

Submission by Together Queensland on the *Inspector of Detention Services Bill 2021*



INTRODUCTION

Together Queensland, Industrial Union of Employees (**Together**) is the leading industrial union representing the interests of the employees of Queensland Corrective Services (QCS). Together represents over 2,600 of the Custodial Correctional Officers (CCOs) employed in the publicly run correctional centres.

Together Queensland:

- is an Industrial Organisation of Employees under the *Industrial Relations Act 2016* (Qld).
- is a counterpart of the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch (Queensland Together Branch of the ASU). The ASU is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (FWRO Act).

BACKGROUND

As the body representing the interests of Custodial Correctional Officers and staff working in Queensland's Correctional Facilities, Together has a keen interest in the proposed Bill and in ensuring it contributes to ongoing improvement in the safe, secure and effective operations of Correctional Facilities.

MAIN PURPOSE

Together is concerned that the Main Purpose of the Bill, in its current form is much too narrow and severely limits the scope that a truly independent inspectorate function requires.

The Explanatory Notes for the Bill state as follows:

"This Bill gives effect to the Queensland Government's commitment to establish an independent inspectorate to promote and uphold the humane treatment and conditions of people detained in prisons, community corrections centres (the Helana Jones Centre), work camps, youth detention centres and police watch-houses (places of detention). The purpose of the Inspector of Detention Services (the Inspector) is to promote the improvement of detention services and places of detention with a focus on promoting and upholding the humane treatment of detainees..."

While this aim is laudable, the Bill focuses almost entirely on the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* and in doing so seeks to solve a problem that, in the main, does not exist and loses sight of the need to adopt a holistic view of the operation of detention centres.

The Bill states that it addresses the recommendations from a number of independent reviews including the *Independent Review of Youth Detention* (IRYD), the *Queensland Parole System Review* (QPSR), *Taskforce Flaxton: An examination of corruption risks and corruption in Queensland prisons* (the

Taskforce Flaxton Report) and the Queensland Productivity Commission's Report: Inquiry into imprisonment and recidivism (QPC Report).

In doing so it loses sight of the focus of those recommendations being the purported independence of the existing oversight mechanisms at the time, rather than the scope of the oversight.

The Office of the Chief Inspector, under Corrective Services was criticized for its independence, not its aims. A perusal of the [Healthy Prisons Report](#) reveals that that Office did approach reviews of Correctional Centres from a much broader perspective than this Bill proposes:

"The Office of the Chief Inspector was established in July 2005 as an added layer of transparency and accountability. The office conducts inspections and reviews at every correctional facility in the state to ensure that correctional facilities are operated safely and efficiently.

These inspections and reviews are based on the concept of a healthy prison which was first set out by the World Health Organisation (WHO). These standards have been adapted to Queensland and the standards are regularly updated. The WHO standards are accepted internationally as the benchmark for custodial environments.

It rests upon 4 key tests:

1. Safety

Prisoners, even the most vulnerable, are held safely.

2. Respect

Prisoners are treated with respect for their human dignity.

3. Purposeful activity

Prisoners are able, and expected, to engage in activity that is likely to benefit them.

4. Resettlement

Prisoners are prepared for release into the community and helped to reduce the likelihood of re-offending."

This Purpose of this Bill, focusing solely on the OPCAT aims, is a retrograde step for holistic independent inspections.

ISSUES OF IMPORTANCE

The narrow focus of the Purpose of the Bill will prevent oversight of other important issues in Detention Centers that ensure they are safe and fit for purpose. The following are examples:

- Recently a spate of issues has arisen where staff have raised safety issues that have been ignored. This includes exposure to poisonous chemicals that have affected prisoners and staff as

well as unsafe storage of fuel and tools at Capricornia Correctional Centre that exacerbated the recent riot and put prisoners at risk (who are not protected by the *Work Health and Safety Act 2011*). An external inspection function could have identified the lack of action by QCS and the resulting impact on prisoners.

- The introduction of drugs into Correctional Centres is a significant risk to the health and safety of prisoners and staff and the recent restrictions on visitors into Correctional Centres due to COVID showed that these visitors are a significant vector for these drugs. Yet the legislative frameworks and infrastructure to prevent this introduction are significantly lacking. An independent inspectorate with appropriate scope of oversight could make recommendations regarding this.
- The culture in prisons regarding the way Correctional Officers are treated directly contributes to the culture in prisons regarding the way prisoners are treated. An independent inspectorate with appropriate scope of oversight could make recommendations regarding this.

TORTURE

While it is accepted that one of the aims of OPCAT is to prevent torture of detained persons that must be understood in the context of an international standard aimed at prison systems very different to those in Queensland. The union is unaware of any issue with “torture” in state run prisons, yet the explicit inclusion of that language implies that the issue exists. This is highly insulting to the thousands of Correctional Officers that do a difficult and dangerous job on behalf of the community. It is a problem that does not exist, and the reference should be removed.

PUBLIC HEARINGS

Together would appreciate the opportunity to address the Committee on these issues and answer any queries.

Michael Thomas
Assistant Branch Secretary

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