

PART A

INTRODUCTION

1. THE TASK OF THE COMMISSION OF REVIEW

1.1 Operation of the Commission

The Commission of Review Into Corrective Services in Queensland was established on February 29, 1988. The Terms of Reference of the Commission required that I examine and report "... in the public interest, what changes, if any, should be made in the administration and operation of the Queensland Prison System ..." (A copy of my Terms of Reference is Attachment 1). A Committee to Assist the Commission was established on that date.

As required by the Terms of Reference, I submitted my Interim Report on May, 31. I pointed out in that Report that a review involves identifying issues, drawing conclusions and then making recommendations. Since submitting my Interim Report I have continued with the process of review in that manner. I have drawn upon the assistance of members of my Committee, the Secretariat and a variety of specially constituted task forces in evaluating submissions, and especially in putting together a workable, practical consensus regarding the Review's recommendations.

When I was commissioned to carry out the Review, I was requested to bring to the Minister's notice any matters that might require urgent attention. I have in fact referred several such matters to the Minister. For instance, I saw an urgent need to develop a professional service to counsel staff under stress. I made a recommendation for immediate action. In this, and the other cases where I needed to report and make recommendations urgently, I was pleased to see action taken to implement them rapidly.

Also, at some key stages of the Review, it has been necessary to seek guidance regarding the acceptability of an idea I was considering before moving ahead with detailed developments. One such case was the future of Brisbane Prison. Again my broad recommendation has been accepted, and I have been able to continue the Review with a clear sense of direction.

In the body of this Report I have set out the areas where such issues have been resolved and how my recommendations were reached.

I have been involved with several inquiries and commissions. I think this one must be something of a record for the way in which the community has responded with submissions.

This strong community involvement has been an essential part of the widespread agreement on the future direction for corrective services that has been achieved in this Report. It provides a very firm foundation on which the Queensland Corrective Services Commission and the Government can build.

During the Review, members of the Committee, Secretariat and I have visited all the prisons in Queensland. We have attended meetings of groups wanting to discuss issues with us. We have had discussions with groups on Palm Island, with Parliamentary Committees and with lawyers, with the Parole Board and many others. We made a commitment that we would be prepared to talk to any one, anywhere, any time. I believe we have managed to honour that commitment.

We have drawn upon the experiences of those who have worked in other States and visited other countries. We have read widely about corrective systems elsewhere and considered their successes and failures. The Honourable Paul Clauson, the Minister for Justice and Attorney-General, and Mr Kevin Martin, Deputy Under Secretary of the Justice Department have just attended a major conference in Canada to consider aspects of parole changes. Mr Martin is working as the leader of a task force assisting the Commission of Review.

1.2 Interim Report And The Final Report

By the time I completed my visits to the prisons, I had read all the submissions and had read most of the previous reports of reviews of various kinds over the years. Obviously the system faced serious and entrenched problems. In fact, I was staggered to find so much previous work and so many reviews of the system, all identifying the same problems I saw. Yet the problems have persisted.

I felt that the Interim Report needed to advise on the changes required to get the system out of the rut of review and report, once and for all. The Interim Report, therefore attended to pressing and major problems in the system. It did not make detailed recommendations about day to day issues.

My Interim Report is not included in this Final Report. Hence, both Reports need to be read in conjunction. Nevertheless, if in this Final Report I am to provide comprehensive details on the processes of the Review and more particularly a complete response to the Terms of Reference then it will be necessary to summarise earlier findings and to quote from some sections of that earlier report. In brief, the Interim Report said there were serious problems in the system. These included:

- Poor morale amongst prison officers;
- A fragmented correctional service;
- A poor public image;
- Corruption in parts of the organisation;
- Excessive crowding and out-dated sections of the two main prisons;
- Inequity and inefficiency in the parole system;
- Inadequate research capacity; and
- A system of management that lacks the capacity and resources to obtain a consensus regarding the future direction of Corrective Services and no effective means of implementing agreed goals.

The Major Recommendations of the Interim Report are shown in the Attachments to this Report. In summary, I recommended that:

- A Queensland Corrective Services Commission be established to take over the functions of the Queensland Prison Service and the Queensland Probation and Parole Service from 1/1/1989;
- The Government provide an additional \$9 million in extra funding to Corrective Services;
- The Government agree to establish a Police Prison Liaison Office (P.L.O.);
- The Government officially confirm a commitment to the demolition of No.2 Division of H.M. Prison, Brisbane and the Maximum Security Section of H.M. Prison, Townsville.

Each of these recommendations was accepted. I know that any Government is always under pressure for funds and that corrective services are rarely a priority area for extra resources. Yet the Government acted with commendable speed in considering and accepting my Interim Report.

I know that the rewards to the Government and the people of Queensland will be significant and that a festering area of public administration will be taken off the front pages of the daily press. The price the Queensland Government has agreed to pay for an acceptable system is really a bargain. I note recent newspaper reports that suggest the Premier of New South Wales has committed \$1 billion to law and order and the refurbishment of the corrective services in that State.

Given the acceptance by Government of the Major Recommendations to provide:

- adequate resources to corrective services,
- a new organisational structure more capable of managing the operations; and
- to close H.M. Prison Brisbane,

my Final Report concentrates mainly on administrative matters and future directions. The Q.C.S.C. will have the flexibility and the capacity to administer the organisation properly. In this Final Report I have provided recommendations only in those cases where there is a clear course of action. Generally I have tried to set the agenda and leave the determination of priorities to the men and women who will form the board of the Q.C.S.C., and who will be charged with the responsibility for the performance of the organisation.

I must point out that my Terms of Reference go beyond just the "Prison System" or "Custodial Corrections". I was required to look at the system as a whole including "alternative sentencing" and "parole", and I did so.

1.3 Other Tasks of the Commission of Review

The Commission of Review has been involved in a number of other tasks including the setting up of the Q.C.S.C. and the implementation of other recommendations from the Interim Report. These are discussed below.

1.3.1 *Manual of Policy and Procedures*

In my Interim Report I noted problems arising from poorly defined roles and the need to improve management communication. Further I reported the inconsistency with which rules, regulations, practices, and processes in each prison are applied. I noted that I had a great many submissions drawing attention to these problems. The Queensland State Service Union recommended "... that each officer be provided with a Manual of Administrative Instructions pertaining to the performance of his duties and that on each occasion a new memorandum is issued a copy be given to each individual Officer."

I totally endorse this recommendation. I wrote to the Minister even before completion of the Interim Report. I recommended that as a matter of great urgency work should commence on producing a Manual of Policy and Procedures for the Prison Service. I further suggested the Secretariat itself would be prepared to carry out the preparation of the manual. I felt that the Review would produce changes that could best be documented by the Secretariat.

My resolve for the urgent provision of such a Manual was strongly reinforced by a consultancy report commissioned by me from Wormald Security. I asked them to examine plans for recruiting and training officers for the new prisons. Their Report on the recruitment of staff for the new prisons had the following comments which supported my views:

"Our major concern in relation to the selection process, however, is that it has not been based on the actual position descriptions and person specifications for the Unit Officers and other Prison Officer roles. We understand that these documents are not yet completed. The Role Specification we received for a Prison Officer is not oriented towards the new Unit Management Concept. Hindering the completion of these documents is the decision regarding the inherent role conflict between Security Officer vs. Corrective Services Officer and the non-completion of the new policies and procedures manual.

It is very difficult, working within these uncertain parameters, to establish a definitive selection package."

Their Report to me recommended:

"... the production of a comprehensive policy and procedures manual for the prison service be completed no later than 1st December, 1988 to enable the completion of accurate job descriptions and appropriate training courses for the opening of Wacol II."

The Minister accepted my recommendations that the Secretariat of the Review prepare a manual. I was delighted that Mr Geoff Hardy from the Committee Assisting the Commission of Review was able to join the Secretariat on a full time basis to assist in this task. I must also note the great assistance of Mr Barry Stephenson, Manager, Management Services Branch, Prisons Department who co-ordinated this task with Mr Hardy. I know from their reports to me that a great many staff at all levels in the Prison system became involved in the task. Together they have managed in a remarkably short space of time to put together the basic framework for a manual which will go a long way towards solving the problems. That this has occurred is indicative of the commitment of many staff to the changes that are already starting to occur as a result of the Commission of Review. There are too many people for me to list them all personally, but through this report I would like to express my sincere appreciation.

The Manual of Policy and Procedures for the Queensland Corrective Services Commission is submitted to the Minister together with this Report. I expect that the Department and the Q.C.S.C. will continue to refine this document. It must be constantly updated. Early in the New Year the Queensland Corrective Services Commission will be in a position to issue it to staff and it will be a tangible indication that corrections in this State are really changing. Also, it will become a central part of the training of recruits to the new prison at Wacol early in 1989.

1.3.2 *Legislative Change*

Exactly a century ago in 1888, the first Queensland Prisons Act was being drafted. It implemented the recommendations of the Gaols Commission appointed by the Legislative Assembly in 1887.

There have been very few significant changes to the Legislation since.

In the Interim Report I noted the submissions critical of the state of the Prisons Act. I agreed with the Queensland State Service Union that the Act was outdated, no longer met the needs of the service, and needed remedying.

The Minister has agreed to my suggestion that the Secretariat take over the work of drafting the Act.

I now provide to you as a further accompaniment to this Report, a draft of two pieces of legislation that could be enacted to implement the changes I am proposing.

The Draft Bills are in the following forms:

Corrective Services (Administration) Bill

This Draft Bill establishes the Queensland Corrective Services Commission and defines its powers and responsibilities for the provision of corrective services.

Corrective Services Bill

This Bill is intended to draw together the present *Prisons Act* and *Offenders Probation and Parole Act* into a single piece of legislation which will provide a vehicle to implement many of the changes of this Report. It also incorporates some of the changes under consideration when the Commission of Review was established.

A third Bill, namely, a Corrective Services (Consequential Amendments) Bill, will contain amendments to a number of other Acts as a direct consequence of changes in the two draft Bills. This Bill will be ready soon after this Report is furnished.

While the two Bills will dramatically modernise legislation governing the *operations* of corrective services, further legislative changes in the area of corrections is warranted. A fourth piece of legislation is proposed, to be titled the *Penalties and Sentences Bill*. A Justice Committee on Penalties and Sentences established to work on this, is headed up by Mr Kevin Martin, the Deputy Under Secretary of the Justice Department.

I would urge the Government to proceed with the utmost speed to place the attached legislation before the Parliament. Given that the legislation is based upon the findings of a Commission of Review that has widely canvassed the issues, the normal Green Paper process should be dispensed with.

1.4 Assistance and Support Provided to the Commission of Review

The Review has been a success because of the overwhelming support and assistance it has received. I have not the space in this Report to record the names of everyone who assisted me, but some special thanks are needed for those who worked continuously and closely with the Review.

The Committee appointed to assist the Commission of Review was hard working and dedicated. I must record my deep regret at the death of Sir David Longland who was a member of the Committee. Despite his ill-health Sir David brought to the Committee wisdom and understanding of public administration and the prisons system. I had several discussions with Sir David. He sought and made a particular impact on the Review despite his inability to attend meetings. I made a point of calling on him in hospital to discuss the prison system and progress with the Review.

A list of the people appointed to the Committee Assisting the Commission of Review is set out below:

COMMITTEE MEMBERS

- Sir David Longland, C.M.G.
 - a former Chairman of the Queensland Public Service Board and Parliamentary Commissioner for Administrative Investigations
- Mr Nelson Glindemann
 - Superintendent of Townsville Prison (now Deputy Comptroller-General of Prisons)
- Mr Geoff Hardy
 - Deputy Superintendent of Brisbane Prison
- Mr Dave Hayden
 - Senior Chief Prison Officer at Wacol Prison (now Chief Prison Officer) at Wacol Prison and Executive Member, Queensland State Service Union
- Mr Don Davidson
 - President, Aboriginal and Torres Strait Islanders Legal Service
- Brother Paul Smith
 - Director, Boys Town
- Sister Bernice Heffernan
 - Holy Spirit Sister and Prison worker
- Mr Col Bevan
 - Former Assistant Director, Australian Institute of Criminology.

During the Review Mr Nelson Glindemann received a promotion to the position of Deputy Comptroller-General of Prisons. His position on the Committee was taken by Mr Kel Olsen, a Deputy Superintendent at Brisbane Prison. The Minister appointed the Reverend Allan Male, M.B.E. to take Sir David's position on the Committee.

Several members of the Committee joined the Secretariat to carry out particular tasks. Mr Geoff Hardy, Mr Dave Hayden as well as Mr Kel Olsen have worked on the production of the Policy and Procedures Manual. Mr Don Davidson has put a major effort into contacting the Aboriginal and Islander community to seek input. I would like to make particular mention of the contribution by Sister Bernice Heffernan. Sister Bernice has worked tirelessly on behalf of the prisoners of this State, to provide support, to lobby for better conditions, to provide shelter and care on release and to advise and help the Commission in its deliberations. I doubt whether anyone fully appreciates and

understands the extraordinary effort she puts in on behalf of people who find themselves in the State's prison system.

The Committee has met formally on 14 occasions. These structured meetings took much of the day and continued through lunch. We talked, argued and debated the issues. In addition, I met often with individual members of the Committee to seek their views on particular issues. The Committee has had the opportunity to visit prisons, talk to prisoners and read submissions.

In the Secretariat provided to me I was fortunate to have a small group of dedicated, hard working and practical people. They have done their jobs professionally. They deserve recognition for their efforts and I list their names below. They all have my thanks for a task well done.

SECRETARIAT

- Mr Graham Dalton
(Assistant Under Secretary, Department of Corrective Services and Administrative Services)
- Mr Peter Hall
(Press Consultant).
- Margaret Cribb
(Executive Consultant)
- Mr Bob Bleakley
(Deputy Chief Probation and Parole Officer)
- Mr Dave Hayden
(Committee Assisting the Commission of Review)
- Mr Geoff Hardy
(Committee Assisting the Commission of Review)
- Sister Bernice Heffernan
(Committee Assisting the Commission of Review)
- Mr Peter Roylance
(Policy and Advisory Unit, Prisons Department)
- Mr Nelson Glindemann
(Committee Assisting the Commission of Review)
- Mr Kel Olsen
(Commission Assisting the Commission of Review)
- Mr Trevor Carlyon
(Director Classification and Transfer, Prisons Department)
- Mrs Sue Campion
(my Personal Secretary)
- Mrs Gail Scott
(Secretary)
- Mrs Chris Page
(Secretary)

The Terms of Reference of the Commission of Review required that I consider a number of matters associated with the existing legislation. Furthermore, the Secretariat of the Commission has been preparing legislation to implement recommendations of my Interim Report. Mr Peter Roylance from the Prisons Department was seconded to the Secretariat to carry out this work. In the period he has worked with the Secretariat, Mr Roylance proved he is an officer with great ability and dedication.

I must thank Mr John Hincks, the Under Secretary of the Justice Department and in particular Mr Kevin Martin, the Deputy Under Secretary, and Mr Conrad Lohe, Assistant Crown Solicitor (Appeals and Advocacy) for their assistance to the Commission of Review in its examination of the legislation.

I have also been assisted by a number of lawyers and others interested in civil rights issues, who have gone out of their way to make major submissions to the Commission of Review. Some have helped to review proposals and to provide comment on matters referred to them. I cannot

speak too highly of the efforts made by this group of people. They did this as a matter of public interest. There was no fee involved. They have worked closely with my Secretariat. They are:

LEGAL ISSUES WORKING PARTY

- Conrad Lohe (Crown Law Office)
- Mark Finnane (Prisoners' Legal Service Inc.)
- Tony Woodyatt (Prisoners' Legal Service Inc.)
- Stephen Keim (Queensland Council for Civil Liberties)
- Richard Carew (Queensland Council for Civil Liberties)
- Paul Richards (Paul Richards and Associates, Solicitors)
- John Hodgins (Legal Aid Office [Queensland])

Finally, in this lengthy but necessary list of commendations of those involved with this massive task I would like to thank the Parliamentary Counsel, Mr Leo Murray Q.C. and, in particular, his officers who worked with the Department of Corrective Services and Administrative Services and the Commission of Review in completing the project. They worked nights and weekends to ensure the Bills were completed in time. Their efforts deserve recognition.

Implementation of recommendations of my Report will have significant ramifications for employees of the present Department. I have had a policy during the Review of being open with the unions and seeking their comment on the changes that will affect their members. Our discussions have been fruitful and cordial.

I felt it important that I be provided with professional advice regarding the industrial relations implications of my recommendations. With the support of the Honourable Russell Cooper and his colleague the Honourable Vince Lester, Minister for Employment, Training and Industrial Affairs, a specialist task force has been set up to assist the Commission of Review in its discussions with the unions and to help consider the issues that have been raised. I could not have asked for a more able group of people to be part of my team. They are:

INDUSTRIAL RELATIONS TASK FORCE

- Mr Chris Hooper (Assistant Under Secretary of the Department of Industrial Affairs)
- Mr Dennis Hyde (Industrial Officer of the Department of Industrial Affairs)
- Mr John Jones (Director, Metal Trades Industry Association)
- Mr Ken Taylor (Chief Industrial Officer, Metal Trades Industry Association)

I have received continuing support and advice from a small group from the Queensland Probation and Parole Service. They put in submissions and have been regularly on my doorstep advocating greater use of community corrections. They have impressed me with their arguments, their dedication and professionalism. They are:

COMMUNITY CORRECTIONS TASK FORCE

- Mr Ken Bradshaw (District Manager, Qld. Probation and Parole Service)
- Mr Ian Stewart (District Manager, Qld. Probation and Parole Service)
- Mr Ross Evans (Area Supervisor, Qld. Probation and Parole Service)

I have engaged, with the Minister's approval, a number of Consultants to address specific queries I have raised. I will discuss their advice in the body of this Report. At this stage I only wish to acknowledge their involvement and say that each of the organisations involved has provided a totally professional effort that went beyond the commitment that would have been regarded as adequate. The people involved and the organisation they represented are listed below:

- Mr Steve Lonie
Mr Barry Ffrench
Mr P. Bartlett
(*Touche Ross Management Consultants Pty Ltd*)
- Mr Allan Wilson
Mr Jim Planincic
(*Wormald Security Limited*)
- Mr John Jones
Mr Ken Taylor
(*Metal Trades Industry Association*)
- Mr Darryl Doessel
(*Queensland University*)

- Mrs Margaret Cribb
(*Executive Consultant Secretariat*)
- Dr Rick Andrew
(*Queensland Government Management Consultancy Bureau*)
- Mr William Curnow
(*Thiess/WMFL Corrective Services*)

In carrying out the Commission of Review I have had the unflagging support, encouragement and advice of the Under Secretary of the Department of Corrective Services and Administrative Services, Mr Peter Jones. My requests for resources have always been met. He has provided an expert source of advice regarding the processes of Queensland Public Service. Finally, I would like to draw attention to the co-operation I have received from the Comptroller-General, Mr Alex Lobban, and the Chief Probation and Parole Officer, Mr Jay Perkins, and the staff of their respective organisations. Without fail my requests for information were met in a timely, friendly fashion. In my visits to prisons and probation and parole offices, I was met with the utmost courtesy and consideration. In my Interim Report, I drew attention to the obvious high level of dedication of staff. I again confirm that the dedication and commitment of staff is the overwhelming impression I am left with.

1.5 Progress Towards Implementing the Q.C.S.C.

The purpose for which the Commission of Review was established is now completed. The Commission and its Secretariat will be wound up over the next few days. It is going to be a major task to implement the changes required to establish the Queensland Corrective Services Commission by the due date. For the first time there is a consensus about where corrective services in Queensland are heading. Acceptance of change and a momentum for change has been established. Such opportunities come only rarely. The momentum must not be allowed to slow down. The opportunity must not be squandered.

I am pleased that an Implementation Committee is to be immediately established. I recommend that the Implementation Committee should consist of myself as Chairman, with Mr Alex Lobban, Mr Jay Perkins and Mr Peter Jones as members. There is more than enough work with the legislation, administration, finances, drafting regulations, negotiating with the Unions and the Manual of Policy and Procedures to need a properly staffed Secretariat. The people we need are:

- Mr Graham Dalton—Director
- Mr Peter Roylance—Secretary (Legislation)
- Mr Bob Bleakley—Community Corrections
- Mr Trevor Carlyon—Custodial Corrections
- Mr Kel Olsen—Manual of Policy and Procedure
- Mr Geoff Hardy—Regulations
- Mr Dave Hayden—Union Liaison
- Mr Howard Baker—Financial Systems
- Mrs Sue Campion—Personal Secretary
- Mrs Gail Scott—Clerk/typist

An important matter that already has approval is for the Implementation Committee to be authorised to advertise for and make recommendations for the five most senior executive positions of the new Commission.

These positions will be:

- Director-General of Corrective Services
- Deputy Director-General (Corrections)
- Deputy Director-General (Corporate Services)
- Director of Community Corrections
- Director of Custodial Corrections

Now that the legislation is ready to be placed before Parliament, I can see no good reason why the establishment of the Q.C.S.C. should be delayed until 1 January, 1989. There is so much to do, that responsibility for corrective services needs to be vested in the new Commission *as soon as possible*. I recommend that appointments to the Board of the Commission be decided and announced and that the Commission be established as soon as legally possible following assent to the enabling legislation.

1.6 Submissions

There have been well over a 1 000 submissions received. It is impractical for this Report to provide a detailed analysis and debate of all the submissions. But all submissions have been carefully examined and in fact form the basis of my recommendations and findings. Quite a number of submissions make a substantial contribution to particular aspects of my Terms of Reference. Submissions received form a comprehensive and invaluable reference source for future planning and the direction of corrective services in Queensland.

Later in this Report I recommend the establishment of a Policy Research and Planning Division in the Q.C.S.C. This Division should be responsible for the use of the submissions in further review of policy.

Submissions received from prisoners, whilst not accepted on a confidential basis, include some sensitive and personal comments. I would suggest that submissions from individual prisoners be destroyed except where in my opinion a prisoner's submission is of such importance that it warrants retention. In that case I would suggest that prior to handing such a submission over to the Corrective Services Commission, that written permission be sought from the prisoner concerned.

RECOMMENDATIONS ARISING FROM THIS SECTION

It is recommended that:

- 3 • An Implementation Committee be established with the following members:
 - Mr Jim Kennedy (Chairman),
 - Mr Peter Jones (Under Secretary),
 - Mr Alex Lobban (Comptroller-General of Prisons),
 - Mr Jay Perkins (Chief Probation and Parole Officer).
- 4 • Suitably qualified people be nominated by The Minister for Corrective Services and Administrative Services for appointment to the Board of the proposed Q.C.S.C. in accordance with major recommendation (1) in my Interim Report; and
 - The Queensland Corrective Services Commission commence operation as soon as the enabling legislation permits, (hopefully 1/12/88).
- 5 • With the exception of submissions from prisoners, all other submissions received by the Commission of Review become the property of the Q.C.S.C. to be used as an important resource for formulating future policies, plans and procedures;
 - In the event that I consider a particular prisoner's submission is important, written approval be sought from that prisoner to pass it over to the Q.C.S.C.; and
 - All other submissions received from prisoners be destroyed under supervision and that no copies be kept.