



Speech by

Mr J. HEGARTY

MEMBER FOR REDLANDS

Hansard 24 March 1999

CORRECTIVE SERVICES LEGISLATION AMENDMENT BILL

Mr HEGARTY (Redlands—NPA) (5.27 p.m.): In rising to speak to this Bill, I place on record also that I do not oppose the major thrust of this amending legislation. The legislation is to provide for the functions and powers of the Queensland Corrective Services Commission related to the administration of corrective services in Queensland. The Bill seeks to abolish the Queensland Corrective Services Commission, the QCSC, and the Government owned corporation Queensland Corrections, Q Corr, which was established in 1997. The Bill also seeks to establish the Corrective Services Advisory Council and provide for a head of power for the new Department of Corrective Services and to provide an express head of power to support the placement and management of maximum security prisoners and to clarify the powers in relation to the segregation of prisoners by amending the Corrective Services Act 1988.

Historically, prisons and the treatment of prisoners have changed in their design and function as society and its attitudes towards imprisonment have changed over time. Subtle changes, such as the description of "prisons" being changed to "correctional centres" in some instances, reflect the focus of rehabilitating prisoners wherever possible to be returned to society at some future point in time as productive citizens. At the same time, there is an element of the prison population who do not want to be rehabilitated under any circumstances, and their influence can have a detrimental effect on those who are not so hard nosed and want to correct the behaviour that landed them in prison in the first instance. This Bill will identify that disruptive element. By segregation it will remove them to maximum security units where they can be better contained and controlled to enable their prison term to be served without disruption or threat to the majority of the prison population.

The catalyst for these changes was the report tabled on 9 February this year, Corrections in the Balance. The report was a requirement of the Corrective Services Administration Act and the Corrective Services Act 1988 to review the operations of corrective services and conduct a five and a 10-year review of the effectiveness of the relevant Acts. The report is commonly referred to as the Peach report, after its author. The primary finding of the report is that a statutory authority with a commission and board structure is no longer required. The original identification and the formation of those boards was at another point in the history of the management of prisons, when it was felt that that was a good step following the administration of prisons until the late 1980s. We are now a decade further down the track and this report has identified that perhaps the control should be brought back under a department and the Minister responsible. I support that view.

In his second-reading speech the Minister said that the formation of a department responsible for corrective services will not have any effect on human resources, that there will be virtually a transfer from the two current organisations into the one department, with no permanent job losses. One certainly hopes that will be the case. I am sure that that is the intention of the Minister. Of course, the Public Service has many employees in temporary positions. Although they are classified as holding a temporary position, to all intents and purposes they fulfil a full-time role. Will the people in those particular positions be retained under this one umbrella, or will they be removed in an attempt to make the new department appear lean and efficient in order to make the new department appear lean and efficient in meeting its requirements without having surplus personnel? On 9 March the Minister stated that all assets, liabilities and staff of the two agencies will be transferred to the new department. The Government has made a commitment that no permanent staff will lose their jobs as a result of the restructure. I ask the Minister to give the House some reassurance that he has done some detailed

work to assess current manning levels so that he can indicate what impact there will be on all people currently employed under the present structure or to give an indication of when he feels such an assessment will be done.

In his report, Mr Peach noted that some senior staff expressed concerns about a lack of job security when rising to management positions. One only has to think about the two organisations currently running Queensland prisons to realise that when the two organisations are amalgamated under one umbrella there obviously can be only one CEO. Obviously, there will be duplication of some middle management positions, which will not continue. What will happen to those long-serving members of the Public Service who no doubt have given long and faithful service to reach the senior positions they now hold? Will they be assured of future employment? One would hope that there will be no requirement for resumes to be dusted off to meet the budgetary and economic constraints that all Government departments face in their operations.

The other matter is community consultation. The Explanatory Notes state that community agencies were consulted in relation to the implementation of policy for maximum security prisoners. However, the community agencies were not consulted in relation to the contents of this Bill. In all aspects of public administration and the bringing in of legislation, public consultation has become a very fundamental and expected part of the legislative process. I would be very disappointed if, in the need to implement this legislation quickly for the better management of Queensland prisons, the consultation process were paid only lip-service in certain respects. I ask the Minister to refer to that in his reply.

The board structure, which was designed to act as an independent committee to provide community input into the development of correctional policy, will be removed. In doing so, perhaps inadvertently community consultation could also be removed. One does not want to move so quickly that the good things that have been put in place to date are lost.

The advisory council that the Minister intends to put in place will represent the community and the very important interest groups—those interest groups who are in constant touch with the community—and the victims of crime. The question is: will they be truly represented? This is of particular concern when we examine the appointment of the council. There will be nine persons appointed by the Minister. The Chair will also be chosen by the Minister. One hopes that the broad representation that exists currently will not be replaced by a select group of people who may not have the broad community experience and broad community acceptance of the impartiality displayed by the members of the old board. The proposed advisory council will have fairly large shoes to fill. I hope the Minister is very judicious in the selection of the people he has in mind to fulfil that very important role.

As the Minister is effectively taking over full control of all aspects of the department, including the appointment of the council, will he at his whim be able to just dismiss those members, perhaps for not complying with some of his wishes? If things go wrong, as they are apt to do, especially in a portfolio like Corrective Services—I am not wishing any ill on the Minister; I hope it runs very smoothly and we fully eliminate any problems, break-outs or riots that have been highlighted in recent years—if the board fails in its duty as perceived by the Minister, will he be rather harsh and dismiss those people who, dependent upon the issue of the time, may have a different viewpoint to his? Of course, that does not give much security to those people who may be inclined to take up an offer to sit on the council. What sort of tenure will they have? Normally when people are appointed to boards, they expect a term of two or three years. That feeling of security and worth may be removed by the Minister's control of the board to the extent outlined.

Have women and members of the ethnic community been fully consulted and considered in the composition of the advisory council? In the Minister's second-reading speech he said that the Bill will further enhance the avenues of community input by the establishment of the advisory council. However, if a broad cross-section of the community is not included, can it adequately reflect the community's needs? I ask the Minister to give some clarification on that in his reply.

Another concern is the cost of the amalgamation process. It has been said that no additional cost will be incurred.

Mr Barton: You are reading Bruce Laming's speech.

Mr HEGARTY: No, these are the broad thrusts of the issues. The Opposition is not opposing the Bill per se. However, there are some concerns and I am reiterating them.

Mr Barton: I've already got the answers for Bruce and you are obviously asking the same questions.

Mr HEGARTY: Obviously, like-minded people come up with the same concerns. I am concerned with costs even down to such fundamental things as office stationery. All these things are currently duplicated. The Minister is obviously not going to top and tail the stationery. It is a fundamental expense, and a fairly minor one in the large budgetary picture, but it is something that needs to be looked at in the context of departmental costing.

The Opposition recognises the need for regular reviews of the prison system and it recognises the need to address ever-changing issues within the community and the treatment of perpetrators of offences. However, the Opposition cannot condone a return to the days of old of no openness, no transparency and no accountability. In supporting this Bill the Opposition needs assurances on these issues.

The Minister was correct when he said in this Chamber that we cannot afford to relax in the eyes of the community. We have to ensure that we will have a Corrective Services department that will be accountable to the community and to constituents. I wish the Minister well with these amendments to the Act. The Opposition will be supporting the legislation. I ask the Minister to pay attention to the concerns I have raised in this brief contribution.
