



**PUBLIC SECTOR MANAGEMENT COMMISSION**

**REVIEW OF THE  
QUEENSLAND  
CORRECTIVE  
SERVICES  
COMMISSION**

**DECEMBER 1993**



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## **PUBLISHED PSMC REVIEW REPORTS**

Queensland Police Service (April 1993)

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## ACRONYMS

ACM	Australian Correctional Management
ATSI	Aboriginal and Torres Strait Islander
CAC	Community Advisory Committee
CCA	Corrections Corporation of Australia
CIS	Corrections Information System
CSIU	Corrective Services Investigation Unit
CSO	Community Service Order
DFSAIA	Department of Family Services and Aboriginal and Islander Affairs
FOI	Freedom of Information
FOO	Fine Option Order
HRD	Human Resource Development
HRM	Human Resource Management
LOA	Leave of absence
QCI	Queensland Confederation of Industry
QCSC	Queensland Corrective Services Commission
QPS	Queensland Police Service
QCSVETB	Qld Correctional Services Vocational Education and Training Board
RCADC	Royal Commission into Aboriginal Deaths in Custody
SDE	School of Distance Education
SDL	Sir David Longland correctional centre
SES	Senior Executive Service
SOTP	Sexual Offenders Treatment Program
TAFE-TEQ	Technical and Further Education - Training and Employment Qld.
VETEC	Vocational Education Training and Employment Commission
WORC	Work Outreach Camps

## CHAPTER 1: EXECUTIVE SUMMARY

In February 1988, the then Government commissioned prominent businessman, Jim Kennedy, to review corrective services in Queensland. At the time, the Government recognised, amongst other things, that prison officers were poorly trained and supported, the parole system was unfair and inefficient, and there was little real attempt to do anything other than lock up prisoners. The most serious indictment was recognition that many prisoners were 'released worse than when they went in'.

In August 1988, Kennedy's Final Report recommended the establishment of a statutory authority to implement sweeping changes to the State's correctional systems. On 15 December 1988, the Queensland Corrective Services Commission (QCSC) took over the functions, role, responsibilities and staff of the Queensland Prison Service, the Queensland Probation and Parole Service and elements of the then Department of Welfare Services.

The legislation enabling the establishment of the Queensland Corrective Services Commission included the requirement for a review of the Commission's operation by December 1993. In fulfilling this obligation the former Minister for Corrective Services, the Honourable Glen Milliner MLA, invited the Public Sector Management Commission to undertake this review on his behalf. The approach of this review has been to:

- . look at what Kennedy intended and assess progress;
- . examine the continuing relevance of the correctional reform agenda; and
- . suggest areas of further improvement in managing corrections in Queensland.

The current review acknowledges the landmark contributions to reform made by the Kennedy report. It also endorses Kennedy's view that 'the process of Review is dynamic. It has not finished yet. It may never be'.

The PSMC Review has found almost universal support for the principles enunciated by Kennedy and subsequently expressed in the QCSC's Philosophy and Direction Statement. It is also plainly evident that very significant progress has occurred over the past five years in reforming the correctional system along the lines recommended in the Kennedy report. The reforms have focussed on the humane treatment of prisoners and a philosophy of 'prison as a last resort'. Community involvement in the correctional system has been expanded through the establishment of a 'community based' board; community corrections boards have

replaced parole boards; official visitors have been appointed to all correctional centres; and Community Advisory Committees operate at most correctional centres. A number of community corrections centres are managed, under contract, by community agencies and two custodial centres are operated by the private sector.

This significant progress is due, in no small part, to the direction of the Board and work above and beyond what would normally be expected of a part-time board. Staff at all levels of the organisation (including a number of former employees), members of community corrections boards, official visitors, and many other people have carried a significant burden in changing the correctional system. Often this has been at considerable personal cost. While this Review may identify areas for possible improvement, it certainly acknowledges and applauds their commitment to developing a better correctional system in Queensland.

### **Continuation of the Commission**

Kennedy recommended that the QCSC be run by an independent board which was to develop and implement policy, supervise the system overall and monitor management performance. Kennedy saw the Board as 'riding shotgun over the bureaucrats'.

In assessing the ongoing rationale for a Commission, two main issues emerge: whether a statutory authority is appropriate for effective functioning of corrective services and what the role of the Board has been and should be.

Arguments in favour of the Commission centre on the need for community involvement, flexibility to respond quickly to changing circumstances and, through the operations of the board, freeing the minister from day to day concern with the administration of the system. Removal from the political arena of decisions affecting individual inmates is also seen as significant. The counter arguments are that accountability has been lessened and that flexibility of operation has caused and continues to cause, problems for staff in relation to equity, grievance and appeals matters. It is also contended by some that the system has not been depoliticised by the presence of the board, although others claim that correctional decisions have been less political in recent years.

Most organisations and individuals consulted during the review considered that it was too early in the organisation's life for a fair evaluation of its effectiveness. A period of consolidation may be necessary before the value of maintaining the Commission can be properly assessed. One of the greatest risks in reverting to departmental status would be to



give the erroneous message that the reform agenda had failed and the system was returning to earlier correctional practices.

On balance, while departmental and commission structures both have features commending them, the review recommends that a Commission structure be maintained for a further five years. A further review of QCSC operations is required by the relevant legislation at that point, and the issue of appropriate organisational form can be revisited then.

## The Board

While the functions and powers of the Board and the Commission are synonymous, under the existing legislation, there is bound to be confusion. Currently the Board performs a wide range of policy and operational functions. At the same time, powers which would appear central to its role, such as the appointment of official visitors, have been delegated to senior management. One effect of the legislative confusion has been the blurring of lines of responsibility and accountability.

The notion of a 'representative' board poses problems. It is difficult to ensure that members are truly representative of their interest group constituencies as specified by the legislation, especially where these constituencies are large and internally diverse.

The Review has sought to clarify the respective roles of the Minister, the Board, and the Director-General. It is the proper role of the Government and the Minister to set broad policy directions relating to the power of the State over its offending citizens. The role of the Board should be to interpret government policy and to monitor the organisation's performance. While the Board should not be overwhelmed with information, its monitoring role should not be delegated to the organisation. The Board would report to the Minister. The role of the Director-General is to run the organisation in line with government policy and the Board's directions.

The Board membership must reflect its role. The complexities involved in administering corrective services need to be fully appreciated by those in a position to take decisions or provide authoritative advice on correctional policy. Review recommendations concerning the composition of the Board have placed greater emphasis on expertise and a diminished emphasis on interest group representation. The criterion 'extensive knowledge and experience' as used both in the *Electoral and Administrative Review Commission Act 1989*

and the *Public Sector Management Commission Act 1990* should be adopted for the appointment of QCSC Board members.

### **Legislative Amendments**

Certain aspects of the corrective services legislation are in need of amendment. For example, the legislation provides for Regulations, Commission's Rules and General Managers' Rules. This has led to a proliferation of rules and regulations which are unwieldy and confusing and make the operations of Corrective Services unnecessarily complex. Inconsistencies between a number of these have been identified. It is recommended that the Commission incorporate rules in Regulations and abolish Commission's and General Managers' Rules.

It is outside the expertise or scope of this Review to undertake a section by section review of the legislation. A detailed submission on aspects of the legislation requiring attention was presented to the previous Minister for Corrective Services in August 1993. What this Review has recommended is a process for ensuring that such amendments are enacted after appropriate consultation. This will be accomplished by QCSC in consultation with the Office of the Cabinet. This consultation should involve specific groups possessing relevant expertise.

### **Commission Management**

At the outset it must be acknowledged that the QCSC executive faced an enormous task in giving effect to the comprehensive reform agenda handed to them by the Kennedy report. It also must be said that the agenda of change has been addressed with commitment and energy. Few would take issue with the fact that real progress has been made on a number of fronts. However, despite this progress, or perhaps partly because of it, a negative perception of QCSC management has been generated.

Sometimes QCSC management itself has contributed to this problem with its extreme sensitivity to criticism. One should not expect the correctional system to have happy inmate clients. There is also no doubting the other formidable pressures working against the change process. Nevertheless, there is a danger that if management becomes too defensive in its approach, and if criticisms are too readily branded as anti-reform, that the organisation will lose its capacity to respond to criticism and that, within the organisation, constructive debate about the change process will be stifled.

The QCSC executive has a clearly stated vision of where it wants to go. It is refreshing to find such a strong sense of vision in a public sector environment. When the Commission came into existence it inherited an organisation that was, as so clearly identified by Kennedy, far behind acceptable standards for corrections. There has been an understandable delay in turning the rhetoric of the vision into reality. This has caused credibility problems for staff. This is not a criticism of the vision itself. It is symptomatic, however, of a lack of a continuing translation process so that staff can be 'taken along'. While the Commission did employ a number of strategies to assist staff over the transition, it is clear that much more needs to be done.

The review recommends a period of consolidation over the next few years to ensure that hard earned gains are not lost. Staffing needs should be a primary focus over this period. The organisation should not, however, interpret this as a lessening of the need to maintain the reform agenda and improve efficiency, effectiveness and economy of its operations.

### Organisational Structure

The existing organisational structure has been criticised for: having too many positions reporting to the Director-General; confused and overlapping responsibilities within the executive; a top heavy central office; a lack of representation for community corrections; a structure unaligned with program management; and operational inconsistency across centres and regions.

A new structure is proposed with the establishment of directorates of Community Corrections; Custodial Corrections; Offender Development and Corporate Services. The four Directors and the Director-General and Deputy Director-General will form the QCSC executive and will be responsible for the day to day operations of the Commission. The Directors will be responsible for program outcomes and coordination across the State. Service delivery will remain the responsibility of the general managers of correctional centres and the regional directors of community corrections. The directors will need to immediately clarify their working relationship with general managers and regional directors. The notion of 'management autonomy' is currently confusing and requires clarification.

An Office of the Director-General is created to provide additional support to that position, and will include media communications staff and high level advice on Aboriginal and Torres Strait Islander issues.

## Infrastructure Planning

The Commission has been true to its philosophy of 'prison as a last resort'. After earlier closures of correctional centres it has, until the 1993-94 budget, resisted pressures to expand bed capacity. As a consequence, occupancy rates monitored during the review exceeded 95 per cent on most days and often approached 99 per cent. The stress appears most severe in the housing of high and maximum security prisoners.

If the Commission is to house prisoners individually wherever practicable (*Corrective Services Act*, S.37), and nothing has been presented to the review team which would question the desirability of that objective, sensitive indicators and contingency plans need to be in place. While there are a number of construction options to meet a range of scenarios, the Review has not been able to identify a documented infrastructure planning strategy.

A decision on the most appropriate option for providing additional facilities needs to be taken as a matter of urgency. Infrastructure development generally, including significant maintenance at Wacol and Rockhampton, needs to be addressed to allow the QCSC to meet its obligations to the Courts and the community.

## Financial Management

The QCSC is recognised as one of the leaders in public sector financial management. The Commission's strategy, after an initial injection of funds to meet reform implementation costs in the first two years, has been to progressively reduce expenditure in real terms.

It is clear to the Review that further recurrent budget reductions in real terms should not be pursued in the medium term until the matters identified in this report are addressed. Occupancy rates in prisons are virtually at 100 per cent and sustained increases in prisoner population will require additional accommodation and staff resources. Similarly, community corrections workloads are likely to continue to increase creating further demands for resources. Objective procedures for linking workloads to staffing need to be developed.

## Human Resource Management

Kennedy envisaged that the Commission 'should also be a better employer, more caring of its staff and provide a better and more fulfilling place to work'. Little evidence of this outcome was detected during the current Review.

It is recommended that the Commission be declared a unit of the public sector and subject to *The Public Sector Management Commission Act*. This would give Commission staff access to more appropriate employment standards, for example, public sector grievance and appeal rights.

### **Staff Training and Development**

To give full effect to Kennedy's recommendations, and the QCSC's stated goals, staff training and development require more attention by the Commission. While it is acknowledged that the Commission has progressed from a minimal training base in 1988 and has successfully introduced an Associate Diploma in Business (Justice Administration) for its staff, it still has a way to go. This applies at all levels of the organisation.

The Commission needs to develop comprehensive training strategies for all staff based on proper training needs analyses. In the longer term a properly conducted process of performance planning and review (PP&R) will provide a basis for improvement. In particular, mechanisms need to be put in place to increase access to training by operational staff.

### **Information Management**

Kennedy was critical of information management within the then Prisons Department. An Information Technology Branch has been established with a primary focus on developing the Corrections Information System (CIS), the base offender information data-base. However, management acknowledges that further development is needed. Key information for effective planning was unable to be promptly supplied to the Review. The current budget allocation for the Branch provides for a reduced rate of information systems development. This should be reassessed.

### **Contract Management**

The rationale for introducing contract managed centres was to inject competition into correctional management as a means of stimulating improvements in efficiency, effectiveness and economy of operations. It is probable that this has contributed to progress with the reform agenda. Contract management has been in place since January 1990 in the custodial area and since June 1990 for community corrections centres. The contract between the QCSC and Corrections Corporation of Australia for the operation of the Borallon correctional

centre, the first contract managed correctional centre in Australia, has recently been renewed and other contracts are due for renewal in the next few years.

The Review has found that no comprehensive evaluation of the performance of contract managed centres or their comparison with QCSC operated centres has been undertaken. Some cost comparisons have been made but these need to be further developed over time. The private contracts are closely monitored in terms of minimum performance standards. However, there is insufficient basis for establishing the effectiveness of contract management in the corrective services system. The Review recommends such an evaluation be undertaken.

### **People in prisons**

The Review examined services provided to, and activities undertaken by, prisoners. The effectiveness of the sentence management process was considered, and a lack of consistency of implementation was noted. The range of programs provided to prisoners has broadened considerably since the establishment of the Commission. Centralised coordination of program development, and clarification of the links between programs and industry, would further improve opportunities for offenders to develop skills to assist reintegration into community life.

A range of prisoners with particular needs have been identified by the Commission, including sexual offenders, women, young offenders, people with intellectual disabilities and offenders with drug and alcohol dependencies. The Commission has developed a range of responses to address the needs of some of these groups, including a substantial policy proposal to address the structural disadvantages faced by the small number of women prisoners. Recommendations are made to improve services to 'special needs' offenders, including enhanced links with other agencies with special expertise in areas such as alcohol and drug dependence.

A number of issues related to security in prisons were identified by the Review. The most significant of these concerned the need for developing comprehensive security standards for custodial staff and the need for facilities to provide short term segregation of violent and recalcitrant offenders. There is a particular need to enhance integration between community and custodial corrections to ensure that prisoners' release to the community is a graduated and consistent process. Alternatives to secure custody were also examined. They include residential style community corrections centres and the Work Outreach Camps (WORC)

program. The latter scheme is highly innovative and depends on the continuing support of local communities for its success. Several proposals are made on procedural and resourcing issues concerning these alternatives to secure custody.

### Community Corrections

The role of community corrections is to administer community based sentences imposed by the courts such as probation, prison-probation, community service, fine option orders, and the post prison programs of home detention parole, release to work and other forms of leave of absence. This area administers 87 per cent of offenders for which the QCSC is responsible, but the Division is often overshadowed by custodial corrections which dominates both the media and senior management attention.

Community corrections has five regions and thirty-one area offices throughout the State. While there is a community corrections staff representative on the QCSC Board, there is no permanent community corrections management position at executive level. This reinforces the perception amongst community corrections staff that they are remote from decision-making within the Commission. This will be addressed by the creation of a Director (Community Corrections) position.

The resourcing of community corrections has been contentious. There is a strong perception among staff that they are under-resourced both in terms of staffing levels and funding. Staff increases appear, however, to be keeping pace with increases in offender numbers. The QCSC is promoting work practice reform in community corrections to better utilise existing resources. Field officers are concerned about compromising their professional standards. Proposals for change must be clearly enunciated and strategically planned by management. Sensitive handling of the issue is essential as its success will depend on cooperation between staff, their union and management. The Director (Community Corrections) will have a vital role in facilitating this process.

Accurate workload measurement is essential to determine resource needs. Significant factors such as the intensity and the degree of difficulty of supervision need to be taken into account. Special consideration also has to be given to community corrections staff outside the South East of the State where the distances to be travelled can have a major impact on service delivery. Concern was expressed to the Review that supervision standards have dropped. The confidence of the judiciary and the community in the integrity of community corrections must be maintained to avoid increasing demands on custodial corrections.

## **QCSC Relationship with Other Agencies:**

### **Department of Family Services and Aboriginal and Islander Affairs**

The Commission has argued that the distinction between 'adult' and 'child' is arbitrary and that one agency should be responsible for all corrections. The Review has found no convincing rationale for the transfer of responsibilities for juvenile offenders from DFSAIA to QCSC. Amended juvenile justice legislation has only just been introduced and DFSAIA has been its primary architect.

### **Queensland Police Service**

The Review found that lack of bed space in correctional centres has led to some prisoners being held in watchhouses for extended periods before acceptance by QCSC. The PSMC Review of the Queensland Police Service recommended the establishment of an Inter-Departmental Working Party to prepare for Cabinet consideration a proposal for addressing a number of issues related to watchhouse detention, including the condition of some watchhouses. The backlog of prisoners in watchhouses has increased since the Police Review was completed. The Inter-Departmental Working Party is scheduled to report to Cabinet by 31 December 1993.

### **Department of Justice and Attorney-General**

The Review found a lack of clarity on the respective responsibilities of the QCSC and the Department of Justice and Attorney-General for the custody of prisoners during court attendance. It also found that there could be advantages in establishing a televised link between courtrooms and prisons to avoid transporting offenders.

### **Legal Aid Office**

The access of Legal Aid Office staff to clients in custody, and to relevant documentation, has been unnecessarily restricted in some instances. It is recommended that the Director (Custodial Corrections) ensure adequate access by legal representatives to all correctional centres.



## **Queensland Health**

The principal areas of concern in the relationship between Queensland Health and QCSC are the provision of psychiatric services and the treatment of drug dependent prisoners. Kennedy was anxious that the Department of Health take over all psychiatric services for QCSC but funding issues have prevented this occurring. There is also some doubt as to whether Queensland Health would have sufficient human resources to provide these services.

The issue of QCSC drug detoxification practices was raised as matter of concern. It is recommended that the QCSC and Queensland Health's Alcohol and Drug Dependence Services review detoxification regimes.

## **Department of Employment, Vocational Education, Training and Industrial Relations**

Until recently, the provision of vocational education and training has been ad hoc and negotiated locally. The Review notes, with approval, that a Queensland Corrective Services Vocational Education and Training Board is to be established to enhance coordination and improve service provision. An analysis of the vocational education and training needs of offenders needs to be undertaken by the Commission with assistance from TAFE-TEQ.

## **Department of Education**

Department of Education services are provided through the School of Distance Education (SDE). Concern was expressed to the Review that centres were not allowing inmates to take education materials with them when they were transferred and recommends that procedures be enforced to ensure this happens. The Review also was informed that the Department of Education is considering charges for adult distance education students and suggests that exemption, on social justice grounds, be sought for offenders in correctional centres.

## **Accountability and monitoring**

The performance of the QCSC is monitored by the Commission's Board, the Ombudsman, and the Corrective Services Investigation Unit of the Queensland Police Service.

Other QCSC initiatives for improving accountability include: the formation of community corrections boards; the appointment of official visitors and inspectors; the establishment of centre based community advisory committees and prisoner liaison committees and the

establishment of the chaplaincy service. Some of these have been put in place in response to Kennedy's recommendations and some at the instigation of the Commission.

Important monitoring processes such as official visitors and inspectors will be the responsibility of the Board and not the Commission executive. Appointment of official visitors, inspectors and members of regional community corrections boards will be made by the Board. Reporting mechanisms are to be established to ensure that the Board can perform its 'riding shotgun' role.

The Review is satisfied that the level of monitoring has increased since the establishment of the Commission, reflecting the spirit of the Kennedy reforms. Recommendations relating to these issues focus primarily on appointment and reporting procedures.

## Conclusion

The primary purpose of this Review was to address the requirement of Section 72 of the *Corrective Services (Administration) Act*. This section requires the Minister to report to Parliament on the effectiveness of the correctional legislation and the need for the continuation of the Queensland Corrective Services Commission, five years after its establishment.

Corrections in Queensland has undergone significant change since Mr Jim Kennedy first looked at prisons early in 1988. His vision for a more humane correctional system has enjoyed bi-partisan political support and has been driven by many highly committed people. The change has not been easy and some people are still affected today by the stresses created by the change process. This review has attempted to provide a balanced view of what is happening in prisons, community corrections centres and in the broader community. It offers recommendations which should ensure that the momentum for continuing reform does not lessen while assisting to improve management of the system.

The outcomes of this Report, which will depend on the continuing commitment of staff and, hopefully, a more positive work environment, will be assessed when the legislation is further reviewed in 1998.