

Appendix C: A Reilly letter to P Stewart, 4 October 2022



Your ref: QCS-02122-2022
Our ref: 2021/09891

4 October 2022

Queensland Ombudsman
ABN 257 657 579 00

Level 18, 53 Albert Street
Brisbane Q 4000

GPO Box 3314
Brisbane Q 4001

P 07 3005 7040

E investigations@

ombudsman.qld.gov.au

W ombudsman.qld.gov.au

SENSITIVE

Mr Paul Stewart
Commissioner
Queensland Corrective Services
GPO Box 1054
BRISBANE QLD 4001

Sent by email: Commissioner@corrections.qld.gov.au

cc: [REDACTED]

Dear Mr Stewart

I refer to the Office of the Queensland Ombudsman's investigation of a [REDACTED] referral from the Legal Affairs and Safety Committee (LASC) about Queensland Corrective Services (QCS).

I refer also to communications between this Office and QCS about the investigation since [REDACTED]. Thank you for the information provided to this Office to date.

The purpose of this letter is to advise you of:

- the issues not being investigated by this Office
- the specific issues being investigated by this Office
- an upcoming visit to Maryborough Correctional Centre this Office has organised to assist with our investigation of the issues.

Issues outside the jurisdiction of this Office

[REDACTED] outlined concerns relating to [REDACTED] QCS' pay structure for CCOs, [REDACTED] qualification requirements for CCOs and the new certified agreement. I am satisfied these issues have been addressed by your responses to this Office.

You advised this Office the review of Manager, Supervisor and Officer rank insignia was commissioned under the approval of the QCS Uniform Governance Committee and subsequently approved by the Commissioner on 4 March 2020. This resulted in uniformed officers from all streams sharing the common rank insignia. Your response to this Office further advised while the rank insignia may recognise or reflect qualifications, it does not necessarily stipulate pay increases, as progression payments are determined by the applicable industrial instruments.

I understand the certified agreement signed in June 2022 provides enhanced progression arrangements and has removed the mandatory qualification, Diploma in Correctional Administration from the progression arrangements for base grade Custodial Correctional Officers (CCOs). These progression arrangements have been maintained under the current certified agreement, which was supported through Union consultation and a ballot of eligible employees.

When this Office raised the issue of CCOs not receiving extra remuneration for qualifications you explained that while CCOs do not receive extra remuneration for qualifications they undertake, they receive recognition under the rank insignia.

██████████ to this Office also raised concerns about the formal certified agreement offer originally put to staff in October 2021. I understand that since this time the certified agreement has been re-negotiated and further consultation with the union has occurred and an updated version of the certified agreement was presented to the Queensland Industrial Relations Commission (QIRC) to be certified. This occurred in June 2022.

The issues raised ██████████ about pay structure and qualifications are ones that are dealt with in the current certified agreement. Any matters, including the make-up of the certified agreement itself, that are capable of proceeding to the QIRC are issues that are outside the jurisdiction of this Office in accordance with s 16(2)(a) of the *Ombudsman Act 2001*.

Issues to be investigated by this Office

After consideration of ██████████ I have decided to investigate six issues:

1. The reasonableness of QCS' adoption of the rank structure relating to uniform dress standard changes.
2. Whether custodial officers are expected to fund departmental occupational health and safety initiatives; their own uniforms and/or any required personal protective equipment, from their own wages.
3. Whether QCS properly planned for overcrowding of correctional centres and the actions being taken to deal with the issue.
4. What are the effects of overcrowding within Maryborough Correctional Centre, with respect to the prison population and health and safety of the custodial officers and whether QCS is managing this reasonably?
5. Whether sentenced and remanded prisoners are accommodated together at correctional centres, specifically, Maryborough Correctional Centre and does this align with the obligations of the Human Rights Act?
6. The completion of shared cell accommodation agreements for all prisoners within secure units at Maryborough Correctional Centre and whether proper processes are being followed.

The investigation of the six issues is being conducted informally under s 24(1)(a) of the *Ombudsman Act*.

In relation to issue 1, I understand the changes to the uniform dress were commissioned under the approval of the QCS Uniform Governance Committee, which was approved by the former Commissioner, ██████████ on 4 March 2020. ██████████, Acting Director, Employee Relations advised these changes went through a consultation process with the workforce. Furthermore, the changes were initiated to align QCS with other top-tier public safety agencies and uniformed officers from all streams share the common rank insignia and differentiation in uniforms, which is designed to promote the ethos of 'One QCS'.

In light of the comments from QCS about this issue, the period of time that has passed since the changes were approved and the consultation process completed by QCS within the workforce, in my view, further investigation of this issue is unjustified under s 23(1)(f) of the *Ombudsman Act 2001*.

With respect to ██████████ information about CCO's ██████████ fund departmental occupational health and safety initiatives; their own uniforms and/or any

3

required personal protective equipment from their own wages, I note the information you have provided to this Office about this issue. The information from QCS indicated:

Where QCS requires an employee to wear PPE as part of their duties, QCS funds the provision of the approved PPE. Similarly, where QCS approves a specific health and safety initiative to be implemented to ensure the health and safety of employees, QCS funds this.

Some officers may elect to purchase their own PPE.

Further, my interpretation of QCS' *Uniform Policy* is that officers receive a particular allocation of uniform items to match the number of ordinary rostered shifts. I note that maternity uniforms are also provided to pregnant officers and this is in addition to non-maternity items. From the information available to me at this point in time, I am unable to substantiate the claims [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Ombudsman visit to Maryborough Correctional Centre

Assistant Ombudsman, [REDACTED], Acting Principal Investigator, [REDACTED] and I will be visiting Maryborough Correctional Centre on Wednesday 26 and Thursday 27 October 2022. Thank you for the assistance provided by [REDACTED], Superintendent, Chief of Staff in organising this visit.

If you have any questions about this Office's investigation of these issues, please contact [REDACTED], A/Principal Investigator, on [REDACTED] or email to investigations@ombudsman.qld.gov.au.

Yours faithfully



Anthony Reilly
Queensland Ombudsman