

## CHAPTER 7: COMMISSION AND EXTERNAL RELATIONSHIPS

There are a number of Queensland departments or agencies whose functions involve services to people who are in the criminal justice system. Particular issues have emerged in relation to a number of these agencies these are discussed below. The agencies concerned include the Department of Family Services and Aboriginal and Islander Affairs, the Police Service, the Department of Justice and Attorney-General, Queensland Health, the Department of Employment Vocational Education, Training and Industrial Relations, the Department of Education and the Legal Aid Office.

### DEPARTMENT OF FAMILY SERVICES AND ABORIGINAL AND ISLANDER AFFAIRS (DFSAIA)

The Department provides and supports a range of services for a range of groups including people with disabilities, Aboriginal and Torres Strait Islander people, neglected or abused children and juveniles in conflict with the law. Issues relating to juvenile justice will be discussed here. The needs of Aboriginal and Islander offenders and offenders with an intellectual disability will be discussed in the section on Special Needs Groups.

#### Juvenile Justice

DFSAIA is responsible for juvenile offenders, being offenders aged under 17 years, while offenders aged 17 years and over are the responsibility of the QCSC. The *Corrective Services Act* also provides that prisoners under 18 years of age are to be kept separate from prisoners of or above the age of 18 years.

Kennedy recommended that all juveniles in custody, under the age of 18, should be kept separate from adult prisoners and that legislation should be enacted to ensure that offenders of this age could not be admitted to a prison. The Report recommended that the then Justice Committee on Penalties and Sentences Legislation consider this issue.

Without making a specific recommendation, Kennedy raised the issue of departmental responsibility for juvenile corrections and whether this would best fall within the responsibilities of QCSC or of the then Department of Family Services. The Penalties and Sentences Review Committee, which reviewed the Kennedy Report for Cabinet, concluded

that because juvenile offending was a problem strongly related to other problems of youth and the need to continue to move towards coordination of programs and services at that level, responsibility for juvenile corrections should not be transferred away from the Department of Family Services.

The Juvenile Crime Strategy, initiated by the Government in 1991, focuses on reforming the juvenile justice system with an emphasis on increasing the range of non-custodial options available to the courts. The Juvenile Justice and Children's Court Acts, both proclaimed in September 1993, are intended to provide solutions to identified problems in the juvenile justice system, with detention as a last resort. Four detention centres for juvenile offenders are operated under the control and management of DFSAIA: the John Oxley and Sir Leslie Wilson Youth Centres in Brisbane, the Westbrook Youth Centre near Toowoomba and Cleveland Youth Centre in Townsville.

The Commission argues that the distinction between 'adult' and 'child' is arbitrary and that the Commission should be responsible for all corrections. It put forward two arguments for the transfer of responsibility: that corrections are not the mainstream business of DFSAIA and that Corrective Services would provide a more economical service.

Against this, the argument that DFSAIA is responsible for the full range of services to both incarcerated young offenders and those on diversionary programs and is responsible for services to young people 'in need of protection' is similar to the argument which has brought community corrections together with custodial Corrections in the QCSC.

The Review is not examining the comparative costs of running the services in detail as this is subject to a separate government review to be coordinated by the PSMC and the Office of the Cabinet which will consider both juvenile and adult correctional centres, including issues such as the number, location, inmate numbers, staffing and costs. This review is scheduled to report by January 1994.

Even if DFSAIA were able to reduce the operating costs of youth centres to some extent, there is no convincing argument for Corrective Services being able to achieve this more effectively. Furthermore, there are serious risks to the long-term welfare of the young people if programs and the level of care provided in youth centres was to be reduced. Since the impact of the new juvenile justice legislation cannot yet even be measured it is inappropriate to remove responsibility from the department which has been its primary architect.

QCSC interest in this issue is also related to concern regarding a whole of government approach to justice issues. The QCSC argues that the problems impacting upon the QCSC in particular and the criminal justice system generally emanate from dysfunctional aspects of our social system. Further, the QCSC see that if these social problems are to be overcome, the criminal justice system needs to operate as a system, not as a series of largely uncoordinated agencies as at present.

It could be argued that a more coordinated approach to justice issues generally, and the relationship between juvenile and adult corrections specifically, could be achieved without a complete transfer of responsibilities from one public sector agency to another. Alternative co-ordination mechanisms could be considered including a formalised Inter-Departmental Working Group comprising senior officers from relevant Departments such as Justice and Attorney-General's, Police, QCSC and DFSAIA, appropriate processes and structures to involve community based agencies and effective regional coordinating structures.

## FINDINGS

- . There is no convincing rationale for the transfer of responsibilities for juvenile corrections from DFSAIA to QCSC.
- . The new juvenile justice legislation has only just been introduced. There is, similarly, no convincing reason to consider removing responsibility from the department which has been its primary architect.
- . More effective processes and structures of co-ordination between the QCSC and DFSAIA in dealing with the inter-relationships between juvenile and adult offenders are necessary.
- . Consideration of this matter also raises the broader question of a 'whole of government' approach to the criminal justice system and the relationships between the various government and non-government agencies involved.

## RECOMMENDATIONS

56. There be no change in the current division of responsibility for juvenile and adult offenders.

### Age at which offenders cease to be categorised as juvenile

Section 6(1) of the *Juvenile Justice Act 1992* makes provision for the age at which a person ceases to be a juvenile to be raised:

The Governor in Council may, by regulation, fix a day after which a person will be a child for the purposes of this Act if the person has not turned 18 years.

While Kennedy's arguments for raising the upper age to which the Act applies to include 17-year-olds are compelling, there are extensive resource implications should a decision be taken to transfer responsibility for 17-year-olds to DFSAIA. The Department is of the view that before further negotiations take place, the juvenile justice legislation needs to be implemented and consolidated.

## FINDING

- . It is inappropriate for 17-year-olds to be incarcerated with adult prisoners.
- . The cost to the DFSAIA of bringing 17-year-olds within the provisions of the *Juvenile Justice Act* have led to the delay in implementing Kennedy's recommendations on the treatment of offenders in this age group.

## RECOMMENDATION

57. By 31 December, 1994, DFSAIA and QCSC, in consultation with Treasury, prepare a submission for Cabinet analysing the options for the transfer of responsibility for 17-year-old offenders from the QCSC to the Department of Family Services and Aboriginal and Islander Affairs.

## QUEENSLAND POLICE SERVICE

The principal issue of concern regarding the relationship between the Queensland Police Service (QPS) and QCSC is the use of watchhouses. Other issues, such as the transport and escort responsibilities, were raised by QPS.

### Watchhouses

Prisoners are held in the watchhouse after arrest, during which time they are rightfully the responsibility of QPS. Following their first appearance in court they are either allowed to go free on bail or are held on remand awaiting trial, when they become the responsibility of QCSC. Technically a prisoner does not become the responsibility of QCSC until received at one of its centres. Once held on remand, however, the onus is on QCSC to provide a place. In due course they reappear in court and, if sentenced to imprisonment or other order, again, the onus should be on QCSC to provide a place.

The area of critical concern is the length of time in which people are held in a watchhouse when they ought to have been accepted through a remand and reception centre. The most serious delays exist in relation to Arthur Gorrie Remand and Reception Centre and Lotus Glen correctional centre. This problem ultimately derives from the overall shortage of beds in custodial corrections centres and the rate at which the reception processes proceed.

Many watchhouses are inappropriate for long stays. The QPS is of the view that 48 hours is the maximum period for which anyone should be held in a watchhouse. The inability of the QCSC to provide sufficient accommodation for prisoners has, according to Police Service figures, resulted in a recent increase in the length of time prisoners are being held in police watchhouses, with the longest stay for a prisoner in Brisbane, in 1993 being the legal limit of 31 days.

Such lengthy detention in watchhouses invites debate about the basic human rights of convicted prisoners. For example, in the largest watchhouse, Brisbane City Watchhouse there is no natural light. Prisoners in some watchhouses have no clean clothing, are not provided with basic hygiene packs and have none of the privileges or programs they would have access to in a remand and reception centre or in prison. There are no facilities for visits from families or friends. The only exercise areas may be small and have neither fresh air nor natural light. The stresses these deprivations cause increase the suicidal tendencies to which a significant number of prisoners are prone. The Police Services has expressed

concern that the behaviour of prisoners who have been incarcerated in the watchhouse for long periods could deteriorate to an extent which adversely affects their assessment when, eventually, they reached the Reception and Remand Centre. The condition of the watchhouses is not, of course, the responsibility of the QCSC.

Delays in the reception of prisoners into custodial corrections centres also has resulted, naturally, in the overcrowding of watchhouses. The QPS advises that Cairns watchhouse, for example, has accommodated up to twice the number of prisoners for which its facilities were designed.

From November 1990 to January 1993 the second level of the Brisbane City Watchhouse was used as a 'Staging Unit', run and staffed by QCSC. This meant that the staff in charge were trained custodial officers. The operations of the Staging Unit were funded from the QCSC budget. When the Arthur Gorrie Remand and Reception Centre opened, it was anticipated that there would no longer be a need for the Staging Unit. When the Unit closed the facilities were taken over again by QPS.

The reintroduction of a staging unit is not proposed as a solution to the problem as it would not address the real cause of the watchhouse problem, namely, the overall shortage of beds in custodial correctional centres.

The Police Service has expressed particular concern that QCSC does not recognise suicidal prisoners as requiring specialist medical treatment and prioritised removal from a watchhouse environment. QPS also argues that QCSC does not give any priority to prisoners with a medical condition at the Remand and Reception Centre despite the difficulty of providing appropriate care at watchhouses. QCSC counter that they do in fact accept these prisoners but that there is a divergence of opinion between themselves and QPS as to what constitutes specialist medical treatment.

The Queensland response to the Royal Commission on Aboriginal Deaths in Custody states that:

Prisoners are held in watchhouses on behalf of QCSC, usually for a relatively short period by the QPS in remote areas where facilities comparable to those provided in correctional institutions are not available. Such prisoners receive the same treatment as all other persons in police custody.

This statement appears to be at odds with current practice.

### **Review of watchhouse detention**

The PSMC Review of the Queensland Police Service, released in April 1993, recommended the establishment of an Inter-Departmental Working Party to prepare for Cabinet consideration a proposal for addressing recognised deficiencies in watchhouse detention.

The Inter-Departmental Working Group is scheduled to report to Cabinet by 31 December 1993. The terms of reference for the Working Group are:

- . adequacy of all relevant legislation;
- . departmental responsibilities (including the transport of adult prisoners);
- . administrative procedures;
- . civilianisation of watchhouse duties;
- . watchhouse facilities; and
- . funding issues.

The deficiencies in watchhouse detention practices and facilities have been considered in a number of contexts, including:

- . consideration of the recommendations of the Royal Commission into Aboriginal Deaths in Custody; and
- . consideration of transfer of responsibility of some 24-hour watchhouses from the Police to QCSC.

Preliminary issues identified by the present Working Group which have relevance to the links between the QCSC and the Police include QCSC reception/classification procedures and related matters such as: the increasing number of protection prisoners; comparability of Police Service forms with QCSC requirements; streamlining the provision of criminal histories to the QCSC; escort arrangements between watchhouses and correctional centres; and reception procedures at regional centres.

## Transport and escort

Responsibility for transport and escort of prisoners to QCSC facilities has been the subject of some debate between QCSC and QPS. Recently, agreement has been reached that the transport and escort of all prisoners shall be provided by the QCSC to the Magistrates Courts Brisbane and the Brisbane Law Courts Complex and by the QPS to all other courts in the Brisbane area.

## FINDINGS

- . Some prisoners are being held in watchhouses for unduly long periods.
- . The conditions in many watchhouses are unsuitable for extended imprisonment.
- . The lack of bed space in QCSC correctional centres has resulted in custodial correctional centres with a remand and reception function frequently being unable to accept remanded and sentenced prisoners from watchhouses.
- . An Inter-Departmental Working Group has been established to examine and report on deficiencies in the watchhouse detention. It has not yet finalised its report.
- . In the light of the existence of the IWG, it would be inappropriate for the current Review to make recommendations on the future of the watchhouses.

## RECOMMENDATION

58. The Inter-Departmental Working Group on Watchhouses take account of the concerns expressed in this Report on the use of watchhouses by QCSC to hold prisoners they cannot themselves accommodate.

## JUSTICE AND ATTORNEY-GENERAL

The Department of Justice and Attorney-General (JAG) is a key stakeholder in the criminal justice system.

Concerns have been raised regarding which agency is responsible for and has custody of prisoners while they are attending court proceedings.



JAG administers the Supreme, District and Magistrates courts in Queensland. Holding cells are located within some courthouses throughout the State, including the Brisbane Law Courts Complex, which houses the Supreme and Brisbane District Courts. Prisoners are transported from prisons to the Law Courts Complex by the QCSC and then escorted within the complex by QCSC officers or police. The Court Administrator of the Supreme and District Courts meets with officers of the QCSC on a three monthly basis to discuss logistical problems concerning the transport, housing and movement of prisoners within the courthouse.

Incidents have occurred where prisoners being escorted by QCSC officers have escaped from the officers' control in the precincts of the court. For example, on 6 September 1993, a group of prisoners escorted by QCSC officers created a serious disturbance in a courtroom while attending Brisbane Magistrates Court in relation to the murder of a fellow inmate. The prisoners were subdued by QCSC officers, police officers and courthouse staff. There is also concern regarding the methods of moving prisoners between holding cells and courtrooms and, in particular, the Court of Appeal, where five or six prisoners may be waiting in the public waiting area at any one time. Obviously, there is a real risk of serious harm to court staff and the public generally in such situations.

The Corrective Services Act provides that the proper officer of the court (being the Sheriff, Registrar or Clerk of the Court depending on the nature of the particular court) has custody of and is responsible for the safe custody and welfare of a person in the custody of a court. The proper officer of the court may delegate any of these powers and functions and may require, amongst others, the QCSC and the police to provide officers to assist in the discharge of these duties. However, the Act also provides that, upon being admitted to a prison for detention and until discharge, a person is in the custody of the QCSC even if the person is not detained in a prison because, for example, the person was being transferred or attending legal proceedings. One interpretation of the legislation implies shared responsibility between JAG and QCSC. The division of any such responsibility is unclear.

Concern has been expressed that court staff and security systems are not equipped to control prisoners and that, furthermore, it is inappropriate for this responsibility to be placed with officers of the court. Also, it has been suggested that the QCSC officers escorting prisoners to court have, on occasion, been too few or insufficiently qualified to control the prisoners to which they are assigned.

Measures suggested to improve the security of courtrooms to cope with the management of high risk offenders include the securing of docks to properly accommodate multiple accused,

provision for the attachment of handcuffs and prevention of the throwing of projectiles (eg through the installation of shields).

There is support for the establishment of a televised link between courtrooms and prisons to enable minor matters to be dealt with without the prisoner having to leave the prison. Apart from the security advantages, cost savings to the QCSC and the police may also result, particularly in relation to transport and escort costs. Technology which could be adapted to this purpose already exists in the major courthouses and at the Arthur Gorrie Remand and Reception Centre.

## **FINDINGS**

- . It is unclear which agency bears responsibility for and custody of prisoners during their attendance at court.
- . There appear to be some advantages in the establishment of a televised link between courtrooms and prisons to enable minor matters to be dealt with without the prisoner having to leave the prison.

## **RECOMMENDATION**

59. The review of the corrective services legislation consider and clarify, in consultation with the Department of Justice and Attorney-General, the issue of responsibility for and custody of prisoners within the precinct of the court.

## **LEGAL AID OFFICE**

The Legal Aid Office provides legal representation for eligible offenders with outstanding criminal matters before the court or who are involved in other legal issues such as family law disputes. The Office also provides a legal advisory service to prisoners in some correctional centres and in other centres, tenders out the legal advisory service to private practitioners.

### **Access to prisoners and documentation**

The Brisbane office visits the Arthur Gorrie correctional centre, Sir David Longland correctional centre, Moreton correctional centre, Brisbane Women's correctional centre and Wacol correctional centre on a weekly basis. Regional offices in Townsville and

Rockhampton also visit local correctional centres on a weekly basis, as does the private practitioner who is contracted to visit Lotus Glen.

The primary issue for the Legal Aid Office is the need for reasonable access to prisoners in custody for whom Legal Aid Office is providing representation during trials or on appeal, or to whom advisory services are provided. It was noted that both the Arthur Gorrie correctional centre and the Sir David Longland correctional centre had limited the number of days scheduled for legal visits. This is a particular problem at Arthur Gorrie because of the number of clients, especially remandees, with matters still before the court. It was noted that there had been a dramatic and unexplained decline in the number of prisoners from Arthur Gorrie seeking legal advice.

Legal aid staff also referred to poor interviewing facilities and being made to wait for inordinate periods for admission to the prison or for access to clients, despite having received prior approval for the visit. To resolve these problems, Legal Aid Office staff have met with local QCSC management. Procedures, such as the faxing of lists of prisoners to be seen prior to centre visits, have been introduced.

Difficulties in gaining access to QCSC documents when representing people charged with offences allegedly committed whilst in prison was also reported, resulting in the necessity to issue subpoenas. Concern was expressed at the lack of clarity of procedures to be followed when an alleged offence was committed in prison, such as preserving the evidence and photographing injuries. It was also claimed that it was 'rare' to get a response to correspondence sent to central office, but that this was sometimes effective in engendering action at the local level.

## **FINDING**

- . The access of Legal Aid Office staff to clients in custody, and to relevant client documentation, has been unnecessarily restricted in some instances.

## **RECOMMENDATION**

### **60. The Director (Custodial Corrections):**

- . develop procedures, by 31 May 1994, to ensure that access by legal representatives to clients and client documentation is facilitated by correctional centres; and

- **monitor the implementation of these procedures through liaison with the Director, Legal Aid Office.**

## **QUEENSLAND HEALTH**

Queensland Health provides two principal services to offenders: psychiatric services and alcohol and drug abuse services.

- **Psychiatric Services**

- **Alcohol and Drug Abuse Services**

### **Psychiatric Services**

A visiting psychiatric service is provided to the Brisbane Women's correctional centre by the Mental Health Branch of Queensland Health. The Branch also operates the John Oxley Memorial Hospital at Wacol, which is a 73 bed facility providing in-patient psychiatric care for prisoners and regulated patients. Offenders subject to community correctional orders who require psychiatric services may access services in the same way as any other person in the community. In Brisbane, the Branch operates a specialised program for sexual offenders diagnosed as having psychiatric disorders.

The Division provides some psychiatric pre-sentence reports to assist judicial sentencing decisions, when the person concerned is not remanded in custody. It also supports the operations of the Mental Health Tribunal, the roles of which include determining the fitness of a person charged with or convicted of an offence to be dealt with in the criminal justice system. A pilot program is currently under consideration by Queensland Health in which a court liaison service in Brisbane may be established to conduct community-based psychiatric assessments of people referred from courts.

Psychiatric services are provided in other centres by private providers on a fee for service or sessional basis.

The Kennedy Report recommended that psychiatric services be provided by the Health Department. Negotiations over how these services would be funded were initiated but not resolved, although the management of John Oxley Memorial Hospital was transferred from QCSC to Health. Agreement has been reached, subject to ministerial approval, about future service delivery.

Under this agreement QCSC is expected to be responsible for providing psychiatric services for all prisoners requiring a mental health service within prison, or where pre-sentence reports have been ordered. Queensland Health is to provide all in-patient services and, on a limited basis, some court reports for offenders meeting specified clinical criteria. Offenders in community settings may use public mental health services on the same basis as other members of the community. One of the limitations on any extension of services by Queensland Health is the lack of availability of forensic psychiatrists and psychologists.

### **Alcohol and Drug Dependence Services**

The Alcohol and Drug Dependence Service provides a range of specialised services designed to 'minimise drug-related harm'. These services include detoxification programs, methadone programs, group and individual counselling, consultation with other departments and agencies and training. A specialised Aboriginal drug and alcohol program is provided to inmates of Wacol, Borallon and Sir David Longland correctional centres and to residents of Gwandalan community corrections Centre.

Services are provided to community corrections clients who self-refer, or are referred by the court or community corrections officer as a condition of an order. A pilot program is currently being undertaken within the Woodridge community corrections Office in which counselling is provided to offenders subject to orders by specialist staff of Brisbane South Health Region.

Alcohol and Drug Dependence Services staff have commented upon a significant improvement in working relationships between their service and community correctional officers since the establishment of the QCSC, characterised by fewer inappropriate referrals and increased levels of consultation. They expressed some concern that courts and community corrections boards sometimes placed unrealistic conditions on orders that community corrections officers were then required to administer. It was suggested that a range of information and education strategies could be useful.

## **Treatment of drug dependent offenders in custody**

One of the primary areas of concern is the treatment of drug-dependent prisoners. Current detoxification regimes were felt not to be sufficiently tailored to individual needs, leaving people either under-dosed or over-dosed depending on their previous intake. The view was that such prisoners were 'punished twice'.

Currently, only pregnant women who were using methadone prior to their admission to custody are permitted to continue on a methadone program when in prison. This policy is in conflict with the National Methadone Policy endorsed by the Ministerial Council on Drug Strategy, which includes the Queensland Minister for Health. That policy states that 'methadone treatment may be appropriate for certain prisoners' and specifies a number of target groups including those on a methadone program at the time of imprisonment.

Arguments against methadone programs in prison are that injecting drug users who are put on a methadone program are very likely to relapse to illicit drug use on their return to community life, even though physical dependency has ceased. This, in turn, means that there is a high risk of re-offending and return to prison. Furthermore, there is a high incidence of human immuno-deficiency syndrome virus and Hepatitis B and C in people who are or have been injecting drugs.

Research evidence supports the proposition that prisoners have a high level of compliance with methadone programs and a correspondingly low level of illicit drug use. There is also evidence to suggest that methadone programs represent one of the only 'diversion to treatment' approaches that is effective in responding to opioid dependence.

## **Treatment of drug dependent offenders in the community**

It is also argued that there are difficulties providing services to drug dependent offenders in the community as prisoners in the community under supervision are required by Commission Rule not to imbibe alcohol or other proscribed drugs. Commencing or continuing a methadone program would thus constitute a prison offence which could see the offender returned to custody. Similar concerns are expressed about the risk of breach for offenders on community based orders.

The issue of drug use and the treatment of drug abuse is complex and requires review by an expert committee.

## FINDINGS

- . Kennedy recommended that Queensland Health provide psychiatric services for QCSC.
- . Funding issues and the difficulty in providing a service have prevented implementation of this recommendation but agreement is being reached on the division of responsibility.
- . The Queensland Corrective Services Commission does not follow the National Methadone Policy.
- . The treatment of drug-dependent offenders, both within prison and in community corrections presents considerable problems.
- . There is a need to reconsider current detoxification regimes.

## RECOMMENDATION

61. The Director, Mental Health Branch, Queensland Health and the Director (Offender Development), Queensland Corrective Services Commission review, by 31 August 1994, the provision of psychiatric services to inmates of custodial and community correctional centres and report on the most effective system of providing these services and the budgetary implications of any proposal.

## DEPARTMENT OF EMPLOYMENT, VOCATIONAL EDUCATION, TRAINING AND INDUSTRIAL RELATIONS

The Department of Employment, Vocational Education, Training and Industrial Relations provides a range of vocational education and training programs to prisoners through TAFE-TEQ. These programs include:

- . literacy and numeracy;
- . vocational access courses which emphasise
- . non-trade and trade courses, including apprentice training.

TAFE-TEQ has also funded programs until recently. The Vocational Education Training and Employment Commission (VETEC) now administers funding, in accordance with State policies and the State Training Profiles established by the Australian National Training Authority, to public and private providers. TAFE-TEQ's role is therefore now moving towards being solely a provider of services.

### **Proposal to establish advisory and coordinating board**

Until fairly recently, links between QCSC and TAFE-TEQ have been 'ad hoc and local' in nature. The major focus has been basic literacy and numeracy skills and courses designed to increase prisoners' 'skills as a QCSC labour force'. In February 1993, an interdepartmental committee conducted a strategic planning process to address how the vocational education and training needs of offenders could best be met. A key outcome of this process was the development of a proposal to establish an advisory body called the Queensland Corrective Services Vocational Education and Training Board (QCSVETB). The proposal, since approved by the Board, suggests that the roles of QCSVETB would be to advise VETEC of offenders' needs and to coordinate the delivery of vocational education and training services and programs for offenders.

This proposal offers the opportunity for a comprehensive and coordinated approach to vocational training. To maximise the effectiveness of this board, a range of tasks need to be undertaken by QCSC.

It was pointed out that a thorough needs analysis of offenders' requirements for vocational education and training needs to be undertaken as a first step. This will provide the data required by QCSVETB to advise VETEC of offenders' needs, and will also form the basis of an operational plan and any resource agreement struck between QCSC and TAFE-TEQ.

A review of QCSC policies and procedures with respect to vocational education and training was also suggested. There is a view that, despite the commitment of individuals such as education officers and of certain correctional centres, the organisation as a whole does not value vocational education and training programs. Participation is often seen as a privilege rather than as an integral part of the services which will assist an offender's reintegration. Procedures and practices which limit offenders' involvement in training programs include involuntary transfers, problems with the necessity to offer many programs 'off campus', the requirement for prisoners to pay for their own courses in some instances and lack of work



opportunities which provide the 'on the job' training opportunities necessary to complement formal programs.

The basis of funding also needs to be addressed. It was suggested that under the new Commonwealth-State structure it would be possible for funding to be given either to the QCSC or to TAFE-TEQ. In either case, there is a need to consider funding programs which extend beyond annual budget cycles. It has been a source of mutual frustration that planning could not go beyond the current financial year, and continuity of particular programs be guaranteed over a longer time frame.

## **FINDINGS**

- . Until recently, the provision of vocational and educational training has been ad hoc and negotiated almost entirely at the local level.
- . The decision to establish a Queensland Corrective Services Vocational Education and Training Board represents a major step towards enhanced coordination and improved service provision.
- . A number of QCSC policies, procedures and practices and the absence of a coordinated approach limit offender access to vocational education and training programs.

## **RECOMMENDATION**

62. The recommended program needs analysis, to be conducted by the Director (Offender Management), include an analysis of the vocational education and training needs of offenders undertaken by the QCSC with assistance from TAFE-TEQ.

## **DEPARTMENT OF EDUCATION**

### **Services provided by the School of Distance Education**

Department of Education services are provided through the School of Distance Education (SDE). Primary and secondary education services are provided through a series of structured modules tailored to the individual's learning needs, with programs aimed at students who are

unable to attend classroom lessons for a variety of reasons. Programs include literacy and numeracy skills commencing at Year 3 level, and a wide range of secondary subjects to Year 12 level. At the beginning of November, 1993, 257 prisoners from all correctional centres were enrolled as adult students in SDE programs. Of these, 76 are working on Senior-level programs, 240 on Junior and 89 on Adult Literacy programs.

Once students are enrolled in SDE, their learning needs are individually assessed and study programs established. The individual's progress on the program is monitored by mail and, to a lesser extent in prisons, by telephone. Where no papers have been received by SDE over a two month period, enrolments are normally cancelled unless legitimate reasons are given. This process ensures that all students enrolled are 'active' and directs limited resources to areas of greatest need.

### **Problems for SDE in providing educational services to offenders**

The major problem experienced by SDE staff results from the frequent transfers of prisoners between centres. When prisoners move, their learning materials and completed work are not regarded as part of their personal property and must be left behind. This imposes unnecessary cost on the SDE, who reissue materials on request, and needlessly disrupts prisoners' study programs. Further, the delays associated with moving to a new centre and re-establishing a link with the education officer can mean that enrolments are cancelled because of the failure to submit work, requiring a fresh application process and ongoing delays. Advice of transfers would prevent cancellation of enrolment.

Other administrative problems include a lack of facilities to store materials and papers, delays in returning work, incorrectly addressed mail, incomplete application forms which delay the assessment process, lack of any information about sentence length (to enable studies to be tailored to the time available) and prisoners' individual work programs being copied and given to other prisoners for whom it was not designed. Many of the issues raised could be addressed by improved communication between individual centres and SDE staff.

SDE staff expressed appreciation for the role education officers played but found that the commitment of correctional centre management to supporting prisoners undertaking study varied considerably. Borallon correctional centre received high praise for its support of students and its recognition that study is 'part of a day's work'.

It was also stated that only a 'minuscule' percentage of prisoners continue study on leaving correctional centres and greater emphasis on arranging community support for ex-prisoners as part of a reintegration plan would assist more to continue.

### **Cost recovery**

Presently, all written course material is provided free of charge. However, given the huge increase in numbers of enrolments in SDE, some consideration is being given to requiring adults participating in programs to pay an enrolment fee and/or materials cost. The profile of the prisoner population is characterised by low educational attainment. Imposing charges might serve as a disincentive to embarking on education programs which are badly needed.

### **FINDINGS**

- . Centre procedures which do not allow prisoners to take educational materials with them when being transferred impose unnecessary costs on the School of Distance Education and disrupt prisoner study programs.
- . Many problems currently being experienced could be addressed by improved communication at the operational level.
- . Correctional centres have varying levels of commitment to supporting prisoners engaged in study programs.
- . The Education Department may introduce charges for educational services to adult learners.

### **RECOMMENDATIONS**

63. The Director (Custodial Corrections) develop procedures to ensure educational materials provided for a prisoner engaged in a course of study be regarded as the prisoner's own property when that prisoner is being transferred or discharged.
64. Should the Department of Education introduce fees for adults undertaking School of Distance Education courses, the Director-General seek exemption, on social justice grounds, from charges for education programs undertaken by offenders.