Speech by

Mr S. SANTORO

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CORRECTIVE SERVICES LEGISLATION AMENDMENT BILL

Mr SANTORO (Clayfield—LP) (5.42 p.m.): The Corrective Service Legislation Amendment Bill has two main objects. The first is to do away with the Queensland Corrective Services Commission and Queensland Corrections and return to the traditional departmental structure as the mechanism for administrative control. The second object provides a legislative head of power to support the placement and management of maximum security prisons.

This legislative initiative flows from the recommendations of the Peach commission of inquiry which was presented in January. The report covered a range of matters which are not dealt with in this legislative package, but from reading the Explanatory Notes circulated with the Bill it appears that there will be a second round of amendments later this year which will result in the amalgamation of the Corrective Services (Administration) Act and the Corrective Services Act.

I must say that it was pleasing to read in the Peach report the finding that, whilst the commission and the part-time board were no longer considered necessary, there was a pressing need for the maintenance of joint public and private sector delivery of corrective services. Frank Peach found that the introduction of private providers had resulted in much-needed competition and had assisted in sharpening operational management practices. The report recommended—

> "That the use of service contracts for public and private providers of corrective services be retained."

I suggest to all honourable members that this is a key recommendation and I would hope that, despite some rhetoric from the Labor Party in recent years, there is now a recognition that the introduction of private providers was one of the most forward thinking policies ever implemented in this State. For this, all credit should go to the member for Crows Nest who, while he was Minister for Corrective Services in the late 1980s, introduced and oversaw the biggest and best overhaul of our prisons this century. I pay credit and tribute to the honourable member who happens to be in the Chamber listening to this debate.

Throughout that time, and since, there have been constant rumblings from the prison officers and their union. But it is now recognised that without the introduction of private providers of prison services many, if not most, of the innovative and positive reforms to correctional services would never have occurred in this State. In saying this, I direct my comments to the Minister. He will recall that on 22 October last year, in response to a question from the member for Ipswich West, he hedged his bets on private prison providers. He acknowledged the need to adhere to existing contractual arrangements but was quite proud that the replacement Rockhampton correctional facility would not be facilitated by private sector funds. He also referred in his answer to the Peach inquiry.

Now that Mr Peach has highlighted the virtues of private capital in our prison system, I hope that the Minister and his Government will stop approaching this matter from an ideological mind-set which is decades old. In addition, I am also pleased that Frank Peach recommended that the application of the purchaser/provider concept be retained. Whilst I was Minister for Industrial Relations, that concept was introduced in my department with conspicuous success. We cannot obtain the necessary efficiencies and get value for money for the taxpayers without the introduction of new cutting edge ideas and practices. We cannot return to the mentality of

the 1950s, especially in an area as sensitive and strained as corrective services.

It is clear that our prisons do require ongoing close supervision. The growth in prisoner numbers has been very significant and this is due in part to legislation which has ensured that those people who need to be kept behind bars are in fact there and are not out in the streets creating more harm to innocent law-abiding citizens. The Peach report indicates that the number of people in custody in Queensland has increased at the fastest rate in Australia. In 1997-98, for example, prison admissions were 36% higher than in the previous financial year. In that one year alone there was a net increase of 627 adult prisoners. The growth in prison numbers in fact started in 1993 and has increased with each successive year.

As at 30 June 1998, the adult imprisonment rate in Queensland was 189 per 100,000, which was significantly above the national average of 134 and, in fact, was the highest rate of any Australian State. As at 31 July last year, there were 4,485 prisoners incarcerated in Queensland prisons. Of those, 462 were serving terms of 10 years or more. We have 264 prisoners serving life or indeterminate sentences. Of the 4,485 prisoners in jail, some 2,194 have been sentenced for the following violent offences against the person: homicide, assault, sexual assault, robbery and extortion and general crimes against the person. As I said, part of this rise is due to tougher legislation but it is also due to Queensland's fast growing and youthful population.

Some people complain about this and, from an idealistic point of view, it is tragic that so many people are in jail. However, if people break the law they must bear the consequences of their actions. I hope we never reach a stage in this State where we shy away from protecting the community by jailing law-breakers simply because it costs a lot of money to do so. When we read that as at 31 July 1998 there were 409 people in jail who had been convicted of homicide and 645 who are behind lock and key because they were convicted of sexual assault, we can readily understand why there is a need for the community's safety and interest being placed first.

The coalition recognised that, and during the term of the Borbidge/Sheldon Government spending on corrective services grew from $246.3m to $437.4m, or an increase of 78%. No matter what anyone may care to say about the coalition, it can never be said that when we were in Government we neglected corrective services. Much credit should again be directed to my colleague the member for Crows Nest, who over the decades was an outstanding Minister in this most difficult of portfolios.

Despite the increase in funding, it has to be recognised that there is a serious problem with overcrowding in our correctional institutions. The overall occupancy rate increased from 113% in 1997 to 124% in 1998. This is a particular problem at the Brisbane Women's Prison which by 1998 had reached 149% capacity and in the Sir David Longland facility which was at 143% capacity.

Of course, there is only one way to rapidly decrease the number and rate of prisoners and that would be if this Government acted with some haste and supported the member for Warwick's legislation to keep fine defaulters on the street, paying their monetary debt to society. More than one-half of all the persons serving time have been convicted of crimes that entail no physical harm at all.

According to figures released by the Criminal Justice Commission, more than 25% of all people admitted to prison during 1997-98 were fine defaulters, almost a third of whom were of Aboriginal or Torres Strait Islander descent. Admissions of fine defaulters to prison have increased from 1,315 in 1994-95 to 2,721 in 1997-98—a rise of some 107% in just three years. In that same time the number of fines ordered by both the Magistrates and SETONS Courts increased by only 47%.

It is outrageous to learn that fine default admissions alone averaged 227 per month, with 150 in our prisons at any one time. In contrast, and this is the telling statistic, New South Wales had an average of only two—and let me repeat that—only two fine defaulters in prison. Over the past eight years successive Labor Justice Ministers have claimed that they have had the answers to the jailing of fine defaulters and each one did next to nothing to actually solve the problem. As these figures show, the problem has reached ridiculous proportions.

At a time when Queensland's prisons are holding almost double their intended capacity, this Government has dithered for almost eight months and done nothing to address in a practical way the question of fine defaulters being in jail. We have had the ludicrous situation of the Attorney-General now claiming—after pontificating for eight months—that he has the answer. He announces a slightly revamped coalition Bill and then says that it will not be ready until June.

If this Government was serious about reducing prison numbers and about relieving the stress on our correctional system, it would be acting right now to prevent any further fine defaulters being sent to our prisons. It is abundantly clear that if we had the same success rate as New South Wales, the immediate problem of prison overcrowding would be substantially addressed. The issue of the overrepresenation of indigenous people in our jails would, indeed, be dealt with head on. So I say to our Attorney-General and I say to the Minister responsible for this Bill that they should be supporting the member for Warwick and ensuring that the coalition's legislation is passed by this Chamber quickly so that more than 200 fine defaulters per

month are not needlessly placed in our overtaxed prison system.

I think it is also worth mentioning that Frank Peach found that Queensland has one of the most efficient prisons systems in Australia and that in recent years real advances have been made in efficient prisoner management. Often the focus of the debate on correctional services is on the failure of the system—the escapes and attempted escapes, the murders, assaults and suicides by inmates or the occasional riot or disturbance. It is pleasing that every now and again some credit is given to the many men and women of our correctional services who often perform very dangerous work and who, in most instances, do it professionally, courageously and efficiently. Mr Peach found that corrective services in Queensland are operating effectively relative to other State jurisdictions. He was of the view that there was ample evidence that a statutory authority with a commission and a board structure was no longer required. The report suggested that a departmental structure would provide much simpler accountability and reporting relationships while reducing a range of imposts associated with the operation of a board.

The current corporatised structure had its genesis in the Kennedy report of more than a decade ago and, again, I give credit to the honourable member for Crows Nest for that report. I would be the last to disagree with the proposition that the existing structure has a number of drawbacks. If there is one thing that I would agree with the Minister about, it is that the community looks to the Government of the day when problems occur in our prisons. When prisoners are released on day leave, for example, and then go out and commit crimes, sometimes heinous ones, it is not the commission or the board that the community blames, it is the Minister and the Government. In this regard, I quote with approval from the Peach report—

> "The extent to which the QCSC Board can distance the Minister from sensitive or contentious operational issues has been questioned by staff and community groups. These groups expressed the expectation that it was the Minister, not the Chairman of the Board, who was publicly accountable for the operations of the corrections system.
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> Given the propensity for crises within the corrections system, it is reasonable to expect that the Minister and the Queensland Government would want to direct policy and publicly respond to operational matters giving rise to community concerns. The community and indeed the majority of staff and stakeholders regard the Minister as primarily accountable for corrective services, and expect a leadership role in dealing with significant issues."

The argument that public accountability would be better served by reinstating a departmental structure would have less appeal if the commission and the board were performing an essential role, which would be degraded by their abolition. Yet, as the Peach report seems to indicate, most of the reforms undertaken or overseen by the commission and the board were driven by inquiries and other agencies. They had their genesis in external factors and could have been made irrespective of the organisational structure.

So far as the board is concerned, Mr Peach found that its aims had been largely achieved and it was generally reactive to the commission and not proactive. In fact, it is rather depressing reading when one sees that Frank Peach, in effect, concludes that $650,000 per annum spent on the board is mostly a waste of money. It is very instructional to read that part of the Peach report that details that. It is a bit depressing to read that, despite the expenditure of more than half a million dollars a year, Peach found no compelling evidence to conclude that the board adds value to the development, management and operations of the corrections system. Certainly, he was of the view that a departmental structure would ensure that accountability was vested in a director-general rather than a part-time board and that decisions would be made overtly by officers with direct operational experience in corrections. In fairness, Peach did conclude that many individual board members and senior corrections executives had made significant—and I stress, significant—and very positive impacts on policy development. On that point, I am sure that all of us in this House would concur.

I am always a little reluctant to see the wholesale dismantling of existing structures, especially in an area as sensitive as prisons. My reluctance is only exacerbated when I recall the problems that existed when we used to have a Prisons Department, and that many of those problems were overcome once we implemented the Kennedy reforms. For all of its faults and drawbacks, the current structure has largely worked well. If we can debate who was responsible for the reforms over the past 10 years, even the Peach report recognises that Queensland has achieved parity with many national standards as demonstrated by the performance indicators for corrections. These are set out in Appendix 3 of the Peach report, and I recommend them as very good reading to all honourable members.

Accordingly, while I agree that the current structure has probably outlived its usefulness and while I certainly agree that it is an impediment to proper ministerial accountability, I only support the Peach recommendations with a degree of hesitation. I suggest to the Minister, and this is meant in a bipartisan way, that great care will need to be taken when setting up the new structure and overseeing its operations. Much is

at stake, and at this critical juncture in the history of our correctional system no major mistakes can be afforded.

In this regard, Frank Peach made the following comments about the implementation of his recommendations—

> "Careful planning is required to implement these recommendations due to the significance of the proposed reforms and their ramifications for corrective services. A change management team is needed to oversee the process of implementation."

Obviously, the Minister and this Government have not heeded this particular recommendation of Frank Peach. We now know that none other than Jacki Byrne has been employed as part of the unit that was set up to implement the Peach recommendations. Here is a prime example of Labor again looking after one of its own. As I understand it, Jacki Byrne is being employed on a three-month contract and is being paid at the equivalent of SES 3.4. That equates to a superannuation salary of $4,169.70 per fortnight. Ms Byrne was not part of the review team but was subsequently added on.

When the Minister dealt with a question from my colleague the member for Toowoomba South on this matter on 4 March, he implied that it was Frank Peach who had initiated her appointment. I must admit that I find that very hard to believe. I find it hard to believe because Ms Byrne is a very controversial individual. If one read the whole decision in her anti-discrimination case, one would discover that the only reason that she received any damages was that she was sacked too early. The presiding member found that there were, in fact, grounds for sacking her because of her quite inappropriate involvement in the Mundingburra by-election.

I am not interested in tipping a bucket on this person, but I find it almost beyond belief that this Government would appoint her to such a sensitive area. It is not as if she is on the ministerial staff of a Minister or the like where her political background might help. No, she is placed on the most sensitive of implementation teams in an area that requires the utmost discretion and bipartisan support. All I can say is that her appointment to this particular position at this point in time is wrong and cheapens the change management process. I hope that, at the end of her three months, her contract is not renewed. If Labor feels that Jacki Byrne is owed something, then let them appoint her to a political position on a much reduced salary. If she is so great a public servant, then let her apply for a position and compete on the basis of merit and equity. Unfortunately, this is yet another example of Labor looking after one of its mates and another example of the taxpayer picking up the tab.

Finally, I would like to comment briefly on the provisions dealing with prisoners being accommodated in a maximum security facility. There has been quite a deal of publicity given to a number of people and groups who have attacked the use of maximum security facilities in light of treaties, including the International Covenant on Civil and Political Rights, which has been ratified by the Commonwealth. It has been contended that solitary confinement is a breach of human rights and that the discretion given to the chief executive is too broad. Speaking as a citizen who regards the first duty of the State to protect the innocent and ensure that those who pose a grave threat to society are prevented from causing any further harm to the community, I understand the rationale behind these provisions. If we ever reach a stage at which people run around and say that because this or that treaty, which has been signed by the Federal Government, precludes a State Government from acting to protect the safety and property of its citizens, then it would be a very sad situation and day indeed.

I must say that I think that the Bill has been drafted too broadly. In particular, I am a little concerned that, although a prisoner can request an official visitor to review a maximum security order made by the chief executive, the chief executive is not bound by the finding of the official visitor. In fact, all that the official visitor can do is make a recommendation. Having regard to the controversial nature of these provisions, I think that it would have been very prudent to have at least some real review mechanism.

My concern is compounded by the absence of any rights given to a prisoner to actually present any submission to the chief executive before an initial maximum security order is made. This point is dealt with by the Scrutiny of Legislation Committee, and perhaps the drafting of section 43B has been too broad and without this intention. Certainly, to prevent further concerns about these provisions, it would be sensible to give prisoners this basic right. As I indicated, strict measures are required, especially with dangerous and violent prisoners, to ensure that the safety of other prisoners, prison staff and the community is safeguarded.

In conclusion, I hope that the Minister gives consideration to these matters, because I raise them in an endeavour to improve the Bill, and with reservations I support the Bill.