



**COMMISSION OF REVIEW INTO
CORRECTIVE SERVICES
IN QUEENSLAND**

INTERIM REPORT

MAY, 1988

Commission of Review into Corrective Services in Queensland



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The Hon. R. Cooper MLA
Minister for Corrective Services and
Administrative Services
P.O. Box 1425 BRISBANE 4001

Dear Minister,

On February 29, 1988 Cabinet approved the terms of reference and the establishment of the Commission of Review into Corrective Services. On that date I accepted appointment as the Commissioner of Review. The terms of reference required that I submit an interim report by the end of May. I enclose that interim report for your consideration.

I and the Committee assisting me have worked hard to seek the views of the community about what changes are required to corrective services in this State. I have received an overwhelming response to the call for submissions. Clearly there are thousands of people living in deep hope that this Review will help achieve some greatly needed changes. The report reflects the broad community agreement I found regarding the changes required.

In essence the report says that the Corrective Services of this State have been suffering from years of financial neglect. As a result the physical infrastructure and the operational resources provided are not adequate to meet the needs of the prisoner population. Lack of funding has caused essential training for staff to dwindle to an extent that the professionalism of the staff is in jeopardy. The lack of funding has resulted in only a token effort at delivering real corrective programs such as drug rehabilitation, basic literacy, and child abuse counselling. Basic functions such as research, policy development, the preparation of a policy and procedures manual, performance monitoring and statistical collections about prisoners are virtually non-existent. The organisation itself has not responded well to the problems and is in need of major restructuring.

Fortunately the \$81 million that has been allocated to the construction of three new prisons will solve the major accommodation problems. My report recommends the provision of an additional \$9 million in the next financial year over and above funds likely to be allocated. This will essentially attend to the financial needs I have identified.

I appreciate this is a time of severe financial restraints in the State. But, unfortunately Corrective Services have been neglected in the good times. The system can no longer continue to run on the goodwill of the staff. The allocation of additional funds is really not a matter of choice, but of necessity.

The other major recommendation is the establishment of a Queensland Corrective Services Commission. This will provide the most suitable organisational structure to oversee corrective services whilst implementing numerous necessary changes, innovations and reforms.

This interim report also attends to some other matters. Perhaps the most important is the establishment of a police unit inside the prison system.

As discussed previously, it is my intention to provide with my final report a draft Act necessary to implement the changes I am recommending.

The lack of a policy and procedures manual is also a matter of great concern. I will be working with staff of the Comptroller-General's office in an effort to bring out a manual that compliments the changes I am recommending to you.

In the Committee you have provided to assist me I have found a hard-working and far-sighted group. Elsewhere your departmental staff and in particular Mr Peter Jones and Mr Alex Lobban have gone out of their way to provide me with every assistance. I am particularly grateful to my Secretariat staff, Mr Graham Dalton, Mrs Margaret Cribb and Mr Nelson Glindemann who have worked alongside me, guided and assisted me from the outset. Without their invaluable input, effort, energy, ability and deep knowledge my task would have been almost impossible.

I would like to thank you for your ready support and assistance and the efficient responses that I have received from you. It is a pleasure working with you and your staff.

I look forward to providing you with my final report on or before 31/8/88.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Jim Kennedy'.

J. J. KENNEDY
Commissioner of Review

CONTENTS

MAJOR RECOMMENDATIONS	1
1. INTRODUCTION	3
1.1 Establishment of the Commission of Review	3
1.2 The Processes of the Review	3
1.3 Assistance Provided To The Commission of Review	5
2. AN OVERVIEW OF CORRECTIVE SERVICES	6
2.1 The State of the Prison System	6
2.2 Symptoms of Problems	6
2.3 The Need For Significant Change	7
2.4 The Need For Funds	8
2.5 Violence in Prisons	9
3. THE ADEQUACY OF FACILITIES	10
3.1 The Philosophy of the New Prisons	10
3.2 No. 2 Division, Brisbane Prison and Maximum Security, Townsville Prison	10
3.3 Future Directions In Prison Construction Programs	11
3.4 Some Design Issues	12
3.5 Funding the New Prisons	12
3.6 Staffing the New Prisons	13
4. ORGANISATIONAL STRUCTURE	15
4.1 The Problems of a Fragmented and Diverse Organisation	15
4.2 The Need for a Cohesive Department	16
4.3 The Need for a Corrective Services Commission	17
4.4 The Board Structure	21
4.5 Organisation Structure	21
5. FINANCIAL REQUIREMENTS	24
5.1 The Business of Prisons	24
5.2 Under-Funding In Queensland	25
5.3 Education	26
5.4 Drug Programs	26
5.5 Computing	26
5.6 Research	27
5.7 Security	27
5.8 Other Services to Prisoners	29
5.9 Staffing and Training	30
5.10 Financial Resources Required	31

6. CORPORATE IMAGE	33
6.1 Problems of a Poor Image	33
6.2 The Consequences	34
6.3 A New Image for Corrections	34
7. POLICE-PRISON LIAISON OFFICE	36
7.1 Assistance of the Police Department	36
7.2 Need for a Prison Liaison Office	36
7.3 The Benefits of the Liaison Office	37
7.4 Staffing the Office	38
7.5 Other Resources Required	38
7.6 Funding	39
7.7 Secondment of Prison Staff	39
8. LEGISLATIVE CHANGE	40
8.1 The State of the Prisons Act	40
8.2 Need for a Corrective Services Commission Act	40
8.3 Parole, Remission and Community Corrections	41
8.4 Need for Legislative Change to Penalties and Sentences	42
9. MANUAL OF POLICY AND PROCEDURES	44
9.1 Poor Communications	44
9.2 Need for a Manual for Staff	44
9.3 Preparing the Manual	45
10. APPENDIX 1:—	46
Terms of Reference	46
APPENDIX 2:—	48
Extract from Police Submission	48

MAJOR RECOMMENDATIONS

Recommendation 1

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 non-executive 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.

Recommendation 2

It is recommended that Government provide, over and above the present level of funding for Prisons and Probation and Parole—for the next financial year—an additional sum of \$9 million, in addition to the extra funding that will be required to open and operate the new prisons presently under construction.

Recommendation 3

It is recommended as a matter of urgency that the Government agree to the establishment and funding of a Police-Prison Liaison Office (P.L.O.) as set out in this report.

Recommendation 4

It is recommended that the Government now officially confirm a commitment to the demolition of No. 2 Division of H.M. Prison, Brisbane and the Maximum Security Section of H.M. Prison, Townsville immediately following the completion and opening of the three new prisons.

Further recommendations appear in the body of the report.

1. INTRODUCTION

1.1 Establishment of the Commission of Review

On 29th February 1988 Cabinet approved the establishment of the Commission of Review into Corrective Services in Queensland. I was requested to provide to the Minister an interim report by 31st May 1988. A Committee Assisting the Review was also appointed.

A Review is fundamentally different from an Inquiry. It can be much less formal. More importantly, its purpose is not to reach a particular finding but to draw together all the changes currently in process. A review reconsiders a situation and where necessary seeks to change it. A Review includes the people responsible for what is happening, it does not sit in judgement above them. It thinks about the future instead of worrying about the past.

It is in this spirit that I have examined the terms of reference and steered the review.

1.2 The Processes of the Review

The Review is being conducted in four stages:—

1. Obtaining Community Involvement

The widespread involvement of the media has kept the community aware of what is happening. In undertaking the Review I have tried to avoid a too formal and legalistic approach. I wrote to anyone I could think of who might be interested. As the Commission is seeking to step outside entrenched views an innovative step in this direction has been the widespread advertisements publicising the Review on popular radio as well as the more usual newspaper advertisements. Recognising the literacy problem in prisons I have encouraged group submissions and have been prepared to accept oral submissions recorded on cassettes.

In view of industrial unrest during the early stages of the Review I particularly sought from the relevant unions advice and submissions regarding matters they felt needed urgent attention.

I felt it was important to maintain credibility in the processes of the Review. I have personally opened all submissions, read them first myself before any member of the Secretariat or Committee and I then personally replied to each individual. In response to public questioning I said I would personally ensure that the Commission of Review directly contacted any prisoner whose name was given to me as being inhibited for whatever cause from making a submission.

I received an overwhelming response to the call for views about the Queensland Corrective Services. Over 1000 people have responded to the call for submissions. I have received submissions from people holding high public office including Ministers of the Crown, the Parliamentary Commissioner for Administrative Investigations (Ombudsman) and the Judiciary. I have received submissions from prisoners in the "cages" some of whom are barely literate and have needed the assistance of fellow inmates in order to express their feelings.

Other submissions have been received from bishops and clergy, members of parliament of all major parties, academics, departments, public servants, a wide range of church groups of all denominations, the police both as

individuals and from the Police Department, doctors, unions associated with the prison system, the Bank Employees Union, the Human Rights Commission, lawyers, prisoners, prison staff and from a wide range of individuals who have in some way come into contact with the prison system.

At least a third of Queensland's prisoners have directly contacted the Commission with written submissions. I received an outstanding submission prepared by prisoners at Townsville signed by 239 inmates. Many submissions were extremely sad, some contained unexpected humour, others related hard luck stories and a handful reported allegations of a nature I could not directly address but which have formed part of my deliberations and recommendations for change.

The Commission has visited all prisons in Queensland, spoken to hundreds of prisoners, staff, prison officers, their wives, probation and parole officers and public officials. Without fail I, and the Committee assisting the Commission of Review have received the utmost co-operation.

Almost without exception, submissions have been thought provoking, and represent a genuine attempt to find realistic solutions to long term problems. Clearly out in the community and in the prisons there are thousands of people living in deep hope that something will happen from the Review. The establishment of the Commission was obviously timely and there is broad community agreement about the direction required for much of the change.

The first stage is now basically completed. All the submissions have been received, replies prepared, the submissions catalogued and analysed. Interviews where necessary to clarify particular issues are now virtually completed.

2. Tackling the Major Issues

Very early in the Review it became apparent there were two key issues. Unless these are addressed, little else constructive may be achieved. The first is the need to provide an organisation with dynamic leadership, capable of maintaining the momentum for change. The second issue is the need for adequate finances for a modern corrective service.

An essential part of the process of obtaining agreement for what is achievable has been ongoing discussions with the Minister and his senior staff regarding the direction of the Review and likely outcomes. Similarly I have been canvassing the options with the unions and publicly in the media and with staff and welfare groups.

3. Setting the Agenda for the Change.

A major part of the Review requires detailed analysis of the submissions, examining policy, the actual running of the system and its administrative problems. I have been scrutinising operations very critically and will continue to do so.

This process will result in my final report to be presented to the Minister at the end of August. This report will address the terms of reference in detail and will provide recommendations for improving the way the system works on a day to day basis and will include recommendations for change to the parole system.

4. Preparing the Infrastructure For Change

Implementation of the Review's recommendations will be a major task. There are several impediments to change:

- Legislation is required for the re-organisation;
- The Prisons Act is so outdated;
- The lack of procedures manuals;
- An appropriate organisational structure is required; and
- A new award needs to be considered.

I have discussed these impediments with the Minister and senior officers of the Department. They have agreed to the secondment of specialist staff with responsibilities in these fields to work closely with the Secretariat. This will ensure a close relationship between the Review and those who will need to implement the changes.

The situation of Aborigines and Islanders in Queensland prisons falls within my terms of reference. Mr. Don Davidson from the Aboriginal community is on the Committee assisting the Commission. He is travelling extensively amongst the Aboriginal community seeking their views on the changes required to the Prison system. I will be recommending in my final report the organisation of a series of workshop/seminars to enable the Aboriginal community to have further input into the much needed development of policy for corrective services in this area.

I have read widely and sought advice about both desirable features and problems being experienced in other states. I will take the opportunity in the next few weeks to add to my understanding by examining personally systems in some other states.

1.3 Assistance Provided To The Commission of Review

Without fail, senior management in the public service and prison system, staff at every prison, the officers of the Probation and Parole Service, prisoners and members of the public have gone out of their way to assist me and to ensure the Review is a success.

Especially I must thank the media for their interest and co-operation in making public the very important issues I have been asked to address.

Both in the Secretariat and the Committee Assisting the Commission of Review the Minister provided me with an outstanding, balanced and farsighted group of people.

I also wish to record Public Relations Consultant Mr Peter Hall's generous assistance to me. He has managed our media relations without charge because of his commitment to the processes we are carrying out. Without Peter I would not have been nearly as successful in obtaining widespread community interest.