



Speech by

**PAUL LUCAS, MLA**

**MEMBER FOR LYTTON**

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Hansard 24 March 1999

**CORRECTIVE SERVICES LEGISLATION AMENDMENT BILL**

**Mr LUCAS** (Lytton—ALP) (4.58 p.m.): The Corrective Services Legislation Amendment Bill has two chief aspects. The first aspect is in furtherance of the Peach report recommendation to abolish the Corrective Services Commission and its board. The second aspect of the Bill—and a very important one at that—is the provision of a head of power for the management of maximum security prisoners within the correctional system.

Honourable members would be aware that an extensive review of corrective services in Queensland took place under the tutelage of Mr Frank Peach and his team. That extensive report was tabled in the Parliament on 9 February this year. I might digress for a moment and say that one of the recommendations of the report that we are not debating today was to extend the jurisdiction of the Criminal Justice Commission to private prisons. That is a very important recommendation, because I do not think it matters much to prisoners, to their security or to good order in prisons whether someone is in a private or a public correctional institution. Unfortunately, corruption can occur either in a private or a public institution. Therefore, it is very important that the same standards of scrutiny and rigour apply to private prisons as apply to Government owned prisons.

The Peach review had 58 recommendations for improvement to the Corrective Services Commission—and the Bill before us today is really just the first part of that—and they really will take some time to implement. The system has come a long way, though, since its pre-1998 days. When one looks at how correctional facilities used to be run, one sees that there were not the important safeguards that exist now: freedom of information, judicial review, stakeholder meetings and, very importantly, an official visitor regime.

The proposed structure under the Peach report encapsulated in the Bill makes it quite clear that accountability for the prison system rests with the Minister. Of course, the public has always assumed that, anyway. Even when we had the Corrective Services Commission, the public expected the prisons Minister, no matter what their political complexion, to be responsible for the system. So the structure will at least reflect the reality of the accountability as far as the public is concerned. If the public believes that accountability should rest with the Minister, it is important that the Minister should have some control over that system for which he is held accountable. That is why it is very important that this aspect of the Peach recommendation is implemented.

Of course, that does not mean that there is not an important role for members of the community and the various stakeholders to assist the Minister with advice. It is very important to note that the Bill establishes a Corrective Services Advisory Council to advise the Minister of community views about corrective services generally. That is broadly representative of stakeholders, business, legal and advocacy, community staff representatives, etc. and all other people who are vitally interested in good order and good government in our prisons.

Another very important issue is that, as part of the report and part of the Government's undertakings, as part of the restructure there will be no job losses for permanent staff in any agency. That is very important. One of the greatest concerns of the community these days is lack of job security. It is very important that the Government takes that message on board, and I am very pleased to see the acknowledgment of that fact. I note that the Peach recommendations will be subject to an implementation unit that Mr Peach will be part of, and that will be very much capable of community consultation.

The second aspect of that that I wish to discuss before the House this afternoon relates to the legislation with respect to the maximum security unit at Woodford. The member for Mooloolah indicated before that he had inspected a prison in north Queensland. I have been in prisons on a number of occasions in my professional capacity as a solicitor. Can I say that some people who are in jail are not very nice, and it is about time that some people in the community realised that. Indeed, there are about 264 people in our prison system who have committed murder. There are about 4,790 people in prison in Queensland in total, though not all of those people are violent, thankfully. However, there are a number of people in the system who are not only violent, but are very dangerously violent and they are intractable.

People in the community expect that when one breaks the law one will be punished for that. But that is not the only aim of imprisonment. It is also to protect society—arguably most importantly to protect society. People of this State expect the Minister and the Government to take reasonable efforts to protect them and to ensure their security and safety. As I said before, there are some people in prison who are intractable. The escape last year from the Moreton Correctional Centre showed that some people are happy to shoot at others and, in other instances, kill to remain at large. That is a very sad fact of life, but a very significant one that the Government must take heed of.

Some prisoners are masters of escape and have escaped not once but twice and three times and, as I said before, are willing to take the lives of others in their attempts to do that. As a Government we owe it to society; to other prisoners to whom we have a duty of care; to prison officers, who are our employees; and also, in particular, to the community, who expect the Government to provide a safe society for them. It is against this background that facilities such as the maximum security unit at Woodford are very appropriate.

We have seen some hysterical claims about the unit at Woodford. Let us have a look at it in perspective. As I said before, there are 4,790 prisoners in Queensland; 264 of them have committed murder. There are 20 in the unit at Woodford. So that is four-tenths of 1% of the total prison population. It is hardly indicative of a Government that has a policy of being unfairly harsh. It is certainly indicative of a Government that sees that, in appropriate circumstances, one must take strong and firm measures. I do not think that anyone could argue that four-tenths of 1% represents the Government being unreasonable or in any respect conducting itself in a way that would leave it open to sanction either locally or externally.

I seek leave to incorporate in Hansard a table that sets out the details, in a non-identifying fashion, of prisoners in the maximum security unit and some of those statistics that I believe are very important.

Leave granted.

Prisoners in the Maximum Security Unit, Woodford

Number out of 20—Percentage: Offences

11—55%: Have committed a murder (One is on remand)

9—45%: Have been convicted for or are under investigation for murders within the correctional system

3—15%: Have committed more than one murder within the correctional system (one such murder is still under investigation)

15—75%: Have previously escaped, attempted to escape or alleged to have been planning an escape

Total number of murderers in entire Queensland prison system—264

Total approximate population of Queensland prison system—4790

Proportion of prisoners in maximum security unit as a proportion of total prison population in Queensland—0.41%.

**Mr LUCAS:** We have also seen some claims in the press that there is a possibility of a return to the Boggo Road black hole days. I do not know whether members here have actually ever been to Boggo Road jail, but I certainly have in my professional capacity as a solicitor. The suggestions that this maximum security unit is in any way like the black hole is simply untenable. There were no windows or natural sources of light in the Boggo Road unit. Artificial light was controlled by officers at the station. There was no access by prisoners to a review or complaints system. There were no visits allowed of any kind, and the diet was bread and water. The Woodford unit has vastly different facilities, including as follows: all cells have access to natural light; prisoners control the lighting in their own cells; all cells include access to television, music and radio; and the security order can be reviewed by the independent official visitor up to twice during each six-month order period. In addition to that, as well as the official visitor, there are avenues of review to the Ombudsman and judicial review.

I do not see how anyone could possibly say that that sort of regime is in any way arbitrary or capricious. It is certainly appropriate, but it has the appropriate safeguards. Four-tenths of 1% of the prison population is what we are talking about here today. In addition to that, non-contact visits are allowed, although contact visits are allowed only at the discretion of the general manager after taking into account security risks. Unfortunately, we have all seen before that sometimes inappropriate

behaviour can occur during contact visits, whether that is of a criminal nature or other inappropriate behaviour. Clearly, it is entirely correct and appropriate for that power to exist with the general manager. Of course, the food supplied to prisoners in the unit is identical to that provided to other prisoners in the prison itself.

We have also seen comment about what various United Nations conventions provide with respect to prisoners and their entitlements. I thought that it might be helpful for the House if I spent a little time talking about some of those conventions and comparing how the Woodford MSU measures up with those conventions. Principle 15 provides that communication of the imprisoned person with the outside world and, in particular, his family or counsel should not be denied for more than a matter of days. What is the case in relation to that at Woodford? Any MSU prisoner can receive visits from legal counsel, families, friends or relatives in similar frequency to other prisoners each week, but there may be some restriction to physical contact visits for security reasons.

Principle 32 requires a detained person to be entitled to take proceedings before a judicial authority to challenge the lawfulness of his detention in order to obtain his release without delay if that detention is unlawful. Answer: the Judicial Review Act applies to decisions to place prisoners under maximum security orders. Paragraph 8 of the UN human rights declaration on the administration of justice provides that different categories of prisoners shall be kept in separate institutions or parts of institutions, taking into account their age, sex, criminal record, the legal reason for their detention and the necessities of their treatment. Of course it is appropriate to classify prisoners depending on their security risk and that is entirely consistent with that paragraph. Paragraph 27 states—

"Discipline and order be maintained with firmness but with no more restriction than is necessary for safe custody and well-ordered community life."

All those recognise the need to classify prisoners on the basis of security risk. The sheer minuscule percentage—four-tenths of a per cent—shows that the MSU management regime is a last resort measure for prisoners who have exhausted all other possible placements, including high security, within the centres.

The segregation of the MSU, which in no respect deprives prisoners of exercise, non-contact visits or television, or access to official visitors for complaints or medical visits, is justifiable because there is no other management option left which sufficiently protects other prisoners, prison staff and the community.

As I said before, it is a great tragedy in life that some people think they can use extreme violence and take other people's lives. Unfortunately, like any other society, we have our share of those people in prison. In the first instance we must ensure, while treating prisoners humanely, that we protect society, that we protect the community from the consequences of their escaping or being at large, that we protect the prison officers we employ and that we protect the welfare of other prisoners.

People do not just get sent to the Woodford MSU the first time they offend. It is a facility for hardened, intractable prisoners who must, for the protection of society, be detained that way but subject to appropriate treatment and also subject to appropriate review and legal counsel access on their behalf. I am pleased to commend the Bill to the House.

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