



Further Submission to the Queensland Productivity Commission's Inquiry into Imprisonment and Recidivism

"In September 2018, in response to concerns about increasing prisoner numbers and high rates of recidivism, the Queensland Government asked the Queensland Productivity Commission (QPC) to undertake an inquiry into imprisonment and recidivism in Queensland...In November 2018, the Productivity Commissioner and CCC Chairperson discussed Taskforce Flaxton findings relevant to prison overcrowding and the CCC is content that the QPC is currently best placed to make recommendations in relation to the complex issue of prison overcrowding" Taskforce Flaxton: An examination of corruption risks and corruption in Queensland prisons¹

INTRODUCTION

1. Together Queensland, Industrial Union of Employees (**Together**) is the leading industrial union representing the interests of the employees of Queensland Corrective Services (QCS). Together represents over 2000 of the Custodial Corrections staff employed in the publicly run correctional centres.
2. Together Queensland is an entity in both the state and federal systems:
 - Together Queensland, Industrial Union of Employees is an Industrial Organisation of Employees under the *Industrial Relations Act 2016*(Qld);
 - The Australian, Municipal, Administrative, Clerical and Services Union (ASU) Central and Southern Queensland Clerical and Administrative Branch, Queensland Together Branch is a branch of the ASU. The ASU is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (FWRO Act).
3. Together delegates and members support the measures and functions performed by the Queensland Productivity Commission (QPS) and, in particular, this review of how government resources and policies can be best used to reduce imprisonment and recidivism and improve outcomes for the community over the medium to longer term.

CONSIDERATION OF THE DRAFT REPORT

4. The Draft Report represents a comprehensive review of the criminal justice system in Queensland. It correctly identifies key issues throughout the system, that is, minimising incarceration through prevention, early intervention and diversion; in custody pressures and post custody reintegration into society.
5. With respect to the pre and post custody aspects of the system, the recommendations to address issues are comprehensive and pertinent.

¹ Crime and Corruption Commission (2018), *Taskforce Flaxton: An examination of corruption risks and corruption in Queensland prisons* <http://www.ccc.qld.gov.au/research-and-publications/publications/ccc/taskforce-flaxton-an-examination-of-corruption-risks-and-corruption-in-queensland-prisons.pdf>, p7

6. With respect to the in-custody recommendations however, the draft report is considerably more sparing. This is the area that most affects Together members and is, with respect, the area most in crisis.

7. The opening quote from Taskforce Flaxton highlights the importance of the QPC consideration of these in-custody issues. The Crime and Corruption Commission identified that, “alleviating prison overcrowding is essential to reducing corruption risk and corruption in Queensland prisons.”² Yet the draft report is conspicuously limited in recommendations that directly address these issues.

8. Chapter 13 of the QPC Draft Report deals with in-principle rehabilitation. It identifies the following key points, among others:

- *Successful rehabilitation not only reduces crime but also saves the state at least \$107,000 per prisoner for every year of imprisonment avoided.*
- *International research is broadly positive about the contribution that programs provided in prisons make to rehabilitation, but the results are mixed and local differences limit their applicability to Queensland.*
- *The design of correctional facilities and how they are operated can significantly affect rehabilitation outcomes. It is likely that there are opportunities for improving the contribution that new and existing facilities make to prisoner rehabilitation. These opportunities should be informed by the best internationally available evidence about how facility design affects rehabilitation outcomes.*
- *Few evaluations of Queensland’s in-prison programs have been published. However, the stubbornly high recidivism rate, previous reviews and submissions to this inquiry all suggest that there is considerable scope for improvement.*
- *68.8 per cent of eligible prisoners were employed; below the national average of 74.7 per cent (30.5 per cent were in commercial industries and 38.3 per cent in service industries)*
- *Few prisoners are involved in employment that provided useful preparation for post-prison work, and that attendance rates in programs are being reduced by prison overcrowding.*
- *Queensland’s recidivism rates are high and is (sic) growing (see Chapter 5). Almost 64 per cent of prisoners have been previously imprisoned, higher than the Australian average of 57 per cent*

9. These points are all valid and action to address them necessary and urgent.

10. Together members are therefore concerned that of the 18 draft recommendations contained in the entire report there is only this relating to the in-prison issues:

Draft Recommendation 11

When Queensland Corrective Services develops its capital program for building new corrections centres or modifying existing facilities, it should assess options to make infrastructure more effective for prisoner rehabilitation. Consideration should be given to:

- the best available international evidence on the effect of infrastructure on rehabilitation
- cost-effective options to improve rehabilitation of prisoners.

11. With respect, this single recommendation fails to address the breadth of issues identified. There is a crisis in Queensland’s Correctional Centres and there is a need for action now, not

² Ibid. p6

recommendations on what the Government might do when it develops a future capital program “for building new corrections centres or modifying existing facilities”.

12. Our members report that overcrowding is making the issues identified in the report considerably worse. Activities and programs are being routinely cancelled to reduce overtime. Community engagements in low-custody farms, key activities in the rehabilitation process, are being reduced due to inadequate staffing and prison officer to prisoner engagement is drastically limited.

13. Together urges the Productivity Commission to consider recommendations to address the issues identified. These would include:

- a. The Queensland Government include in its capital program the construction of significant new capacity designed to support prisoners with complex mental health or trauma issues
- b. Increased funding to industries and programs to maximise prisoner involvement, including a return to 7 day industries across all Correctional centres.
- c. A comprehensive overhaul of training, programs and industries to ensure they support rehabilitation beyond incarceration.
- d. Increased prison staffing to support Correctional officer engagement and interaction with prisoners in a safe environment.
- e. Increased 24 hr health support in every Centre.

14. None of these recommendations come without cost, but significant investment is needed to make our prisons and community safe. Queensland’s real net operating expenditure per prisoner and per offender per day is currently the lowest of any state or territory in Australia.³ That should not be a source of pride; instead it is an indictment of current and previous Queensland Governments failure to properly fund the Correctional system over time.

CONCLUSION

15. The Queensland Correctional system is under unprecedented stress. The extreme overcrowding is seeing a surge in assaults and incidents and the work of our members has never been more dangerous and stressful; nor has it been less rewarding.

16. Any meaningful attempt to reduce recidivism must include a reduction in over-crowding. Reducing imprisonment rates where appropriate may form part of the solution but it is unrealistic to think that the system will continue to function with its current capacity constraints. Additional prison infrastructure must be part of the solution.

17. Overcrowding in Queensland’s prisons has been an everyday reality for our members for over half a decade. They are the ones being assaulted, abused and investigated as incidents increase. Overcrowding has been highlighted as a significant issue in two Ombudsman’s reports, the Human Rights Watch Report and the CCC Taskforce Flaxton report.

³ Productivity Commission, *Report on Government Services 2019*.
<https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/justice/corrective-services/rogs-2019-partc-chapter8.pdf> Chapter 8, Table 8A.18

18. Yet, despite all that, the Government's capital program has failed to reduce overcrowding in any meaningful way. Yet another report that fails to make firm recommendations to address the lack of capacity and funding in the Correctional system is hardly going to see a seismic change after the years of Government inactivity and complacency that have been evident to date.

19. We urge the QPC to make strong and concrete recommendations to ensure Queensland's Correctional centres are properly funded, properly staffed and properly resourced.

