



Speech by

**Mrs E. CUNNINGHAM**

**MEMBER FOR GLADSTONE**

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Hansard 25 March 1999

**CORRECTIVE SERVICES LEGISLATION AMENDMENT BILL**

**Mrs LIZ CUNNINGHAM** (Gladstone—IND) (12.48 p.m.): In speaking to the Corrective Services Legislation Amendment Bill, I wish to agree with many of the comments of the previous speaker. Firstly, I wish to comment on the improved powers for isolation in respect of maximum security prisoners. During a debate last night and on the Wednesday night of the previous sitting we were discussing truth in sentencing. The move to improve the provisions for isolating extremely violent criminals is one that the community supports 100%.

There has been some criticism that this is inhumane. That criticism usually does not refer to the inhumanity or the violence that the criminal has perpetrated. It usually refers to the way in which the criminal is to be treated and demands for some dignity to be afforded to that person. Again, I reiterate that that person has given little thought to the dignity of the victim.

The feedback that I have received from the community has been very supportive. If a violent prisoner refuses to toe the line as far as the controls of incarceration are concerned, people are quite happy for greater controls to be placed on him. That does not mean that prisoners be treated as less than human, but I pass on to the Minister the comments that I have received that increased powers for isolation are supported generally in the community.

As the member for Crows Nest has said previously, when we debated this Bill back in 1997 there was a move to separate the role of the commission from the role of the Minister. Inevitably, as has been proven, if there is an incident in a correctional centre, the Minister carries the can. At the time I expressed some concern about what I perceived as a potential lack of accountability. At the time there were allegations that it was the first step in privatisation or, at best, corporatisation and that the Government of the day, particularly the Minister of the day, was unable to respond to community concerns.

In a lot of these issues, particularly the basic social issues, the community's only avenue of response to a situation about which they are aggrieved is to speak to the relevant Minister. When the distance was created between the Minister and the corrections commission, it is quite possible—and, indeed, I am sure that it did happen at times—that it was stated to a complainant that nothing could be done; that it was the role of the commission, and the Minister was limited in his or her ability to intervene. That is not what most electors want. They believe that the elected representative is there to be able to reflect their concerns, and they are frustrated at best if the response to their concerns is a disclaimer that the Minister elected and responsible for that portfolio cannot do anything about it. I see that responsibility shifting back, although I supported the change because it was the policy of the Government of the day. This is the policy of this Government of the day, but I believe it is more in line with community expectation. On that basis I certainly support that return, if you like, to a more direct stream of accountability to the relevant Minister.

The second issue that I wanted to refer to is that of accountability. In the changes in 1997 it was indicated that there would be an audit trail and an evaluation of the service provision. A press release in February stated—

"The President of the Queensland Council for Civil Liberties, Ian Dearden, today described the recommendation of the Peach Commission of Inquiry into Correctives Services in Queensland, that the Queensland Corrective Services Commission and its Board be replaced

by a department, as 'a retrograde step' which 'may lead to prisons in Queensland heading back into the bad old days prior to the Kennedy reforms'.

Mr Dearden went on to say 'It is QCCL's view (contrary to opinions expressed in the Peach Report) that the accountability mechanisms applied to Corrective Services in Queensland are completely inadequate and are unlikely to improve with the establishment of a new Department of Corrective Services.'

I would like the Minister to clarify what account trail he has in place and how that will be made transparent. Prisons are fine while they are operating efficiently, but once the morale of either the staff or the prisoners themselves deteriorates and things like riots and strikes occur, as the member for Crows Nest said, the community looks for a scalp. If the Minister has clear audit transparency, then there is an opportunity for him to show how the system has worked. I wonder what the Minister has in place to achieve that.

The other issue—and it is allied to my last question—is that clause 19 omits section 23, which provides that the commission is subject to the direction of the Minister. The power of ministerial direction derives from the Public Service Act of 1996. I am assuming—and I would just like it confirmed—that that direction would have to be in writing and tabled within a set period. That is the way that it is done in most cases currently. A Minister who issues a direction to another body in many instances must make that direction in writing and it must be tabled. I wonder whether that will apply in this situation.

I referred before to the fact that the Queensland Council for Civil Liberties talked about the system sliding backwards. One of the issues that was raised with me was the risk of the system being—and this is how it was worded to me—again dominated by union control. That was not raised with me because the role of unions is bad—it is not; unions play a very positive role in many institutions. However, I can recall some years ago now that prison officers went on strike and held the State to ransom to try to achieve their goals—not necessarily defensible goals, but goals anyway. There was little option open to the Minister of the day but to capitulate in great measure. I wonder whether some safeguards are to be put in place to ensure that, whilst the union has an effective and appropriate role, it does not become dominant.

The Minister has said that, when sections 72 and 73 are omitted under clause 25 of this Bill, specific provisions will be inserted requiring a regular review of the operation of the Act. I wonder whether the Minister can tell me when that legislation will be brought into the House. Those are the main issues that I wanted to raise with the Minister. Again, considering the debate that we held previously about the Correctives Services Commission, I believe that the changes were put in place with good intent and in good spirit. These changes are this current Government's policy. I do wish it well. It is not a very easy area to administer. I do trust that the new accountabilities will prove to be successful.

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