



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

Hansard 25 March 1999

CORRECTIVE SERVICES LEGISLATION AMENDMENT BILL

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (12.56 p.m.), in reply: I certainly want to thank all of the participants in the debate who spoke yesterday and today for their contributions. I certainly want to thank very much the Government members who have spoken clearly and effectively in support of the Bill and the Government's prison reform agenda. I particularly want to name the members for Springwood, Mount Ommaney, Nudgee, Lytton and Sandgate. Of course, the member for Nudgee has always had a very firm view about corporatisation, and he expressed that very, very firmly. I also want to particularly thank the member for Lytton for the contribution that he made on the international treaty obligations, because that is a very important part of our response to concerns that have been raised about the maximum security unit, and I will go into that in a little more detail later.

At this point, while certain people are present, I also want to thank the Opposition members for their contributions to this debate. There were a few things said that I probably would have preferred had not been said. However, in the main their contributions have been very, very forthright—and I thank all of them—as have the contributions made by the Independents and by One Nation. It is very clear that there is support for this legislation. I know the term "will not oppose" is being used and I know some qualification has been put forward, but it is very heartening for me as the Minister to see put forward what is effectively support for the legislation that we are proposing.

Before we break for lunch, I would also like to thank the previous Minister, Mr Cooper, for his contribution. I think many of the things that he said really go to the heart of what this portfolio is all about. I am certainly a supporter—and was a supporter at the time from outside the Parliament—of the Kennedy reforms. At that time I was the Assistant General Secretary of the Trades and Labor Council of Queensland. Prison officers sometimes got into trouble in circumstances in which I got involved at that stage. The Kennedy reforms were very, very important, and I want to congratulate the previous Minister on his role way back when he was first the Minister for Corrective Services in this State. I want to congratulate him for commissioning Jim Kennedy to put that report together and for then having the heart and the commitment to provide the funding to make sure that that did take place. That is where it all came from. I also thank him for his comments that maybe it was even recognised at that point that it may go the full circle. I think it has gone the full circle. I also believe that the report of Frank Peach and his team acknowledges the need for it to make that change.

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (2.31 p.m.): Before the luncheon recess I was speaking about the responses to the Bill made by many members of this Parliament yesterday and today. I expressed my appreciation for the fact that there is, in general, consent to the proposals we are putting forward, although of course some people have indicated that they will be watching the performance of this legislation in the years ahead very closely. That is their right, and of course we would expect them to do that.

I wish to thank the people who have been involved in this matter. I thank my personal staff, who have been very closely involved for quite some time now in the preparation of this legislation and in reviewing the report put together by Frank Peach and his team, entitled Corrections in the Balance. I also thank the implementation team, which is essentially comprised of Frank Peach and the team that prepared the report. They are now working as the implement unit for the report, of which this Bill is but one part. I certainly thank them very sincerely for all of the hard work they have put in and I thank

departmental officers from the Corrective Services Commission and from Q Corr who have also played a role in getting this Bill to the Parliament today.

This Bill represents the first step. As several people have indicated in the course of the debate, we anticipate further reform both to the Corrective Services Act and the Corrective Services Administration Act later this year. Those two pieces of legislation will be merged into one and many of the other recommendations of what came to be known as the Peach report will be implemented. There are many outstanding issues. Some have been outstanding for quite some years. We will be working through that further review. Indeed, quite a lot of progress has been made already and there will be a second raft of legislation to complete the reform process.

This Bill establishes the department itself. It abolishes the commission and the Government owned corporation Q Corr. The new department will be in place in early May. From there we will complete that implementation and complete the review of the outstanding recommendations and a number of other outstanding issues to do with corrective services that have been around for some time. We will come back before this Parliament at that time.

I stress that, yet again, we are seeking to have a better corrective services system in this State. It is not a question of turning back the clock, of simply going back to a departmental structure. Establishing a department does not mean that we will revert to the way things were done prior to the Kennedy report and the Kennedy reforms that were initiated by Russell Cooper when he was the first Corrective Services Minister in this State.

I have indicated that I was a fan of Kennedy's reforms. I have known Jim Kennedy for over 20 years. I served on a major board with him for three of those years. I served on the Queensland Investment Corporation board, of which Jim Kennedy is still the chairman. Jim Kennedy is someone whom I know very well and have worked very closely with in a range of areas for quite some time. His reforms were absolutely necessary at that time, but now we have come full circle to the point where, if we are to have greater accountability, we certainly need to establish a department.

Of course, many of Kennedy's reforms were still being put in place when Labor came to office in late 1989. There has been massive change in terms of improved community involvement, increased professionalism of corrections in this State, better training and better rehabilitation of offenders. It is all about making sure we give back to the community a better person after that person has spent a period in a correctional centre. That is what we are all about today also. If we do not achieve that, if we do not continue to go forward, then we may slip back into the abyss. Certainly that is not on my agenda as the current Minister and it is not on the agenda of this Government.

I will work my way through some of the comments that have been made during the course of the debate, because it might assist us when we come to considering the individual clauses if some of the questions have been answered. The member for Gladstone raised a number of issues and raised a concern about the accountability trail. The Queensland Council for Civil Liberties had questioned whether re-establishing a department would mean less accountability. I make it very clear that this proposal and the proposals being put in place as a result of the review do mean considerable extra resources for audit areas. There are currently 28 existing accountability mechanisms and 14 public sector mechanisms. Ten of those public sector mechanisms are internal and four are external oversight mechanisms. These will be retained. That is a recommendation of the review designed to improve the effectiveness of existing accountability mechanisms by strengthening the links that exist between them. It aims to reduce bureaucracy by reducing the number of separate boards, corporate services and agencies.

I also make the point that freedom of information exists and will be retained. That was not the case when there was last a department in place. The Ombudsman has the capacity to review prisoners' concerns. It is our intention to also allow the CJC to investigate issues to do with the privately operated prisons, not just the State owned and operated prisons. There are inspectors who can check issues. We are changing the status of official visitors from one where they simply report back to general managers to one where official visitor reports will go directly to the director-general of the department. We will have a greatly enhanced audit capacity and contract management.

One of the other major effects of establishing a department—particularly removing the Government owned corporation structure—is that the department will be much more accountable to this Parliament through the Budget Estimates process, because a lot of the commercial-in-confidence provisions that apply to a Government owned corporation will no longer apply. So there are many measures which ensure that accountability will in fact increase as a result of this legislation. Judicial review is also available. Judicial review was certainly not available to inmates of correctional facilities when there was last a department in place—over 10 years ago. The accountability mechanisms and the accountability trail will be most significant as a result of this reform.

The member for Gladstone also raised the issue of ministerial directions. Certainly clause 19 of this Bill does omit the provision that allows the Minister to give written directions to the current

commission. If we are taking the commission out of existence, in effect there is no need for the Minister to be able to give it written directions because there will be nothing to give written directions to. The new department will be subject to the Public Service Act 1996, which provides for Ministers to direct director-generals. Section 54 states—

"The chief executive of a department is subject to the directions of the departmental Minister in managing the department."

That is pretty much a key to what we are talking about.

This morning in the House, Russell Cooper, the previous Minister, spoke about being a hands-on Minister. He certainly was— and got a lot of criticism for being an interfering Minister. It is my style to be a hands-on Minister as well. And I believe that it is much more effective if, in fact, a Minister is openly able to give directions rather than having to rely on written directions and all the associated delays about which the previous Minister spoke this morning.

The member for Gladstone also raised the issue of the risk of the department becoming controlled by unions. Everybody knows my background. I came up through the union movement in this State.

Mr Schwarten: And you did very well at it, too.

Mr BARTON: I thank the honourable member for that. I believe that I did, too. There is no risk of the unions having more impact than they otherwise would have, because it is a department rather than a statutory commission or a GOC. It is my view that unions have a proper role to play and that they can play an effective role. I have an open arrangement with the unions in terms of giving them a proper say and a proper input into the role of corrections in this State. But at the end of the day, it is the Government that must direct the policy and the operations of corrections in this State. Whereas we respect the unions' input and their role, they certainly will not be controlling the department. There is no greater risk in this arrangement than there is in the current one.

In common with other members, the member for Gladstone raised the issue of review of the Act. This will be addressed formally later this year when we bring back legislation to amalgamate the existing legislation and to address a number of outstanding issues. That is one recommendation that I have already made up my mind about, and I do not mind advising this Parliament that I consider the five-year review periods that have happened during the 10 years that the Kennedy reforms were in place to be effective and appropriate in terms of timing. I anticipate that, when I come back with that legislation, we will be indicating a five-year review of the legislation at that point. Of course, that might change in the meantime, but that is our current thinking, and I have no reason to believe that it will, of necessity, change.

Other members raised issues during this debate. The member for Caboolture raised the issue of the PSG. I want to re-stress that we believed that the PSG, in its current form—and the Peach review identified this—was not the most appropriate way in which to use those resources. In our view, we will be utilising those resources—those people and their skills—in a much more effective way across the prisons system. They are very valuable in terms of their audits training. However, I do want to correct one thing. The major improvements that we have been able to achieve in getting drugs out of our prisons have not primarily come about because of the PSG but because of the efforts of the general manager's task force and the training and resourcing that we have applied over the past nine months. So the PSG's staff and skills will be maintained, but in a different form, not as the separate, discrete unit which they are currently. I thank the member for Caboolture for his indication of support for this legislation.

I have probably paid enough tributes to Russell Cooper for the role that he played. However, I thank him for his goodwill and best wishes in terms of where we will go with this legislation. I was rather pleased when he indicated that he believes that this probably is an appropriate time for the circle to have completed its full turn and that it is time to go back to a department. Of course, in relation to many of the other comments that the member made—some I would agree with, some I would not agree with. He certainly had some frustrating times as Minister in this portfolio—some tough times—but also made some big achievements, and we aim to go on to even bigger and better things.

Concern was raised by a number of members about the community input. I want to make it very clear that, in abolishing the commission and Q Corr, and because they had boards that were appointed from the community and those boards are going, that does not mean that there will be a reduction in community input into corrections. It is my intention to continue to have the regular stakeholder meetings that the commission has conducted in recent years. Of course, the advisory council that I will appoint is aimed to broadly represent stakeholder interests. It is not supposed to be a meeting of stakeholders, because that is quite different. At a meeting of stakeholders, everybody comes along with their particular issues to push on behalf of their organisations. I want an advisory council which, in a broad way, will work a little like a board does to thrash out what are the best solutions, or what are the issues

that I need to be made aware of in corrections—not just from the point of view of ethnic groups, ATSI groups, management-type people, or people with management skills or industrial relations backgrounds or human resources related backgrounds. I want them to come along as a single unit to look at those broad issues. Of course, community input will still be important. But I stress again that we will still be maintaining the bigger meetings—the regular meetings—of all stakeholders, where everybody can come along and push their particular organisation's point of view as a very important part of how we make sure that corrections in this State maintain a close link to the community. The community corrections boards—in effect the parole boards—will not be changed as a result of this. So those decisions will still be made by people appointed from within the community and who have a community viewpoint.

Questions were also raised about jobs. We gave a very clear indication—both Frank Peach and myself—when the review report was released that, as a result of this, no-one would be losing their job. It may well be that some people will end up with a different job from what they had before. That is inevitable. But we have two organisations that were, in effect, formed 18 months ago when one organisation was taken apart. It is really just a matter of putting those two organisations back together—but in a much more effective manner—to create an organisation that we believe will be more efficient.

I have said very clearly, both in my public statements and in this Parliament, that everybody will be offered a job, although it may be that at the end of the day some people are not happy with the job that they are offered. The Bill contains provisions so that, particularly in the case of contracted officers, if they are unable to negotiate a position that is acceptable to them, then we would be prepared to negotiate with them to, in effect, buy out their contracts. I am hoping that there will not be any or many examples of that being necessary, but the Bill provides for that to occur if, in fact, we are unable to fit square pegs into round holes. If we end up with the odd square peg that simply cannot be accommodated—or accommodated in a way that is acceptable to that person—then we would be prepared to negotiate out their contracts. But everybody will be offered a job in the new system.

Questions were raised about the cost of the department. We have indicated that we believe that the new department can be put into effect in a cost-neutral way. But that does not mean that there will not be some costs. Of course, if we have to have new letterheads and new signage then, yes, costs will be involved. But in terms of the overall costs of the new department over a period of one year, we believe that there will be no additional cost to Government to do it this way compared with how it is being done now. We are doing things like maintaining the name of Queensland Corrections for the commercial operating body that will run the State's prisons from within the department so that we do not have to duplicate the cost of things as simple as uniforms and logos. Queensland Corrections is now a well-known name. It has standing in the community. It has standing interstate and internationally. So those types of costs can be minimised. Obviously, while there will be some costs associated with changing back to a department, the overall costs to Government will not be increased.

The Scrutiny of Legislation Committee's report made some recommendations that drew to the attention of this Parliament the fact that the Parliament should be aware of what we are doing. I table a copy of the letter that was forwarded yesterday to the chairperson of the Scrutiny of Legislation Committee. I will not read it, because it is fairly detailed. But several issues did—I will not say "concern", but members of the committee certainly did raise some questions with me as the Minister. They did raise with me whether or not we had properly considered, in our international treaty obligations, the preparations for the provisions on the maximum security unit.

The maximum security unit is designed to house the intractable prisoners, the worst of the worst, to ensure that we do not have incidents in this State such as occurred at Silverwater this morning where a helicopter managed to lift a prisoner out of the facility. We need to ensure that those people can be housed and controlled in a proper environment. I notice that some unkind people in the media have indicated that it is another black hole. I will not give members the direct comparisons. This is no black hole in terms of the Boggo Road black hole that was referred to this morning by the previous Minister. This is a facility that is purpose designed and purpose built to hold intractable prisoners.

A Government member interjected.

Mr BARTON: No, Minister, they are not exactly there for shoplifting.

Those are people who have had multiple escapes, have murdered—in some cases murdered multiple times—have murdered other prisoners, have assaulted prison officers and cannot be made to behave in the normal system. As a Government we are adamant and as a Minister I am adamant that, regardless of the best efforts of the Prisoners Legal Service, those people will stay precisely where they are: in the maximum security unit.

When drafting this Bill, we had our international treaty obligations checked out very thoroughly. We believe that we meet our obligations under each and every one of those with perhaps one tiny exception. That tiny exception is that, under a particular international treaty, inmates of correctional

facilities must be given the right to work. We are not about to let those possums out of the maximum security unit to mix with other prisoners in prison industries, because the experience of the past indicates that they may bash, murder or escape. In one small aspect we may be found a little wanting, but in every other way, we are head and shoulders above all our international obligations with regard to the imprisonment of inmates and with regard to correctional facilities.

The Scrutiny of Legislation Committee also asked whether or not the appeal mechanisms that we have in place for prisoners detained for subsequent six-month periods or ongoing six-month periods should be put in place up front. We believe that when dealing with people of the nature of those in the maximum security unit currently or those who may in future be put in it or the other two maximum security units that are under construction currently at other correctional facilities, prison management needs to be able to make instant decisions. They do not need to be tied up in appeal processes while they are trying to maintain the security of the prison, other inmates, officers and the community. We did give some consideration to whether there could be an appeal process after prisoners have been placed in the MSU. I have come down against providing that, because prisoners have a capacity to seek judicial review. They have the capacity to have the official visitor consider their case. When the Peach review is implemented, the official visitor will be reporting directly to the director-general and not to the general manager of the prison. That is a separate review process. Of course, prisoners also have access to the Ombudsman. The Government understands the concerns of the Scrutiny of Legislation Committee. However, we believe that we have considered the issue thoroughly. We are very happy with the provisions and we ask the Parliament to accept that view.

Another issue raised by the Scrutiny of Legislation Committee was that abolishing the Corrective Services Commission and Q Corr may disadvantage the board members who may have an expectation that they were appointed for a period and that they have a right to the earnings for that period. It is our understanding that board members have no such expectation. In fact, it is not uncommon when Governments change—although the Beattie Government certainly did not do this—to see wholesale sackings of boards. Before I came into this Parliament, I was a member of a number of Government boards. I always understood that what the Minister gave, the Minister had the right to take away at any point. Those positions are appointments through the Executive Council on the basis of the recommendation of the Minister. I understand why the Scrutiny of Legislation Committee has raised that with us. I advise the Parliament that it is our view—a very strongly held one—that no such expectation exists, nor would it be appropriate for it to exist. We believe that there will not be a problem with that provision. We do not believe it is correct to pay people who are not performing the work for which they are being paid, simply because of an expectation. Those positions are not the members' main jobs; they are positions on boards for which the members get paid appropriate fees. It is not their main source of income.

I thank everybody for their contribution to this debate. This is very important legislation. I think the shadow Minister indicated in his opening comments that this was one of the most important Bills to come before this Parliament for a while. I agree with him. This legislation is the equivalent of the legislation enacting the Kennedy reforms that was put through by Russell Cooper 10 years ago. We believe that we are going forwards not backwards. We believe that it is very good legislation. I am very heartened by the fact that nobody who spoke in the second-reading debate indicated any opposition to the Bill itself. It has received very good support, particularly from former Environment Minister Brian Littleproud. I was heartened by his comments. There must be a club of former Environment Ministers in the Parliament. I am only too happy to answer any questions that members may have at the Committee stage. I hope that I have answered the questions that were raised during the debate. I commend the Bill to the House.
