

Queensland
Government

15 MAR 2006

Department of
Corrective Services

Office of the
Director-General

Dr Leslie Clark MP
Legal Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Dr Clarke

Thank you for the opportunity to make submissions to your Committee.

The Department of Corrective Services takes very seriously its obligations regarding accountability and open decision making.

My Department is responsible for the safe and humane containment of offenders sentenced to terms of imprisonment by Courts as well as the supervision of offenders in the community who are subject to community based orders or supervised release.

Almost all applications received in the past three years for the release of information under the *Freedom of Information Act 1992* (FOI) were from offenders seeking information that was considered related to their personal affairs. Consequently the information was made available without cost to the applicant. Hence the financial burden of compliance rests with this Department. Therefore a fees restructure unless involving the introduction of a fee for access to material containing personal affairs, would not impact on the vast majority of applicants applying to this Department for access to information.

Most applications for judicial review of decisions by Departmental officers are brought by self represented litigants who are incarcerated. Some applications are misconceived because they seek to review decisions that are not amenable to review under the *Judicial Review Act 1991*. Irrespective the Department must expend funds defending itself or its officers draining resources that might be put to good use in other areas.

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- The Department is aware that the lack of funds may deter some prisoners from challenging decisions through the Court processes. The Department believes that a better solution is for increased utilisation of internal review processes.

The *Corrective Services Act 2000* makes provision for the internal review of a number of decisions regarding prisoner management. Internal reviews permit not only a review of the merits but the ability to introduce fresh, relevant information. This is a more cost effective mechanism for reviews than the judicial system which examines the decision making process without real regard for the merits.

You may be aware that the Department has recently undertaken a process of reviewing the *Corrective Services Act 2000*. Extensive internal and external consultation has occurred. It is envisaged that there will be a new *Corrective Services Act* in operation later this year. It is anticipated that the new Act will place emphasis on the availability of internal review for decision making processes.

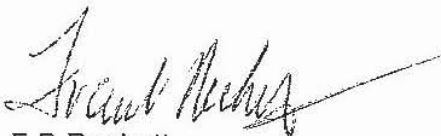
In addition it is worthwhile to note that the Department is developing a new management system to deal with complaints. This will ensure that all complaints are dealt with expeditiously and in an open and accountable way.

There are a number of other avenues available within the correctional system that offenders might utilise if dissatisfied with outcomes or decision making processes. Every centre has at least two official visitors, one of whom is a practicing lawyer. Where offender populations include members from key groups one or more of the official visitors, where possible, identify with that key group, such as Aboriginal people or Torres Strait Islanders. Official visitors visit each centre regularly and any offender may utilise their services.

Offenders may also seek the assistance of the Ombudsman who has wide ranging powers to investigate activities within the Department. There are also a number of lawyer groups who provide services to offenders such as Prisoners' Legal Service, Legal Aid Queensland and various Aboriginal and Torres Strait Islander legal services.

I trust that this information has been of assistance to you.

Yours sincerely



F P Rockett
Director-General

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