industrial Relations (DETIR) employment and training program for young offenders who are aged 17-24 years. This program has generated positive results with a recidivism rate of only 12%, compared to 80% among those who did not obtain employment.

However there is the need to link Queensland offenders—who are aged 25 years and over—with employment opportunities upon their release from prison. The Queensland Corrective Services Commission is uniquely positioned to fulfill this role through the development of programs that connect individuals to real employment skills and options. The implementation of programs of this nature will ensure that individuals leaving Queensland prisons will acquire the human capital needed to prevent them from re-offending.

Currently in Queensland, there is only one program providing post-release employment support. The Second Chance Foundation, a community-based organisation, organises employment placements with sympathetic employers for a limited number of people being discharged from Queensland prisons. There is an opportunity to expand this type of scheme. However, a clear policy decision is required as to who should take responsibility for the funding of such an initiative. DETIR considers that this type of activity is not appropriate for its department to fund and that it should be a responsibility of the criminal justice system—particularly given the potential cost-savings which could be achieved if recidivism was avoided.

Information supplied by:

Social Policy Directorate, Department of the Premier and Cabinet

Appendix 7: Legislation issues for consideration

Background

During the consultation process a number of topics and issues related to the current legislation were identified as matters for legislative change. QCSC staff were consequently asked to undertake the following tasks and their efforts in completing this were appreciated:

1. Check the accuracy and clarity of the statement of issues provided.
2. Identify legislative references (Act and section).
3. Re-state the issue in prose format.
4. State the QCSC's position in relation to each issue.
5. Identify alternative or opposing views.

Little information on opposing views was provided by the Commission.

As noted in Chapter 8, this list of legislative issues was neither exhaustive nor in any way indicative of support by the review. Further work is required to identify and evaluate legislative issues prior to any attempts at revising the Acts.

Topic 1: Delegations

Issue 1: The role and accountabilities of the Minister are unclear.

- 1) Within both the *Corrective Services Act 1988* and the *Corrective Services Administration Act 1988*, the role and accountabilities of the Minister of Corrective Services are not stated with any clarity.
- 2) Legislative references in relation to the role of the Minister are made at various points throughout the *Corrective Services Act 1988*. For example Part II, Division 2, section 13 (1) of the Act provides that:
Subject to this Act and to any direction of the Minister, the Commission shall be responsible for the security and management of prisons and community corrections centres and the safe custody and welfare of prisoners.

Reference is also made in the *Corrective Services (Administration) Act 1988*, section 10 (4), 18 (2)(a), and 23, the *Corrective Services Act 1988* section 139 (1).
- 3) Section 13 (1) clearly empowers the Minister to direct QCSC (in writing) in relation to any issue concerning prisons and community corrections centres. However the Minister's roles, duties and functions are not clearly designated within the corrective services legislation.
- 4) In 1994 the Board of the QCSC endorsed the need to provide a legislative basis for the roles, powers and duties of the Minister.

Issue 2: The legislation gives the Board of QCSC all responsibility for the administration of corrective services.

- 1) Within the *Corrective Services Act 1988* and the *Corrective Services (Administration) Act 1988*, the Board is made responsible for all operations of QCSC.
- 2) The role of the Board is stated within the *Corrective Services (Administration) Act 1988*, Part 2.
- 3) The *Corrective Services (Administration) Act 1988* empowers the Board to determine policy in relation to the administration, management and control of corrective services within Queensland.
- 4) Problems were identified in the way in which the legislation is written concerning the power of the Board to delegate certain functions. For example, recent legal advice identified problems with section 61 (7) of the *Corrective Services Act 1988*. QCSC has the ability to delegate its powers under section 21 of the *Corrective Services (Administration) Act 1988*. Section 61 (7) expressly prevents QCSC from delegating its final decision-making power in relation to leave of absence applications exceeding seven days. While a literal reading of section 61 suggests that the Community Corrections Boards may “approve” leave of absence (release to work) for periods exceeding seven days to a prisoner, this power is limited by Section 61 (7) which states:

the Commission shall not delegate to any person the power to grant leave of absence to a prisoner for a period exceeding seven days.

As a result, decisions in relation to granting extended leave of absence (release to work) are being considered by a Community Corrections Board in the first instance, and then by the QCSC Board, thereby duplicating decision-making processes unnecessarily.

QCSC’s position was that there is a need for legislative amendment to the *Corrective Services Act 1988*, in order to address the problem raised by section 61 (7) and the operational problems associated with the current procedures. The amendment should enshrine the Community Corrections Boards as autonomous decision-makers.

A similar duplication of powers between Community Corrections Boards and the QCSC Board exists in relation to home detention applications. Section 86 of the *Corrective Services Act 1988* should also be amended to ensure that the Community Corrections Boards have sole decision-making power.

Issue 3: The right to delegate powers and functions to contracted service providers is not specified.

- 2) The *Corrective Services (Administration) Act 1988* and the *Corrective Services Administration Amendment Act 1997*, sections 19 (2) (f), 23 B and C respectively—contain a mechanism for the devolution of the powers and functions of QCSC, as set down in any Act, to a contracted service provider.
- 3) The schemes of engagement, delegation and authorisation involving sections 19 (2)(f), 21, 23 B and 23 C need to be re-drafted into a coherent framework. Note that the power of QCSC to delegate its powers to another body, such as a Community Corrections Board, has not been expressly provided for.

Issue 4: Delegated authority at the centre level, ie General Managers' delegations are unclear

- 1) Delegated authority at the centre level (General Managers' delegations and below) is not clearly specified.
- 2) The *Corrective Services (Administration) Act 1988*, sections 19 (2) f, (3) and (4), 23 B and C—contain a mechanism for the devolution of the powers and functions of QCSC, as set down in any Act, to contracted service providers working at the centre level.
- 3) Service providers question whether the power of the General Manager to delegate under section 15 of the *Corrective Services (Administration) Act 1988* is able to be used by General Managers following the amendment to section 23. This matter has been clarified with Crown Law which advised that under the present regime of authorisations and delegations, General Managers do retain the right to sub-delegate. Legal advisers to private service providers continue to raise doubt about this provision.
- 4) This would be appropriately included as a matter for clarification in the revision of the legislation.

Issue 5: The legislation refers to non-existent positions eg a position title which may differ across centres.

- 1) The legislation refers to specific positions that do not always reflect the titles of differently named positions across centres. For example, sections 30 and 31 of the *Corrective Services Regulations 1989*, refer to decisions made by a “senior custodial correctional officer” and a “chief custodial correctional officer”, respectively.
- 4) These are minor issues for inclusion in a major review of legislation if contemplated.

Issue 6: The location of power to revoke community orders needs to be specified.

- 1) This issue is not clear as the *Corrective Services Act 1988* clearly provides authority to revoke extended leave of absence (release to work), section 63 (1), and home detention, section 86 (7), and the suspension and cancellation of parole orders, sections 180 (1) and (3).

Topic 2: Remissions

Issue 1: Inclusion of an assessment of a prisoner's risk to the community to be added to the eligibility criteria and decision-making process associated with the granting of remission. There is questionable legal ground for any QCSC decision based on an assessment of risk to the community as Judicial Review challenges are being won by prisoners.

- 1) Prisoner remission.
- 2) Part III, sections 21, 22, 23, 24, 25, 26, 27 and 28 of the *Corrective Services Regulations 1989* provide for the entitlement of prisoners to remission.
- 3) The legislation empowers QCSC to grant remission to a prisoner who is serving a sentence of two months or more and who is of good conduct and industry. The limits of the current wording of the legislation have led to a situation where QCSC has released high risk prisoners—including serious and violent offenders—back into society with no community corrections supervision.
- 4) QCSC's position is that either all of Part III—Remission of the *Corrective Services Regulations 1989* be repealed; or section 21 of the Act be amended so that only low risk prisoners can access remission. Consideration has been given to the abolition of remission in the past, however, no action has been taken due to the potential impact on prisoner numbers. It is clear that considerable numbers of prisoners serving short sentences are released with remission. If the provision was abolished, prisoner numbers would increase. Consequently, if a change is made, an alternative release mechanism will need to be established for short-term offenders—such as presumptive parole.

Topic 3: Drug testing

Issue 1: Legal powers are insufficient with respect to the authority to require prisoners to provide samples for urine testing. Legislation is provided to allow for targeted testing but not for random testing.

- 1) Testing of prisoners' urine to identify illicit drug/substance usage.
- 2) Section 48 (4) of the *Corrective Services Act 1988*, provides for the General Manager of a prison to order a prisoner to provide a sample of urine if the General Manager believes, on reasonable grounds, that the sample may afford evidence of an offence by the prisoner during a prisoner's term of imprisonment.

- 3) The most effective method of gauging the level of drug use amongst prisoner populations is through the use of a random urine testing program. At present, because of the limitations of the Act, QCSC's statistical urine testing program is maintained by the voluntary participation of prisoners. However, the number of refusals by prisoners is increasing and this in turn reduces the reliability and validity of the program's results.

The current legislation does not recognise the power of Regional Managers and Community Corrections Centre Managers or audit groups such as the Proactive Support Group, to conduct urinalysis.

- 4) The QCSC Board decision on this matter (February 1998) was to amend section 48 (4) of the *Corrective Services Act 1988*, to provide for the testing of a prisoner's urine for any purpose.

Topic 4: Use of force

Issue 1: Legal powers are unclear with respect to the use of firearms. Industrial relations issues are presented.

- 1) Use of lethal force to prevent the escape of prisoners.
- 2) Section 44 (3) of the *Corrective Services Act 1988* is the only legislation which gives a correctional officer authority to use reasonable force. There are general defence provisions in the Criminal Code.
- 3) It was not considered that this provision would allow the use of lethal force.
- 4) The QCSC Board (February 1998) did support the introduction of amendments to the corrective services legislation in regard to this matter. It was proposed that the following authorities be introduced:
 - Authority for the Discharge of Firearms to allow custodial officers or police to discharge firearms in order to stop a prison disturbance or as a warning to prevent escape;
 - to allow custodial officers or police to discharge firearms, even if this causes death or grievous bodily harm, provided the officer believes that the discharge is necessary to prevent any of the following:
 - where a prisoner in a secure prison (secure custody) escapes;
 - where a prisoner whom the officer believes is of a maximum or high classification (secure custody) who is being escorted escapes;
 - where a person is believed by a correctional officer to be assisting in an escape in either or the above situations; or
 - where a person (prisoner or non-prisoner) threatens or uses deadly force against a prisoner, an employee or another person.

In addition, legislative amendments relating to the authority for the discharge of firearms were to include:

- a) a verbal warning of the intent to shoot first be given if reasonably possible unless a person under threat will suffer death or grievous bodily harm if the warning is given;
- b) a firearm not be discharged if other people were placed at risk of grievous bodily harm or death; and
- c) prisoners be adequately notified of the possibility of being shot if they attempt to escape.

The power for firearms to be used outside of the correctional centre should be specified for escort purposes and where an escapee is followed beyond the gazetted boundary immediately following an escape.

The *Corrective Services Amendment Bill 1998* containing these amendments did not progress because of the 1998 State election. This Bill was introduced into the House on 18 March 1998, but has now lapsed.

Topic 5: Searching

Issue 1: Legal powers are unclear with respect to the authority to conduct searches of prisoners and visitors. Officers conducting searches could be found guilty of assault.

- 1) Search of prisoners. Search of persons entering a prison.
- 2) Sections 47 and 48 of the *Corrective Services Act 1988* relate to prisoner searches. Sections 107 and 108 of the *Corrective Services Act 1988* relate to conducting searches of visitors.
- 3) At present, any prisoner may be asked to submit to a search regardless of suspicion. However, an amendment was sought by QCSC to allow the General Manager of a prison to strip search a prisoner who is suspected on reasonable grounds, to have received a prohibited article from a visitor.

At present, any visitor may be asked to submit to a search regardless of suspicion. However, whether a visitor may be touched as part of a “pat down search”, is uncertain. If the visitor refuses to be searched, the General Manager can remove that visitor or deny that visitor entry to the prison. There is no power to compulsorily strip search a visitor. Attempts to introduce a prohibited article into a prison may thus be repeated. The degree of intrusiveness of such searches should be regulated.

- 4) The QCSC Board (February 1998) was strongly of the view that the existing powers to search prisoners were not being properly utilised and there should be a greater emphasis on strip searching prisoners. Amendments to the Act were drafted to ensure the compliance of service providers with an emphasis on the strip searching of prisoners.

The QCSC Board (February 1998) supported the existing legislative power of correctional officers to search visitors in a non-intrusive way. Further the power to touch a visitor for the purpose of a “pat down search” and to strip search a visitor who voluntarily submits to such a search, was to be legislatively clarified. The *Corrective Services Amendment Bill 1998* containing these amendments lapsed because of the 1998 State election.

Topic 6: Sentencing options for the judiciary

Issue 1: The *Penalties and Sentences Act 1992*—which is a responsibility of the Department of Justice and Attorney-General—governs the range of sentencing options. Use of home detention and “outstations” should be available as front-end sentence options. The home detention option could be used to turn certain types of prisoners around more quickly eg fine defaulters. Drug offenders could be sentenced to community drug rehabilitation programs—which would have great benefit for low-risk offenders. The WORC Program should be provided for in the legislation. A generic community corrections order should be considered.

- 1) Use of non-custodial sentencing options.
- 2) The *Penalties and Sentences Act 1992* provides for a wide range of non-custodial and custodial sentencing options. Additionally the *Corrective Services Act 1988* includes provisions under section 69, for transfer of prisoners to the WORC Program. Section 175 of the *Corrective Services Act 1988* allows for the release of prisoners to a community-based supervision option following a term of imprisonment.
- 3) QCSC has identified the following issues as important when considering changes in sentencing practices:
 - clarity in sentencing—sentences imposed by the Courts need to be easily understood by the general community. At present, QCSC is often considered to have inappropriately released prisoners when legislative provisions have simply been applied. Sentencing options need to provide clear information to the community up front and indicate that a set period of time must be served in custody and under community supervision. The periods should be stated by the Court in a more understandable manner than presently exists;
 - a period of community supervision is essential following the release of a prisoner convicted of a serious and violent offence (*Corrective Services Act 1988*);
 - there must be a provision for the legislative recognition of the Work Outreach Camps (WORC) program and other pre-release placement options such as home detention (*Corrective Services Act 1988*);
 - there should also be legislative provision for the use of home detention and “outstations” as a front-end sentencing option;

- legislation should allow for the consideration of the introduction of presumptive parole for prisoners serving short sentences for non-violent offences (*Corrective Services Act 1988*); and
 - sentencing option of diversion of drug offenders to mandated community treatment placements.
- 4) QCSC's position in relation to this issue is that no significant increases in the duration of stay for prisoners should be introduced. The community will bear an exorbitant increase in costs if this occurs with very limited benefit. In addition, a whole of government approach is required to introduce changes to sentencing practices to ensure that community concerns are not only confined to increases in the severity of sentences.

Topic 7: Sentence management

Issue 1: Sentence management policy is currently being reviewed by the QCSC. Legislation is deficient regarding incentives to progress through the system; sanctions are inequitable across centres; and, the fairness of the points system is questioned. Current arrangements are not suitable for ATSI offenders owing to their limited access to suitable programs which will reduce their points. Why can't suitable prisoners move straight from prison to parole without going through release to work and home detention? Should GMs have delegated authority for sentences of less than three years? Serious Offenders Committee should be provided for in the legislation. Case management plans for all prisoners should be developed—not just those serving 12 months or more.

- 1) Sentence management.
- 2) Section 13 of the *Corrective Services Regulations 1989* and Chapter 17 of the Policy and Procedures Manual, Custodial Corrections, provide the basis for the sentence management of prisoners within secure and open custody. The Ministerial Guidelines for the Queensland Community Corrections Board forms the basis for the systematic progression of prisoners from custodial to community supervision. This legislative base could be amended to provide a better and clearer head of power for sentence management practices.
- 3) The issues which have been identified are mainly policy issues, rather than matters for legislative change. A review of the sentence management policy is currently in progress to address the majority of the issues raised.

The requirements for legislative change which relate to sentence management include:

- identification and correction of inconsistencies and anomalies between the corrective services legislation and other legislation, particularly the *Penalties and Sentences Act 1992*;
- provision of legislative recognition of the Work Outreach Camps (WORC) program and other pre-release placement options;

- consideration of the introduction of presumptive parole for prisoners serving short sentences for non-violent offences;
 - creation of a legislative base for the Serious Offenders Committee and the Maximum Security Unit and a regulated regime of privileges tied to security classifications;
 - section 13 of the *Corrective Services Regulations 1989*, requires amendment to avoid Judicial Review issues in regard to pending changes to review periods which are currently six monthly;
 - a head of power needs to be provided in legislation specifically to allow prisoners to be placed in the Maximum Security Unit without the necessity to utilise section 39 provisions;
 - section 72 of the *Corrective Services Act 1988* provides authority to release a prisoner who may be at risk in the corrections system or in the interests of justice. To date, this section has only been utilised for the removal of prisoners from the corrections system for short periods in the interests of justice ie to provide assistance to police or other arms of the criminal justice system. A recent application has been made which interprets this section to mean that QCSC should be able to approve the release for a prisoner at risk from other prisoners. This issue is of concern because of the high number of prisoners who would apply for release under this provision. It is a matter which should be determined by a Court not QCSC. The legislation requires amendment to make the Supreme Court the sole decision maker in such instances with a high burden of proof on the prisoner;
 - consideration for the introduction of the sentencing option of home detention as an alternative to imprisonment.
 - legislative change to allow time served on parole to be deemed as time served in the event of parole being breached. QCSC's view has not been finalised in relation to this issue. The current process causes a number of problems, however, the current provision provides an important incentive for prisoners to behave while on parole. Further work is required to resolve the contradictory views regarding this issue.
- 4) Sentence management policy is currently under review by QCSC. This review will address a number of issues raised during the review in the context of corrective services legislation.

If legislative amendment proceeds, action should be taken to ensure that sufficient authority, and head of power, is provided in the Act for the role and function of a centralised sentence management system.

Topic 8: Presumptive parole

Issue 1: Proposes automatic release on parole after a predetermined time period (eg two-thirds of a sentence). This principle is in opposition to “truth in sentencing” where the prisoner serves the full term of the original sentence.

- 1) Presumptive parole.
- 2) No legislative provisions currently exist.
- 3) A form of automatic release for low-risk prisoners is desirable as an alternative to remission and to prevent a further dramatic increase in prisoner numbers.
- 4) QCSC’s position in relation to this issue is that this approach should be put on the agenda for community consultation and should be considered as a serious release option.
- 5) This approach is in contrast to the truth in sentencing approach where prisoners must serve out the full term of their imprisonment.

Topic 9: Rehabilitation programs

Issue 1: Equity of and access to programs across regions and cultures is an issue. Sex offenders can deny their offence so they can’t progress through programs, and the points system. Progress through the system requires the admission of guilt to access programs. People with special needs are disadvantaged eg those with a disability, those for whom English is a second language, and prisoners from a non-English speaking background.

- 1) Rehabilitation programs.
- 2) Section 59 of the *Corrective Services Act* and Chapter 23 of the *Policy and Procedures Manual, Custodial Corrections*, provide the basis for programs within QCSC.
- 3) All prisoners except those sentenced to indefinite terms, will be released back to the community at some point. The custodial system has adopted the principle that action must be taken to ensure that the risk which each prisoner represents to the community, should be reduced as far as possible before release. This is achieved through the provision of opportunities to improve educational standards, to complete vocational training and to participate in treatment programs to address offending behaviour.

The current system requires prisoners to apply to a Community Corrections Board for release on a community supervision option such as home detention, leave of absence (release to work) or parole. When making their decisions Boards should take into account any actions taken by prisoners to address their offending behaviour. Prisoners are encouraged to participate in programs before they make an application to a Board.

- 4) QCSC is currently expanding the range of programs available to offenders. Further examination is required to decide whether the current authority or head of power for QCSC is sufficient to require prisoners to participate in, and complete programs, as part of their progression through the corrections system.

Topic 10: Breach action

Issue 1: There is a need for consistency across centres eg breaches resulting from urine tests.

- 1) Prisoner breach actions.
- 2) Sections 97, 98, 99, 100, 101, 102 and 103 of the *Corrective Services Act 1988* and sections 29, 30, 31, 32 and 33 of the *Corrective Services Regulations 1989* relate to prisoner breach actions.
- 3) At present, problems arise as prisoners can be breached for the same type of incident in an inconsistent manner depending upon the centre in which they are imprisoned. The current legislation allows for discretionary decisions in regard to breach action.
- 4) To ensure consistency in the way that prisoners are breached, QCSC would seek to amend the *Corrective Services Act 1988* and the *Corrective Services Regulations 1989*, to identify and prescribe specific offences and consequences.

Topic 11: Home detention

Issue 1: See sentencing options above. Eligibility needs to be specified in the legislation. Should there be an obligation to undertake community service? Electronic surveillance options should be included.

- 1) Home detention.
- 2) Division 6, sections 86, 87, 88, 89 and 90 of the *Corrective Services Act 1988* all relate to the management of prisoners on home detention.
- 4) QCSC would not support the inclusion of the eligibility for home detention in legislation as this would eliminate the discretionary power of Community Corrections Boards to determine a prisoner's suitability for community-based release. The current legislation allows prisoners on home detention to participate in community service taking into consideration individual circumstances. No changes are seen as necessary.

QCSC would support an amendment to legislation to allow for the suspension of home detention by the authorised officer or Board. Electronic surveillance may have broader application than in conjunction with home detention. If this option is contemplated, then a head of power will be required, possibly within the *Penalties and Sentences Act 1992*.

Topic 12: Release to work

Issue 1: The Chair of the Parole Board has been approving release to work applications until recently. Yet QCSC has the legislative authority to do this and can't delegate that authority.

- 1) Release to work.
- 2) Section 61 of the *Corrective Services Act 1988*, provides for the granting of leave of absence (release to work) of prisoners.
- 3) Currently the relevant Community Corrections Board approves release to work applications. QCSC's Board grants such leave—as the Board cannot delegate this function in accordance with current legislation.
- 4) QCSC's position on this issue is that section 61(7) requires amendment so that the QCSC Board does not need to grant release to work which has already been approved by a Community Corrections Board. The Community Corrections Boards should be autonomous decision makers accountable for their own decisions.

QCSC would support an amendment to legislation to allow for the suspension of leave of absence (release to work) by the Board or authorised officer.

Topic 13: Authority to travel

Issue 1: There is a complex administrative process for approving applications from parolees to travel eg over the NSW border to watch a child play sport or attend a funeral.

- 1) Prisoner travel.
- 3) Under current legislation, the ability for a prisoner to travel interstate is allowed only as a condition of a parole order. At present, it is necessary for a Community Corrections Board to grant a parole order specifying the condition that a prisoner may travel interstate. This order is then cancelled following the travel. This process is slow and cumbersome.

Only a Community Corrections Board has the authority to allow a parolee to leave the State in accordance with the current interpretation of section 175 (3) and (4). It would be more suitable if the function to approve travel could be delegated to Community Corrections Boards and for those Boards to be given the power to delegate that power to authorised officers.

Topic 14: "Outstations"

Issue 1: See sentencing options above. Should meet statewide standards in facilities and access to services eg official visitors. Should be located close to ATSI communities to improve access.

- 4) An amendment to the *Penalties and Sentences Act 1992* is required to allow the placement of prisoners directly to outstations by the Courts.

Topic 15: Wilful damage

Issue 1: Legal powers should be available to recoup, from prisoners, the costs of any damage to any property they wilfully cause.

- 4) Legal advice will be required on the appropriate manner to achieve these objectives. QCSC would need an Order of the Court under section 35 of the *Penalties and Sentences Act 1992*, at the time of sentencing, to allow it to deduct costs from remuneration payments.

Topic 16: Phased release

Issue 1: Why can't suitable prisoners move straight from prison to parole without going through release to work and home detention steps? Should this be provided for in the legislation? See sentence management above.

- 4) The current legislation and the Ministerial Guidelines to the Queensland Community Corrections Board allow for the discretionary granting of special circumstances parole at any time. While the guidelines support progressive release of prisoners through the staged community-based release process, they do allow for discretion based on the individual circumstances of each prisoner.

Topic 17: Trust accounts

Issue 1: Transfer of funds with prisoners. Why can't all trust accounts be processed using the one electronic system in use in all other prisons?

- 3) Work is currently in progress to allow the operation of a system which provides system-wide access.

Topic 18: Confidentiality

Issue 1: The Concerned Persons Register allows for the release of information about prisoners, to victims of crime. There is no legislative provision for the release of some of this information.

- 1) Concerned Persons Register.
- 2) Section 15 of the *Criminal Offence Victims Act 1995* provides for the release of information about prisoners to victims of crime.
- 3) Section 61 of the *Corrective Services (Administration) Act 1988* establishes confidentiality provisions for QCSC. A policy has been developed which allows for the release of information about a prisoner through the Concerned Persons Register. However, there is no explicit and clear legislative basis for the Concerned Persons Register in any corrective services legislation.
- 4) QCSC's position is that amending legislation should be drafted and introduced in order to give the Concerned Persons Register a legislative basis under the *Corrective Services Act 1988* for the release of prisoner information to victims of crime.

Topic 19: Judicial review

Issue 1: Burdens staff owing to many challenges to decisions on remissions. QCSC wants this reviewed so that it can make decisions with respect to remissions. Civil liberties groups argue for the prisoner's right to natural justice be retained. See also Topic 25: Prisoners have the right to a statement of reasons for decisions with respect to transfers, classifications and refusal to grant release.

- 1) Prisoner's use of Judicial Review to challenge decisions and seek statements of reasons for administrative decisions made by correctional staff.
- 2) The relevant legislation contained in Parts 3, 4 and 5 of the *Judicial Review Act 1991* and the *Acts Interpretation Act 1954*, section 27 B.
- 3) The knowledge that all prisoner management decisions are able to be challenged and possibly overturned, places considerable pressure on correctional staff. The adequacy of legislation to afford protection to staff involved in the preparation of reports, has been raised. Concern has been raised that correctional staff may be prevented from developing and implementing appropriate management regimes for high-risk prisoners.
- 4) QCSC Board (February 1998) supported the removal of the application of Parts 3 and 4 of the *Judicial Review Act 1991*, as these parts apply to prisoners in custody. In order to maintain accountability in the decision-making process, the QCSC Board proposed that an Internal Merits Review process which is attached to the ombudsman's office, be introduced.

The *Corrective Services Amendment Bill 1998* containing these amendments did not progress because of the 1998 State election.

Topic 20: Prisoner's property

Issue 1: Property limit is suggested at 0.25m³. Prison storage limits. Transport and escort limits.

- 1) Authority to limit prisoner's property.
- 2) Chapter 26 of the *QCSC Practices and Procedures Manual*.
- 3) Following the escape of five prisoners from Sir David Longland Correctional Centre in 1997, this issue was identified as requiring legislative attention.
- 4) While there is the power to make a regulation under section 130 of the *Corrective Services Act 1988*, QCSC's Board (February 1998) did not support the introduction of a regulation in regard to this matter. Commissioners were of the view that non-compliance with current procedures is a management issue and compliance by service providers should be enforced by QCSC.

Chapter 26 of the *QCSC Practices and Procedures Manual* with the addition of a property limit, should remain as the basis for prisoner property management.

Topic 21: Prohibited property

Issue 1: A matter for inclusion in Regulation or Commission's Rules. List authorised or unauthorised articles.

- 1) Prisoner access to prohibited property.
- 2) The *Corrective Services Act 1988*, section 93 (1) (c), states that a prisoner who makes, conceals or has in his possession an article or substance prescribed by rule as a prohibited article, commits an offence. Commission's Rule 200 specifies prohibited items.
- 3) Under present legislation, it must be proven that a prisoner knew an article was prohibited. Therefore prisoners must be shown to have read (or had read to them) the list of prohibited articles. At present, this is difficult to do within a prison. Legislation would remove the need for prisoners to have specifically read a list, or been told of, articles which are prohibited. The amendment should make the presumption of such knowledge a rebuttable presumption of fact—with the onus of proof on the prisoner.
- 4) QCSC's Board (February 1998) did not support the introduction of a regulation in regard to this matter. Commissioners were of the view that QCSC should ensure that all service providers advise prisoners of section 93 (1) (c) of the *Corrective Service Act 1988* and of Commission Rule 200. However, the Board may wish to consider amending Commission's Rule 200 to list only those items which are authorised as opposed to those items which are prohibited.

Topic 22: CJC jurisdiction

Issue 1: The CJC wants to have the same jurisdiction as the Ombudsman in relation to all correctional centres—including those operated by private providers.

- 4) QCSC would support the extension of the jurisdiction of the CJC as it would provide capacity for full oversight of the correctional jurisdiction in Queensland in relation to corruption, misuse of office etc. If the extension of CJC jurisdiction is contemplated, consideration will need to be given to whether the provisions of the *Freedom of Information Act* will also apply to private service providers. Some consideration of “commercial in confidence” matters may be required.

Topic 23: Right of entry for lawyers and other professionals

Issue 1: Prisoners should have a legislated right to receive visits from lawyers, health workers etc.

- 1) Professional prisoner visitors.
- 2) Sections 16, 17 and 18 of the *Corrective Services Regulations 1989* provide for the visiting of prisoners by independent professionals. These sections do not apply to a Minister of the Crown, a member of the judiciary or a person who produces photographic identification confirming the person is a police officer, QCSC employee or a person approved by the chief executive to enter a prison.
- 3) Currently the legislation provides—section 18 of the *Corrective Services Regulations 1989*—only that a legal representative visiting a prisoner be afforded opportunity to interview a client out of the hearing of a correctional officer, but not out of sight.
- 4) QCSC provides for a full range of health services at community standards and, on an exception basis, provides access for health professionals. No amendment in this respect is considered necessary by the Commission.

Topic 24: Right to unmonitored phone calls

Issue 1: Prisoners should have a legislated right to unmonitored phone calls to legal advisors.

- 1) Telephone calls — prisoners.
- 2) Section 12 of the *Corrective Services Regulations 1989* provides for telephone calls to and by prisoners.
- 3) Prisoners currently can make telephone calls to their legal representatives for the purposes of arranging a visit only. In addition, all telephone calls to and by prisoners are monitored and recorded.
- 4) Amending legislation was introduced in 1998, to allow for prisoners to make telephone calls to their legal representative to arrange for a legal visit or to have the prisoner telephone the person for legal advice and assistance. In addition, all telephone calls to and by prisoners may be monitored and recorded.

Amending legislation was not passed because of the 1998 State elections. It would be of value if QCSC's power to monitor and record phone calls was clearly enshrined in legislation.

Topic 25: Statements of reasons

Issue 1: Prisoners have a right to a statement of reasons for decisions with respect to transfers, classifications and refusal to grant release.

Refer to Topic 19

Topic 26: Access to legislation and "rules"

Issue 1: Prisoners have a right to access legislation, amendments to legislation and subordinate "rules".

- 1) Prisoners' access to legislation and "rules".
- 2) Section 36 of the *Corrective Services Act 1998* provides for a prisoner to be informed of the provisions of the *Corrective Services Act 1998* and, with the approval of QCSC, any other Act, the Commission's Rules and the General Managers' Rules as are relevant to the entitlements or duties of prisoners.
- 4) QCSC is satisfied with current provisions in relation to this issue.

Topic 27: Sharing of information

Issue 1: QCSC is not recognised by the Queensland Police Services as a law enforcement agency and therefore is denied access to criminal histories—which it argues are necessary. Information from other agencies is available under specific Memorandums of Understanding.

- 2) Section 204 of the *Corrective Services Act 1988* provides a mechanism for QCSC to request criminal histories from the Commissioner of Police.
- 3) QCSC continues to have difficulties in obtaining interstate criminal histories from the Commissioner of Police. These are available to the Department of Public Prosecutions at the time a prisoner is sentenced. However, the systems for QCSC to access interstate criminal histories are inadequate. These issues—and others relating to the exchange of information between the various agencies of the criminal justice system—are being addressed through the CJIS project.
- 4) It would be of value to provide a legislative basis for the release of information to other agencies of the criminal justice system as proposed by the Courts' Modernisation Project.

Topic 28: Eligibility for release

Issue 1: The legislation should specify criteria for eligibility for release prior to application.

- 2) Subdivision G, sections 80, 81, 82, 83, 84 and 85 of the *Corrective Services Act 1988*, refer to the discharge of prisoners.
- 4) QCSC considers that the current legislation is adequate in relation to the granting of early release for eligible prisoners. The suitability of prisoners can be determined through policy provisions rather than through legislation.

Topic 29: Protection for staff

Issue 1: Section 62 of the *Corrective Services (Administration) Act 1988* requires that officers must act “without negligence” for correctional purposes before they will be protected from individual liability.

- 3) This does not offer staff sufficient protection. The provision should be considered with respect to the Cabinet guidelines for the individual liability of public servants where the test is whether the Crown employee has acted diligently and conscientiously in the performance of their duties. This reflects that a diligent employee making an inadvertent act or omission whilst going about their tasks may still be found to be “negligent” within the terms of that concept at common law.

Topic 30: Deductions from prisoner remuneration

Issue 1: Deductions from prisoner remuneration can occur pursuant to sections 59, 67 and 91 of the *Corrective Services Act 1988*.

- 3) The legislation lacks clarity in relation to the intended purpose of prisoner remuneration and the rights of victims to seek compensation. Given that victims now have the *Criminal Offence Victims Act* through which they can seek taxpayer-funded compensation, this issue requires further consideration during legislation review.

Appendix 8: Submissions received

Mr John Griffiths
Area Manager
Burleigh Heads Community Corrections Office

Ms Sue Woulfe
A/Area Clerk
Burleigh Heads Community Corrections Office

Mr Barny Kelly and Staff
Noosa Heads Community Corrections Office

Ms Sherry Tussler
Senior Community Correctional Officer
Brisbane North Area Office

Mr C Leggett
Chairperson
State Chaplaincy Board

Mr Allan Morris
A/Senior Community Correctional Officer
Ipswich Community Corrections Office

Ms Vivienne Page
Area Manager
Gympie Community Corrections Office

Mr Paul Alexander
Area Manager
Maryborough Community Corrections Office

Mr Peter Woods and Staff
Maroochydore Community Corrections Office

Ms Lisa Freshney and Staff
Emerald Community Corrections Office

Mr Ron Butel
Logan City Community Corrections Office

Mr David Johnson
Internal Auditor, QCORR

Mr Bill Youatt-Pine
Community Corrections Officer
Logan City Community Corrections Office

Mr Kevin Kehoe
A/Senior Area Manager
Logan City Community Corrections Office

Mr Greg Wiman
Community Corrections Officer
Logan City Community Correctional Office

Ms Brenda Martin
Area Manager
Innisfail Area Office

Ms Karen Fletcher
Prisoners' Legal Service Inc.

Ms Ellen Sorbello
Area Office Clerk
Innisfail Area Office

Ms Mary Simmons
Community Corrections Co-ordinator
Innisfail Area Office

Mr Peter Slater
Community Correctional Officer
Metropolitan Region Community Corrections Office

Mr Ken Jurotte
Chief Executive Officer
ATSI Corporation (QEA) for Legal Services

Mr David Schulz
Executive Director
Department of Justice

Dr Tony Falconer
Consultant, Health and Medical, QCSC

Ms Carolyn Martin
Logan City Community Corrections Office

Ms Sandra Boyd
Southport Community Corrections Office

Mr Don Willis
Secretary to the Commission, QCSC

Mr Geoff Laphorne
Community Corrections Officer
Toowoomba Community Corrections Office

Ms Jennifer Robinson
Community Corrections Officer
Logan City Community Corrections Office

Mr Peter Mulder Community Correctional Officer Logan City Community Corrections Office	Sir Bruce Watson Chairperson of the Commission, QCSC
Ms Judy Andrews Secretary Families & Prisoners Support Inc.	Ms Melinda Blake Maryborough Community Corrections Office
Mr Tom Nicol Mr John Crouch, QCORR	Mr W Aldrich Acting Commissioner Queensland Police Services
Mr John Boucher Townsville Community Corrections Office	Dr David Brereton Director, Research and Prevention Criminal Justice Commission
Mr Stephen Lonie Acting Chairman Queensland Corrections	Ms Caroline Walters Official Visitor
Mr L J Scanlan Auditor-General Queensland Audit Office	Mr Clive Begg Executive Director ACRO
Ms Laila Hakansson Ware Official Visitor	Mr Ian Dearden President Queensland Council for Civil Liberties
Mr Gordon Rennie General Secretary SPSFQ	Mr J R Kinley Area Manager Mareeba Community Corrections Office
Ms Lynette Stevens Community Correctional Officer Logan City Community Corrections Office	Staff Northern Region Community Corrections
Ms P Byers	
Mr Wayne Weaver QISPA	
Mr Ross Evans Senior Area Manager Ipswich Community Corrections Office	
Mr Gavin Wright General Manager Custody Services & Standards Development, QCSC	
Ms Rowena Soloman Director S-Team Consulting	

Appendix 9: Individuals and service providers consulted

Mr Fred Albeitz	Parliamentary Commissioner, Office of the Parliamentary Commissioner for Administrative Investigations
Mr Barry Apsey	Director-General, Queensland Corrective Services Commission
Justice Atkinson	Supreme Court
Mr Clive Begg	Executive Director, Australian Community Safety and Research Organisation Inc
Mr Phillip Blakey	A/Executive Director, Maconochie Lodge
Mr Bob Bleakley	ex Director, Community Corrections, Queensland Corrective Services Commission
Mr Gerard Bradley	Under Treasurer and Under Secretary, Queensland Treasury
Dr David Brereton	Director, Research and Prevention, Criminal Justice Commission
Mr Don Brown	President, Allied Liquor Hospitality and Miscellaneous Workers Union
Ms Mary Burgess	Commissioner, Queensland Corrective Services Commission
Mr Trevor Carlyon	ex Chair, Queensland Corrective Services Commission
Mr Frank Clair	Chair, Criminal Justice Commission
Mr Kevin Corcoran	Acting CEO, Queensland Corrections
Dr Glyn Davis	Director-General, Department of the Premier and Cabinet
Mr Ian Dearden	President, Queensland Council for Civil Liberties
Ms Anne Dutney	Director, Operations, Corrections Corporation of Australia
Ms Karen Fletcher	Acting Co-ordinator, Prisoners' Legal Service
Mr Peter Forster	Director, The Consultancy Bureau
Mr Trevor Gear	Assistant Commissioner, Office of the Parliamentary Commissioner for Administrative Investigations
Mr Mark Gray	Deputy Under Treasurer, Queensland Treasury
Mr Keith Hamburger	ex Director-General, Queensland Corrective Services Commission
Prof Richard Harding	Director, Crime Research Centre, The University of Western Australia
Ms Alison Hunter	Executive Director, Policy and Offender Services, Queensland Corrective Services Commission
Ms Meredith Jackson	Senior Executive, Special Projects, Queensland Treasury
Chief Justice Paul de Jersey	Supreme Court
Dr Leo Kelihher	Director-General, Department of Corrections, NSW
Mr Jim Kennedy	Head of Commission of Inquiry, 1988, ex Chair, Queensland Corrective Services Commission
Mr Des Knight	ex Chair/Acting CEO, Queensland Corrections

Mr Terry Lawson	Managing Director, Corrections Corporation of Australia
Mr Alan Lewis	Manager, St Vincent's Community Centre
Ms Jane Macdonnell	Director-General, Department of Justice and Attorney-General
Mr Stan Macionis	General Manager, Health Services Australia
Ms Kathy Mahoney	ex Legal Advisor, Queensland Corrective Services Commission
Rev Allan Male	Principal, Shaftesbury Citizenship Centre
Mr Ross Millican	Executive General Manager, Operations, Australasian Corrections Management
Mr Paul Moyle	Consultant and Senior Law Lecturer, University of Western Australia
Ms Angela Musumeci	Director, Community Corrections, Queensland Corrections
Mr Terry O'Donoghue	Acting Commissioner, Corrective Services Commission, Victoria
Mr Jim O'Sullivan	Commissioner, Queensland Police Service
Justice Pincus	Supreme Court
Mr Renny Phipps	Manager, Structural Policy Division, Queensland Treasury
Mr Gordon Rennie	General Secretary, State Public Services Federation, Queensland
Mr Peter Rule	Executive Director, Contracts and Audit, Queensland Corrective Services Commission
Mr John Rynne	Crime Research Centre, The University of Western Australia
Mr Bob Scott	Commissioner, Queensland Corrective Services Commission
Mr Len Scanlan	Auditor-General, Queensland Audit Office
Mr David Schulz	Executive Director, Administration of Justice and Criminal Justice Programs, Department of Justice and Attorney-General
Mr David Smith	Assistant Under Treasurer, Economics Division, Queensland Treasury
Mr Darcy Turgeon	General Manager, Aboriginal and Torres Strait Islander Policy, Queensland Corrective Services Commission
Chief Justice Frank Vincent	Supreme Court, Victoria
Mr Barry Watson	State Public Services Federation, Queensland
Sir Bruce Watson	Chair, Queensland Corrective Services Commission
Prof Pat Weller	ex Chair, Queensland Corrective Services Commission
Justice Stan Dear	Magistrates Court

Focus Groups

Correctional Centres

Arthur Gorrie Correctional Centre
 Borallon Correctional Centre
 Brisbane Women's Correctional Centre
 Darling Downs Correctional Centre
 Lotus Glen Correctional Centre
 Moreton A&B Correctional Centre
 Numinbah and Palen Creek Correctional Centres
 Rockhampton Correctional Centre
 Sir David Longland Correctional Centre
 Townsville Correctional Centre
 Woodford Correctional Centre

Community Corrections

Northern Region Community Corrections
 Central Region Community Corrections
 Southern Region Community Corrections
 Metropolitan Region Community Corrections
 WORC

Other staff: Queensland Corrective Services Commission

Office of Sentence Management
 Proactive Intelligence Network
 Proactive Support Group
 Corrective Services Investigation Unit
 Audit and Evaluation Unit
 Executive
 Office of the Director-General
 Health and Medical
 Policy
 Planning and Research

Queensland Corrections

Community Operations
 Information Technology
 Administration and Finance
 Executive
 Office of the CEO
 Human Resources Management
 Special Services
 Custodial Operations

Other Group Consultations

Gumba Gumba Elders
 Queensland Police Service
 Baa's Yard, Pormpuraaw Community Council
 Palm Island Area Office and Outstation
 Official Visitors, QCSC
 QCSC Board
 Queensland Corrections Board
 Queensland Community Corrections Board

Appendix 10: Documents received

No.	Document
1	Previous Reviews and Audits of the Qld. Corrective Services Commission (post-Kennedy)
2	Corporatisation Issues Papers
3	Corporatisation Issues Papers — Modifications
4	Corporatisation Issues Paper No. 8 — Capital Structure
5	Corporatisation Charter for the Service Delivery Elements of the Queensland Corrective Services Commission (Qld Corrections) April 1997
6	The Queensland Corrective Services Commission Board Paper: Recommendations from the Audit of the QCSC by Price Waterhouse Urwick
7	Daily Statistics — Watch-houses/Vacancies
8	Annual Report 1995-96 QCSC
9	Annual Report 1994-95 QCSC
10	Annual Report 1996-97 QCSC
11	Annual Report 1993-94 QCSC
12	Annual Report 1993 QCSC
13	Annual Report 1990-91 QCSC
14	Annual Report 1989-90 QCSC
15	Annual Report 1989 QCSC
16	Public Sector Management Commission: Review of the QCSC
17	Draft QCSC Strategic Plan 1998-99-2000-01
18	Commission of Review into Corrective Services in Queensland: Final Report, August 1988
19	Evaluation of the Secure Custody Program March 1997 QCSC
20	Corrective Services (Administration) Act 1988 Reprint No. 1 and Regulations
21	Corrective Services (Administration) Act 1988 Reprint No. 2 and Regulations
22	Industry Commission Report
23	Terms of Reference for the Review of QCSC, 3/8/98
24	Purchaser/Provider Arrangements in the Delivery of Social Services
25	Corrections in Queensland — Future Options, April 1998
26	Private Prisons and Public Accountability by Richard W. Harding
27	The Development of the Corporatised QCSC
28	Qld. Commissions of Inquiry Act 1950, Reprint No. 2B
29	QCSC Organisation Chart
30	APPENDIX A: List of Programs Sampled by Privately-Operated Facility
31	Policy Study No. 240: Private Prisons: Quality Corrections at a Lower Cost

No.	Document
32	Scenarios for the Queensland Corrections Sector
33	Draft QCSC Strategic Plan 1998-99 — 2000-01
34	Review of the Queensland Corrective Services Commission: Submission to the Public Sector Management Commission
35	Review of the Queensland Corrective Services Commission: Attachments to the Submission to the Public Sector Management Commission
36	Implementation Plan
37	Deed of Authorisation
38	Draft Report, Part A, "Results of the Stress Survey: Perceptions of the Nature and Causes of Stress Among Staff Employed in Custodial Correction Centres" 5 May 1995
39	Summary Report of Stress Survey, including Potential Strategies for Managing and Reducing Staff Stress in Custodial Correctional Centres, December 1995
40	Status of PSMC Review Recommendations as at 10 May 1996
41	Kennedy Review — Implementation of Final report Recommendations Status as at 31/1/96
42	Queensland Corrective Services Commission Annual Report 1997-98
43	Journal articles: "The Pros of Private Prisons" and "Prison Sell"
44	'The Law Report' radio transcript ABC Radio
45	Standard Guidelines for Corrections in Australia 1996
46	Report on Government Services Volume 1 Education, Health Justice Emergency Management Steering Committee for the Review of Commonwealth/State Service Provision 1998
47	Photocopy of Construction of the new Woodford Correctional Centre
48	"Justice Issues and Initiatives in Western Australia" Issue 2, July 1998
49	"The Integrated Approach — The Philosophy and Directions of Juvenile Detention" — QCSC
50	Photocopy of National Audit Office — The PFI Contracts for Bridgend and Fazakerley Prisons 31/10/97
51	Private Prisons in Australia: the Second Phase No. 84 Aust Institute of Criminology
52	Dept of Justice Vic. New Prisons Project — Brief to short listed Parties to submit a firm offer or the Development, Ownership and Operation of the Men's Metropolitan Prison
53	"Her Majesty's Chief Inspector of Prisons" short inspection report of HM Chief Inspector, visit to HMP Manchester
54	Photocopy of "Report of the Review of Remission and Parole" Western Australia Ministry of Justice March 1998
55	Photocopy of 'Private Prisons and Police — Recent Australian Trends

No. Document

- 56 Copy of research report issued by QUT Faculty of Business — a summary of research conducted into the comparative costs of private and public correctional services as well as the nature of recidivism
- 57 Family Support Program for Aboriginal and Torres Strait Islander Prisoners and Family Members June 1998
- 58 Kennett's Private Prison Industry
- 59 The Journal of Criminal Law and Criminology Vol. 83 No. 3 — Well Kept: Comparing Quality of Confinement in Private and Public Prisons
- 60 Policy Study No. 240 Private Prisons: Quality Corrections at a Lower Cost
- 61 The Handbook of Crime and Punishment Edited by Michael Tonry
- 62 Making a Modern Prison Work — Report of the Best Practice Forum Perth 30 April 1998
- 63 Report by Prof Richard Harding of matters arising out of his recent overseas tour relevant to the current EOI and RFP process
- 64 "New Directions in Prison Design and Management: A Canadian Perspective" A presentation to the ACA 125th Congress of Correction Cincinnati, Ohio, 8 August 1995
- 65 Journal of Correctional Education Volume 47, Issue 2, June 1996 pp 87-93
- 66 Report of Government Service Provision 1997 Chapter 13 pp 759- 782
- 67 Performance Measures for the Criminal Justice System — Criminal Justice Performance Measures for Prisons by Charles H Logan pp 19-57
- 68 Unsafe Work Practices Lead to Findings of Negligence Against Prison Operator: Jarvis v Australasian Correctional Management p/l Paul Moyle
- 69 Conference Report — Private Contract Management of Prisons Exploring Key Policy and Implementation Issues (Paul Moyle)
- 70 Review of Comparative Costs and Performance of Privately and Publicly Operated Prisons 1996-97 — Prison Service Research Report No. 3, 12/97
- 71 Wackenhut Corrections Corporation — Glades County Operations and Management Services Contract
- 72 Contracted Prisons: Cost and Staffing comparisons 1995-96 5/11/97
- 73 Comparing the cost and Performance of Public and Private Prisons in Arizona August 21, 1997
- 74 A Comparative Recidivism Analysis of Releases from Private and Public Prisons in Florida January 1998
- 75 Evaluating Private Prisons: Comparisons, Competition and Cross- fertilisation
- 76 Community Corrections Review QCSC October 1993
- 77 Community Corrections Review Volume 2 — Appendices
- 78 PSMC "Review of the Queensland Corrective Services Commission" December 1993

No. Document

- 79 Report of the Commission of Inquiry into Drugs in Queensland Custodial Correctional Centres, Carl Mengler 1995
- 80 Memo to DG & DDG QCSC from QCSC Solicitor Kathryn Mahoney Re: Legal Transfer of Powers of QCSC to QCORR
- 81 QCORR Corporate Video and Corporate Profile folder
- 82 Corr Issues Mag Vol. 1 No. 2 June 1998
- 83 Qcorr Bulletin Staff Information No. 6 24 August 1998
- 84 QCORR History and Corporate Profile, Org. chart for the corporation
- 85 Community Queensland Corrections video
- 86 MPS — Minister for Police and Corrective Services, QCSC 1998-99
- 87 Department of Justice Victoria — Victoria's private prisons: An innovative partnership; Innovations in the Victorian Corrections System; The Victorian Adult Corrections system; The Corrective system in Victoria; Australian Institute of Criminology Conference. Privatisation and Public Policy: A correctional Case study 16-17 June 1997; Private Sector. Participation in New Prisons in Victoria
- 88 Queensland Corrections Organisational Structure
- 89 Sir David Longland Correctional Centre Information Booklet
- 90 National Competition Policy Implementation in Queensland — Competitive Neutrality and Queensland Government Business Activities — July 1996
- 91 Article from the Courier Mail, 22/9/98 — Prisons Breeding Monsters — Reducing sex crimes requires rehabilitating offenders, writes Karen Fletcher.
- 92 Profile Northern Region — Community Corrections
- 93 Aboriginal and Torres Strait Islander Social Justice Commissioner — Fourth Report 1996
- 94 Working it Out Locally — Aboriginal Community Justice and Mediation 2 tapes
- 95 QCSC Briefing Note — The Hon Tom Barton, MLA, Minister for Police and Corrective Services Subject: Aboriginal and Torres Strait Islander Outstations
- 96 QCSC Briefing Note — The Hon Tom Barton, MLA, Minister for Police and Corrective Services Subject: Aboriginal and Torres Strait Islander Issues
- 97 QCSC — Summary of results from a series of Audit Reports for 1997-98
- 98 Details of QCSC Board
- 99 QCSC Audit Report — Borallon Correctional Centre — October 1997
- 100 QCSC Audit Report — Arthur Gorrie Correctional Centre — July 1998
- 101 QCSC Audit Report — Woodford Correctional Centre — April 1998
- 102 QCSC Contract for the operation of the management of West Brisbane Community Corrections Centre between QCSC and QCORR

No.	Document
103	QCSC Operational Specifications for the operation and management of West Brisbane Community Corrections Centre 25 August 1997
104	QCSC Contract for the operation and management of Sir David Longland Correctional Centre between QCSC and QCORR
105	QCSC Operational Specifications for the operation and management of Sir David Longland Correctional Centre 25 August 1997
106	Information to the Commission of Inquiry into the Queensland Corrective Services Commission — presents a historical summary of the legislation review work undertaken by the QCSC
107	ATSI briefing note (letter) Re: development of a prison in Cape York Peninsula Region
108	Corrective Services Data Collection 1997-98
109	QCSC Organisational Units and Functions
110	Status of PSMC Review Recommendations as at September 1998
111	Report on Government Services Volume 1: Education, Health, Justice Emergency Management. Steering Committee for the Review of Commonwealth/State Service Provision
112	QCSC Evaluation of the Secure Custody Program (QLD) March 1997
113	Review of Community Justice Groups — Kowanyama, Palm Island, Pomppuraaw May 1995
114	QCSC Board Paper — Legislation Review
115	The Report of the Joint Review of Queensland Corrective Services Commission Public Sector Management Commission and Treasury November 1990
116	CC of ltr to Mr Lawrence Foote, The Chairperson, Pomppuraaw Community Council Re: Pomppuraaw Community Council — Baa's Yard Outstation
117	A Guide to the Queensland Corrective Services Commission 3 June 1997
118	Board Paper — Outcomes of Commissioner's Workshop held at the T&D Centre, Wacol on Thursday 16 October 1997
119	The Maconochie Experience — A Story of Prisoner Rehabilitation
120	The Victorian Correctional Services System
121	Request for Proposal for Wooroloo Prison South Project
122	Briefing note for Russell Cooper MLA Minister for Police and Corrective Services and Minister for Racing and Santo Santoro MLA Minister for Training and Industrial Relations. Subject: Corporatisation of the Service Delivery Elements of the QCSC — Meeting with SPSFQ General Secretary
123	Memo to Director-General (through Exec Director, Contracts and Audit) From Director Finance, Contracts and Administration Re: MFO/AOB

No. Document

- 124 Ltr to Frank Peach from David E Jones, Assistant Auditor-General — Audit, Queensland Audit Office Re: Letter to Keith Hamburger concerning the results of QAO's 1996 performance management system audit relating to private prisons and details of QCORR's reports to the shareholding Ministers
- 125 Memo to Frank Peach from Renny Phipps, Director, Structural Policy Division, Queensland Treasury and Final Report of the Queensland Corrective Services Asset Management Taskforce September 1998
- 126 Queensland Corrective Services Commission Organisational Chart
- 127 Section Three — Operations — Secure Custody Quarterly Review
- 128 Open Security Centres — Incidents
- 129 QCSC Board Paper — Review of Community Corrections — Alison Hunter, Executive Director, Policy and Offender Services, Peter Rule Acting Director-General 8/10/98
- 130 Who Will Watch the Watchers? Oversight to the Department of Correction
- 131 Justification for privatisation of corrective services
- 132 Director-General's Report to the Board of the QCSC September 1998
- 133 The Development of the Corporatised QCSC
- 134 Memo to DG, copied to Secretary to the Commission from QCSC Solicitor. Kathy Mahoney Re: 1. Authorisation and Delegations General Managers' rules, Commission's Rules and Regulations Subpoenas and Summons and Writs of Non-Party Discovery
- 135 Complaint Procedures in Public and Private Prisons — Is There any Difference?
- 136 Commission of Review into Corrective Services in Queensland Executive Summary of the Final Report — overview, the findings, the recommendations
- 137 QCSC Board Information Paper — Performance Management for Contracted Correctional Centres
- 138 Queensland Corrections Video — Corrvision Staff News
- 139 Commission of Review into Corrective Services in Queensland — Interim Report May 1988
- 140 Excerpt from CJC Submission to three yearly PCJC Review Re: Jurisdiction over Corrective Service
- 141 NSW Department of Corrective Services Corporate Plan 1998-2001 and Strategic Plan 1998-2001
- 142 Corr Issues Vol 1 No 3 September 1998
- 143 Queensland Corrections Community Operations Strategic Plan 1998-2003
- 144 QCORR Statistics — Type of Contravention — Terminations, Rate of Termination as result of Contravention, Recidivism — Successfully Completed Offender who returned to system during period of study — Recidivism — Successfully completed Offender who returned to system during period of study

No.	Document
145	Category of Completion Community Supervision Financial Year 1/7/95 — 30/6/96
146	Report of Research into Possible Models of Correctional Services on Isolated North Queensland Aboriginal Communities
147	ATSI Social Justice Commission Fourth Report 1996
148	Interstate Comparisons — Community Supervision
149	Interstate Comparisons — Prisons
150	Process for front and back end orders
151	Statistics from QCORR Community Corrections
152	Community Corrections in Queensland — an Overview, and Development Options QCSC Planning Branch October 1998
153	Contract for the operation and management of Southern Community Corrections Region between QCSC and Queensland Corrections
154	Prisoner number trends, diversion from custody and post-release support programs
155	1998-99 Budgets for PSG, PIN and CSIU
156	Review of Community Corrections Board by RA Mulholland and Audit Project Report — Review of the Official Visitors Program by Paul Rolek
157	Privatisation of Prison and Jail Operations — An Annotated Bibliography
158	Organisational Effectiveness: A Multiple-constituency Approach — Terry Connolly Edward Conlon, Stuart Deutsch Georgia Institute of Technology
159	Private Sector Participation in New Prisons in Victoria, Australia by Tony Wilson, Project Director and Tim Cave, Executive Officer, New Prisons Project, Department of Justice

