

## 4. ORGANISATIONAL STRUCTURE

### 4.1 The Problems of a Fragmented and Diverse Organisation

The present organisational structure of the Department of Correctional Services and Administrative Services has demonstrably failed. In saying this I am not trying to be critical of the government, senior management of the Department or the officers that staff it. Rather, I am saying the structure has not managed necessary changes well. Let me give some examples.

When prisoners leave prison on parole, there is an unsatisfactory process for preparation of prisoners for parole and often no timely advice from the prison to the parole office. Parolees regularly turn up with their papers and say "here I am, supervise me." The Probation and Parole Service operates a totally different client-based information system from that of the prison system. In fact, the two computer systems cannot even communicate. Yet these are supposed to be inter-linked parts of the one Department of Corrective Services. They have the same "clients".

The Comptroller-General is the person with legal authority for the administration of the prison system. He is also an "Accountable Officer" under the "Financial Administration and Audit Act" which means that he is charged by Parliament with administering his Department's budget and accounting for its expenditure. Yet, the public service administrative arrangements make the Comptroller-General responsible to an Under-Secretary. The Comptroller-General carries the public and legal responsibility for the performance of his own Department but receives directions from the Chief Office.

In his report of April 1985, into the Management Practices operating at H.M. Prison, Brisbane, Sir David Longland had substantial criticisms to make of the prison. Sir David's recommendations were appropriate, but the organisation was not capable of attending to or rectifying the problems identified. We cannot allow this to happen again.

I will also quote from the submission of the Professional Officers Association which says:—

"It is apparent to us that the two arms which constitute the present system of Corrective Services, namely the Prisons Service and the Probation and Parole Service, have suffered from years of poor communication. As a result, interaction between these two arms has been minimal and underdeveloped, so that the potential for using the resources of community based corrections has not been fully realised, and a valuable source of expertise remains under utilised...We see areas in which sharing of resources should occur and bring about a better utilisation of available funds. We believe that some functions of offender management and supervision are rather wastefully and unnecessarily duplicated in the two Corrective Services arms. We would cite the occurrence of overlap in areas of administration, finance, staff selection, staff training and development, community liaison, drafting of legislation, programs and services for offenders and in the increasingly important parole system."

(Professional Officers Association)

It has to be appreciated, too, that over many years a culture has developed within our prison system which may be difficult to change.

An "us" and "them" syndrome exists, not only as might be expected, between prisoners and prison officers, but also between work-face officers and those of the upper levels of the Department and between the community correctional and custodial arms of the service. There is even conflict over the role of uniformed prison officers. Some see themselves as helping prisoners. Others believe prisoners are there only for punishment and apply a very disciplined approach at times bordering on harassment to the management of prisoners. Both may be valid. But the divisions need resolution within a well understood and agreed philosophy for Queensland Corrections. The present organisation has not been able to achieve this necessary common view of the task to be undertaken by the Department and its staff.

The present regime of industrial unrest in prisons also is not satisfactory. Relations between sections of the prison officer's union and management are not good. During the first two months of the Review I witnessed sudden industrial walkouts by staff. This leaves at risk the community, and especially the staff required to manage the system while the rest have walked out. Further, it enhances and entrenches the position of "heavies" amongst the prisoner population who in a "de facto" way control the prisons, as they are then called upon to assist and maintain law and order through their ability to influence other prisoners. This may be pragmatic but it is most unhealthy.

An organisation better able to cope with these problems is required. Perhaps Correctional Services should be classed as an "essential service" with a "no strike" clause in its award. That is a personal observation and not necessarily shared by all members of my Committee.

When I started this Review, the prison system was actually about to proceed with a reorganisation. However, almost all informed submissions I received drew attention to the present fragmented organisation of Corrective Services in Queensland and the consequences.

I advised the Minister I felt it would be appropriate to fill the position left vacant since the retirement of the previous Deputy Comptroller-General. However, I also advised that I felt the changes envisaged by the Department should not be implemented as they may not attend to the real problems and could possibly conflict with my recommendations. I appreciate that the Minister accepted that advice. Right throughout this review he has been most helpful and co-operative.

#### **4.2 The Need for a Cohesive Department**

From the outset of this Review I was intent on ensuring the recommendations were capable of providing permanent solutions, not "band-aids". It has become increasingly clear that to achieve this I must address the system in its totality. In the Department of Corrective Services and Administrative Services the Hon. Russell Cooper has been given an almost impossible organisation to minister satisfactorily. Not only is his Department charged with the problem-prone Correctional Services but also it has responsibility for many other administrative units, such as fire services.

I have no hesitation in stating in the strongest possible terms that the present administrative and organisational arrangements for Corrective Services are unsatisfactory. At the very least the correctional arms and the administrative services arms of the present Department need to be functionally separated. Then the two correctional arms ie. Prisons and Probation and Parole, need to be combined into a coherent organisation. I fail to understand the connection between Correctional

Services and the other "administrative services" in the portfolio. Correctional Services "fit" better with Justice or Police or on their own.

#### 4.3 The Need for a Corrective Services Commission

Really there are only four options for organising the management of Corrective Services. These are:

- Consolidation of the present system into a single Department of Corrective Services with a Permanent Head as the sole accountable officer;
- Establishment of a statutory body—a Commission for Corrective Services—outside and independent of the departmental structure, reporting directly to the Minister;
- Continue with the present confused and fragmented organisational structure;
- Allow the private sector to operate Correctional Services.

As I have indicated the present approach has failed and I am now firmly of the view that of the three options remaining, only one can provide a satisfactory way out of the present problems, whilst at the same time continuing to operate the service required. I strongly support, as does my Committee, as does the Prison Service, as does the Probation and Parole Service, a Commission for Corrective Services.

The option for private sector operations of Corrective Services has received detailed consideration. I did receive several submissions from prisoners calling for private sector prisons. They saw it as one way out of the frustrations of the present system. However, they were supported by few others. As might be expected, the Queensland State Service Union was a strong advocate for rejecting private sector operation of prisons:

"The Union totally opposes the concept of privatization of the Queensland Prisons Service. The Union believes that the only way in which a private enterprise organisation could operate at a profit would be to reduce staff and to have some sort of mechanical security devices in lieu of labour, which would increase profitability. The Union considers that this would place a greater safety and security risk on the community at large. . . A Prisons System is the responsibility of Government and is not something that is appropriate to be transferred to private enterprise. The Prisons System is an integral part of the administration of justice in the State, and therefore it is essential that the Government be responsible for the administration of the Penal System. . ."

(Queensland State Service Union)

The Department of Corrective Services and Administrative Services developed similar arguments:—

- "3.10 Much has been said and written about "privatisation" or "private sector involvement" in prisons. It would seem from perusing the literature the only major savings claimed are in reduced administrative costs. It is difficult to rationalise this claim when comparing the cost of comparable meals produced by the Prison Service and the Frozen Food Facility (a privately run organisation). The cost of producing a meal by the latter is almost double the cost of producing a meal in Brisbane Prison. In addition and most importantly, cooking meals provides full-time employment for a large number of prisoners.

- 3.11 Another consideration must be the Government's obligation to provide a guarantee of safety to the community at large. This being the case, it would seem essential that both maximum and medium security classified prisoners be accommodated in Government run institutions. However, some consideration could be given to private sector involvement in the management of minimum classified prisoners."

(Department of Corrective Services and Administrative Services)

In summary the option for private sector involvement should be rejected for several reasons. First, the market for correctional services is not developed. Moreover, I also share the reservations about the ethics of the State relinquishing its supervision over sentenced offenders and committing them to the control of companies. Perhaps more importantly, I have seen little hard evidence to suggest that the private sector would be more efficient than the public sector at providing the management and operation of custodial institutions. This is not to say there is no place for involvement of the private sector in some aspects of Corrective Services. There are areas where I would expect substantial efficiency gains. Specialist security services, escorts, supervision of community detention, counselling and health services are some aspects of correctional servicing I expect could develop with private sector involvement. In fact, I am seeking advice from a number of major corporations who have indicated an interest in becoming involved in this type of service delivery.

A single Department of Corrective Services would go some way towards addressing the present problems. This was recommended by the Department of Corrective Services and Administrative Services. As this was the only detailed argument for this approach I will quote it:

"From contact with other States and overseas organisations in the corrections area it would appear to be dysfunctional to have the custodial-based service separate from the community-based service. In some instances, it almost seems they are in competition with one another.

It would be best for a variety of reasons for the two services to combine into a single Department of State. This would provide a wider base for the recruitment of staff, particularly at executive level and in the support services area."

(Department of Corrective Services and Administrative Services).

On balance and bearing in mind the failure of the existing Department to bring about real change following earlier reviews, I have rejected this option. I have looked into the situation in N.S.W. where it has been decided to abolish a Commission in favour of a Department. As despite this, I have recommended the establishment of a Commission, clearly I should pass some comments on these matters.

First, I have not decided to recommend a Commission because of any belief or view that the public service is not capable of effective administration. In fact, I believe the opposite and hold the Public Service in high regard. Rather I am of the view that a Departmental structure is not as appropriate for implementing the rapid and sensitive changes needed in prison reform as a properly established community involved Commission. However, the Commission must at all times be subject to the direction of the responsible Minister. I will also recommend that the Commission should have a "sunset" provision and be required to justify its continuing existence after five years of operation.

The problems of the N.S.W. Commission were built in from the start. They were predictable from the 1976-78 Report of the Royal Commission into New South Wales prisons. Its structure was quite different from what I am recommending.

The Commission I am recommending will have the following advantages:

- The Commission will provide through its Board an independent committee to supervise the implementation of the recommendations of this Review and ensure momentum for change and reform is not lost;
- A major advantage of this Commission will be the inclusion on its Board of people from the legal system and civil liberties, the churches and welfare groups, the staff, and through its Chairman, the community at large and as well the Public Service through the Under-Secretary to the Department;
- All the major groups in the community with an interest in corrections are then involved with the development and implementation of policy, overall supervision of the system and the monitoring of management performance;
- 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;
- 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,
  - it will provide protection of the system from administrative neglect and apathy and provide revitalization and a forum for debate of contentious issues;
  - it will provide clear direction through its monthly meetings;
  - it will “open up” the system to much needed public scrutiny and ensure a better public understanding of corrections;
  - it will create a more timely decision making environment and greater management control and supervision;
  - it will provide increased internal discipline in administration and it will be better able to match responsibility and authority at all levels,
  - it will be more flexible, more community conscious, and less secretive resulting in a greater public accountability for its decisions and actions;
- A single Commission for Corrective Services will overcome the problems now evident in a divided service;
- The establishment of a Commission will provide the opportunity to negotiate fresh terms and conditions of employment for correctional officers especially tailored to a modern professional and important community service;
- The appointment of staff representatives to the Board will address the present alienation and low morale of staff and will assist in correcting the present poor industrial environment and help unite the two services,

- it will give staff a say in the future of their organisation as well as the day to day management and should create a more open and less hostile, staff/management relationship; and
- Finally such a Commission for Corrective Services integrating both Custodial and Community Corrections will provide a more focussed organisation and provide its staff with a sense of purpose and identity,
  - public perceptions of prison officers will improve with better and more flexible public relations,
  - morale will improve and a greater professionalism will ensue, as the service gains a reputation to live up to,
  - the service will become more united and integrated and career prospects will be enlarged and enhanced within the service which will become more goal and achievement oriented;
  - it will become a clearly identifiable specialised service with pride and purpose, it will become a more efficient and a more accountable organisation; and is designed to implement in a timely way the many changes that are necessary in the prison service whilst at the same time continuing to operate the service in a satisfactory manner.

The Prisons Department submission says:

“The Commission or Board structure is the most reasonable response to the issues of organisational accountability and public participation”.

(Prisons Department)

The submission by the Queensland Probation and Parole Service states that:

“Carefully implemented, a Commission would facilitate a closer working relationship between officers of the two services. . .” and recommended that “ . . a Corrective Services Commission be established. . .”

(Probation and Parole Service)

As everyone knows, all organisations can become old, tired and ossified. They need revitalizing. I found this problem in the Post Master General's Department and history has vindicated the changes we made when we brought into being two new organisations, Australia Post and Telecom. The present corrective services system has now reached a stage where the old organisation needs changing.

I recognise, and I would wish the Government to keep in mind, that in due course, and if the ongoing benefits of structural change become less evident, a State Department of Corrections may again be an appropriate organisational structure as is now occurring in N.S.W. With this in mind I am going to recommend a “sunset clause” be part of the Act establishing the Commission. I think that at the end of five years the merit of continuing with a Commission should be tested and debated.

I am recommending in this interim report that an immediate start be taken at implementing the Commission of Corrective Services. I will be available to advise on the many detailed organisational, operational and administrative matters that will necessarily have to be put in place. I would hope a Commission for Corrective Services could be legislated to commence operations as from 1/1/89.

#### 4.4 The Board Structure

Adequate representation of the community in corrections could be obtained with a seven person Board as follows:

- Chairman
  - A goal oriented “make it happen” type business person with a successful track record of management and experience with boards;
  - Serving part-time;
- Director-General of Corrective Services
  - In effect the only full time member; plus.
- Five part-time members representing—
  - the Staff of the Prison Service;
  - the Staff of the Probation & Parole Service;
  - the Churches and Welfare Groups;
  - the Law and Civil Liberties;
  - the Public Service.

The Board would be appointed by the Minister and would be subject to his direction. The member from the Public Service, I expect would be the Under-Secretary from the Minister’s department.

#### 4.5 Organisation Structure

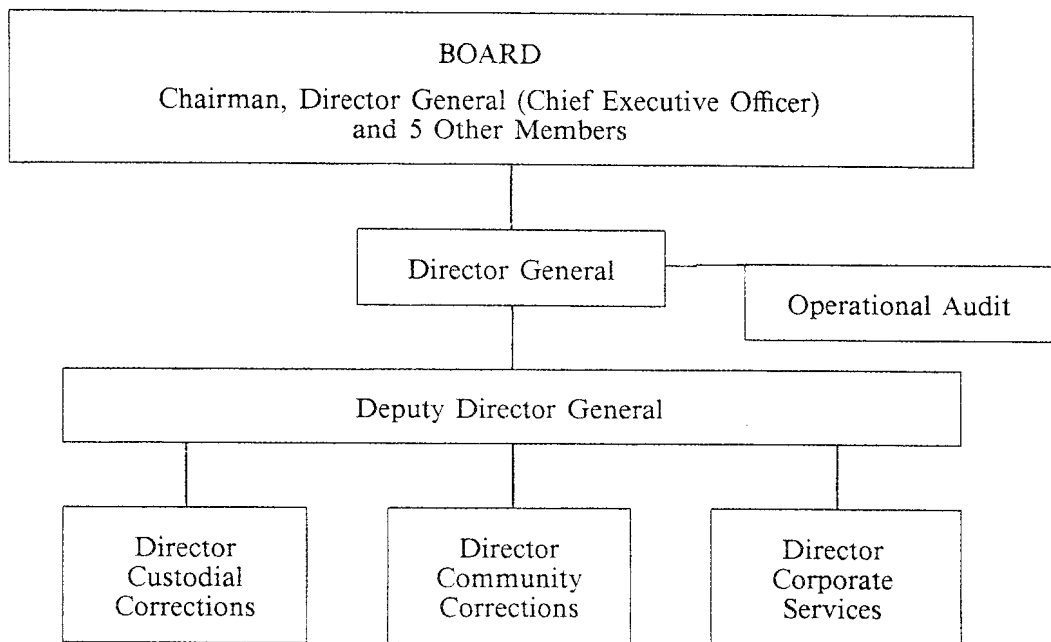
Personally, and based on my experiences with other organisations, some of them very much larger and more complicated than Corrective Services, I believe there is only one approach to organising the service delivery. A regional concept is flawed, old fashioned and functionally inhibiting. It creates unnecessary positions that will become “administrative blocks” and will be more difficult to establish with assisting staff.

The approach I will recommend is based upon management of the main functions as shown in Figure 1.

I will seek further discussions about the issues from senior management in the service. As well, I will seek from Peter Forster of the Queensland Government Management Consultancy Bureau further detailed advice on the complete organisational structure.

Figure 1

FUNCTIONAL ORGANISATIONAL STRUCTURE  
FOR A COMMISSION OF CORRECTIVE SERVICES



I believe it is imperative that once the momentum for change has started it is necessary to "keep the ball rolling". Work on the overall development of the Queensland Corrective Services Commission can begin now. I will advise the Minister on the final appropriate establishment structure recommended after further consultations but well before I complete my final report.

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**RECOMMENDATION**

*It is recommended:—*

- (a) That the Government establish a statutory body to take over the functions, role, responsibilities and staff of the Queensland Prison Service and the Queensland Probation and Parole Service to take effect as from 1/1/1989.*
- (b) That this body be called "The Queensland Corrective Services Commission".*
- (c) That the Q.C.S.C. have a board of seven people appointed initially for two years and then subsequently for three years.*
- (d) That the Under-Secretary of the Department of Corrective Services be appointed to the Board in a nonexecutive capacity together with five other non-executive members including the Chairman and that a position be created for the Chief Executive Officer of the Q.C.S.C. to be called "Director-General", and that he or she be the only executive board member.*



- (e) *That the Government give consideration to appointing to the Board:*
- (i) *a person with legal qualifications and a demonstrated interest in Civil Liberties and Corrective Services.*
  - (ii) *a person who can adequately represent the Church and Welfare Groups and who has a knowledge of Corrective Services in Queensland.*
  - (iii) *a suitable representative from the Prison staff after consultation with the Queensland State Service Union.*
  - (iv) *a suitable representative from the Probation and Parole staff after consultation with the Professional Officers Association.*
  - (v) *an independent Chairman with a track record of success and a demonstrated capacity to "make it happen" and preferably who has knowledge of and understanding of Corrective Services.*
- (f) *that instructions be given for legislation to be drafted immediately to establish the Queensland Corrective Services Commission in accordance with this recommendation and in that Bill the Minister responsible for Corrective Services be empowered to direct the Commission in any matter or manner he so chooses, and that a Bill presently being drafted by Parliamentary Counsel to replace the Prisons Act 1958-1974 be amalgamated with the Offenders Probation and Parole Act 1980-1983 into a single Corrective Services Bill and that both Bills come into force on 1/1/89.*
- (g) *that the Commission report annually to the Minister and Parliament.*
- (h) *that after a period of 5 years from vesting, the performance of the Commission be reviewed by Parliament to ascertain whether it should continue to exist, or whether changes to its structure, functions, organisation or operations are necessary.*
- (i) *that the Commission be empowered to make such rules as it considers necessary for the day to day operation of Corrective Services in Queensland, except it shall be bound at all times by the Corrective Services Act.*
- (j) *that the Commission initially become a respondent to the existing staff awards but that it immediately enter into discussions with the relevant unions to establish a Corrective Services award setting out the terms and conditions of employment of its staff.*
-