



Monday, 7 July 2008

Secretary
Federal Workplace Health and Safety Committee
Email: <mailto:publicsubmissions@nationalohsreview.gov.au>

Dear Sir/Madam

Re: Submission for consideration

The Queensland Prison Officers' Association (QPOA) was established in 2003 after Prison Officers were discouraged by the representation they were receiving from the Queensland Public Sector Union (QPSU). Over half the Prison Officers in Queensland are registered members of the QPOA.

Our members work in an extremely demanding workplace with many dangers. While Officers accept that many of these daily dangers are part of their job, they can not accept that the danger of passive smoke is acceptable.

They have formed a collective view that the Government, through Queensland Corrective Services (QCS), which is also the Employer, continues to willingly and recklessly expose Prison Officers to the known risks of passive smoking by its continuing failure to enforce legislation in the workplaces attended by our members, other personnel and Prisoners.

We make this submission on behalf of our members in an effort to secure greater protection for them from the life threatening effects of passive smoke.

The Queensland Government introduced new smoking laws concerning Workplaces and general public areas to protect Workers and members of the public from the serious health implications caused by smoking.

In contrast, the Queensland Government successfully made submission for an exemption from the restrictions imposed by the new legislation, which now enables Prisoners to smoke in Government buildings at the peril of Prison Officers and other Personnel or person attending these workplaces.

The QPOA believes that in granting the exemption to Corrective Services, the relevant authority has demonstrated an absolute disregard for the health interest of the Prison Officers.

Two examples of circumstances which are distressing are;

1. Prisoners, on arrival at a low and open facility can be offered a NON- SMOKING unit.

“Solidarity is forever”

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2. QCS issue all incoming Prisoners at Palen Creek Correctional Centre (PCCC) with a Prisoner Induction Booklet. In that booklet prisoners are told;

“[Queensland Corrective Services] ...is committed to the health and safety of Inmates. Management also recognizes the harmful effects of direct and passive smoking and upholds the rights of smokers and non- smokers alike”.

The QPOA and our members believe that it is Criminal that Corrective Services give no such consideration or opportunity to Prison Officers.

While it is true that Prison Officers’ work in an environment that is highly unpredictable and demanding and where smoking has been part of Prison culture for many years, this in no way should be considered acceptable by today’s principles.

As we no longer endorse or practice Corporal Punishment, nor should Prison Officers be suffering forced exposure to dangerous chemicals such as those found in passive smoke.

QPOA believes that as part of their duties our members are responsible for preparing Prisoners to re-assimilate with general society and prepare them for the changes that have occurred within that society since their imprisonment, this is in line with the core function of Corrective Services providers throughout the civilised world of “correcting offending behaviour”.

By allowing prisoners a different set of rules to those they will encounter on the outside in no way prepares them for release and does nothing in achieving the core function.

QPOA has written at the request of our members to Management and indeed even to the Honourable Minister of Police and Corrective Services Ms. Judy Spence and the Agencies Director General Mr Frank Rocket asking them to ban smoking inside any building at any Correctional facility within Queensland.

The replies received from the Minister and from the Director General were disappointing and ultimately did nothing to address the concerns of Prison Officers.

These ranged from *“it would require a change of policy and there is no plan for that in the near future”* to the Minister stating that *“prisoners needed to smoke because many have mental problems and this was a way of controlling them”*.

It is worthy of note that Mental Health Hospitals in Queensland, don’t allow smoking in any of their buildings or grounds and in fact, staff escort patients to the road side for a smoke.

These statements and attitudes show a total disregard for our members and the health risk they are being exposed to.

It is disappointing to our members that these highly eminent individuals appear to be quite content to sit back in their ivory towers (smoke free) and demonstrate little concern for employees they are working for.

QPOA has reports of our members being told by their line Managers such things as “We can’t stop them smoking, remember what happened at Woodford and the riots”.

This comment refers to the 1997 disturbance at the Woodford Correctional Centre concerning an attempt by the Government of the day to open the new Prison as a non smoking Prison and infers that the Agency is incapable or unwilling of enforcements its own Governments Legislation.

We said then as we say now, what a sad situation it is where the Government of the day cowers to the demands of Criminals at the cost of those who serve.

In recent times and since the introduction of the new Legislation, the General Manager of PCCC and the General Manager of Capricornia Correctional Centre (CCC) - Prison Farm, introduced, apparently without Head Office authority a “No Smoking” policy.

Prisoners who until recently had been allowed to smoke within their cells and therefore inside Government Building were given 1 weeks amnesty before the no smoking policy was implemented.

Our members reported back to us that after the initial reaction of prisoners, they accepted the ruling and no physical violence was reported.

Our members at those facilities are now able to work in an environment that is a lot healthier, and have even had prisoners who were against the ruling at first, commented on how it has improved their own living conditions.

This only goes to demonstrate that a no smoking environment can be achieved.

Prison Officers’ daily duties require them to carry out cell inspections and to do this they have to enter cells on a daily basis and constantly breathe in this putrid smell.

On night shift the smell in these units is even worse. Officers are still required to conduct headcounts throughout these units even though the air they are breathing is detrimental to their health.

No Queensland Corrective Services staff member is allowed to smoke inside a Government building or vehicle.

It is outrageous that convicted Criminals have more rights than law abiding citizens.

Prison Officers’ are also concerned that they are the only employees at these facilities that have to work in such an environment, while Managers and other civilian staff members at the centre, are provided with smoke free environments to work in.

QPOA believe our members particularly those working at low and open facilities (farms) are being discriminated against by Queensland Corrective Services given they are subjected and exposed to this life threatening killer every time they commence

duty, while officers at some secure custody facilities are protected under Corrective Services Policy.

Do Corrective Services and the Government regard the health of staff at secure facilities of more importance, than those who work on Prison Farms (low security)?

At some secure custody facilities, prisoners are not allowed to smoke in any Government building and that includes their cell. At these secure facilities, prisoners are locked away at 6.30 pm and are generally unlocked about 7.30am.

That means prisoners that smoke at these facilities cannot do so for approximately 13 hours. It also means that Prison Officers' at these secure facilities can carry out their duties in an environment "that is smoke free".

On the other hand, at Low and Open Facilities (farms), prisoners are not locked away until 10pm and then are unlocked at 5am. This means they are confined to their units for a maximum of 7 hours.

These prisoners are also on a farm and can roam around and smoke more or less as they like when not confined to their units unlike secure prisoners whose movements are restricted.

We also have the situation where Corrective Services own policy states that No Smoking is to take place under the roofed areas in the Visits Area.

This is to protect visitors and children who visit the prison as they are members of the public. Once again Management and Corrective Services cater to the health needs of the visitors and rightfully so. However in doing this it once again shows that they are willing to protect everyone but the Prison Officers'.

On Monday, 29th October 2007, it was announced in a Ministerial Media statement by Premier Bligh, that Queensland Health would be embarking on a major review of Queensland's current smoking laws to assess their effectiveness and explore possible new reforms. Premier Bligh stated that her Government is committed to do whatever is necessary to minimise the public's exposure to harmful effects of tobacco smoke.

Given this statement from the Premier that her Government was "Committed to doing whatever is necessary to minimise the harmful effects of tobacco smoke" the QPOA on behalf of its members forwarded to that committee a submission asking for smoking to be banned inside any correctional facility building.

On the 30 May 2008 we also wrote to Premier Bligh personally asking the Premier to address the issue after the committee had failed to acknowledge the concerns outlined in our submission. To date we have had no reply from the Premier or her office.

We ask that this Federal Workplace Health & Safety committee make application to remove the exemption that has been granted to Queensland Corrective Services and for Queensland Corrective Services to be instructed to adjust their Smoking Policy; specifically we ask that the relevant Legislation be enforced without exception immediately.

We thank you for the opportunity to voice the concerns of our members and Executive Management Committee.

Yours sincerely

Steven J Burrows
Vice President

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Sunday Mail