OPEN EXTRACT — PREPARED FOR PUBLICATION

Letter to Commissioner Stewart — 18 November 2025

Scherini Lawyers for EPC Operations Pty Ltd (Engine Numbers)

Publication note. The original letter contains both open (non-privileged) sections and a without-prejudice save-as-to-costs settlement proposal. Consistent with the letter's own terms, only the open sections — the preliminary note, sections 1 to 3, section 7 and Schedule 1 — are published here, reproduced in full. Sections 4 to 6 are without prejudice save as to costs and are not published. Proposed meeting dates have been omitted.

Re: Prisoner telephone tariffs from 1 November 2025 — decision-maker, power, reasons, urgent disclosure, invitation to confer

Preliminary note on status of this letter. This letter contains both open (non-privileged) requests and a without prejudice save as to costs settlement proposal under *Calderbank v Calderbank* [1975] 3 All ER 333. Sections 1–3 and Schedule 1 are OPEN. Sections 4–6 are WITHOUT PREJUDICE SAVE AS TO COSTS (the Calderbank part). For avoidance of doubt, we may send the open portion separately in identical terms.

We act for EPC Operations Pty Ltd (our Client), instructed by Thomas Barker, a telecommunications provider that supports prisoner–family contact via local access numbers and a secure VOIP application.

1) Background (OPEN)

From 1 November 2025, prisoners in Queensland facilities began being charged a flat amount per 10-minute call (reported approximately $2.15–$2.50) irrespective of destination, in place of the long-standing $0.30 local-call tariff. Our Client and affected families received no formal notice or statement of reasons. The change has precipitated significant cancellations (around 1,000 in the past week) and material revenue loss (around $35,000 this month; trending at approximately $70,000 per month; and around $100,000 cumulative since 1 November). Earlier in 2025, QCS publicly indicated the new digital system would reduce call prices; our Client wrote to your office in April 2025 and received only an acknowledgement.

We are instructed many prisoners (particularly those on or under $12/week allowances) can no longer make seven personal calls per week, raising serious questions whether the current terms and conditions effectively contravene the statutory floor in s 51(6) *Corrective Services Act 2006* (Qld) (CSA) and whether proper consideration was given to human rights impacts under the *Human Rights Act 2019* (Qld) (HRA).

2) Open requests: decision, power, reasons, documents (OPEN)

Please treat the following as an open pre-action request, a formal request for a statement of reasons under s 32 of the *Judicial Review Act 1991* (Qld) (JRA), and a document preservation notice.

A. Decisions and legal authority — deadline 4:00pm AEST, Wednesday 26 November 2025

1. **Decision-maker:** name, position and delegation of the person who decided to change prisoner call tariffs effective on or around 1 November 2025, and any person(s) or entity(ies) (including contractors) who participated in, recommended, or approved that decision.

2. **Statutory power:** the enactment relied upon (including CSA ss 50–51, 263) and any instrument of delegation engaged.

3. **Form of decision:** whether the tariffs are set out in "administrative procedures" made under CSA s 51(3) and s 265; if not, the instrument in which they are embodied (e.g., COPD, directive, circular, tariff schedule, or contract approval).

4. **Rationale:** the considerations taken into account (including prisoner earnings, CSA s 51(6), HRA obligations), and any less-restrictive alternatives considered (e.g., technical blocking of onward call-forwarding while maintaining a local-call tariff).

B. Statement of reasons — JRA s 32 (OPEN). Our Client (a person aggrieved) requests a written statement of reasons for the decision described above, addressing findings on material questions of fact, the evidence or material on which those findings were based, and the reasons for the decision. Please provide this statement by the same deadline (or confirm a firm date no later than 28 days from this request).

C. Documents required — deadline 4:00pm AEST, Wednesday 26 November 2025 (OPEN). Please provide electronic copies of:

A. The current and immediately preceding administrative procedures (CSA s 51(3)/s 265) governing prisoner personal calls.

B. Tariff schedules, rate cards, implementation notices and any pricing approvals in force before and after 1 November 2025, including any “flat-rate” directive.

C. The instrument(s) of delegation relied upon by the decision-maker(s).

D. Any ministerial direction or s 263 CSA direction relevant to pricing or telecommunications in corrective services facilities since 1 January 2024.

E. Any HRA compatibility assessment or analysis of ss 13 (limitations), 26(1) (families), 30(1) (humane treatment), 58(1) (public entity obligations) undertaken in connection with the tariff change.

F. Any risk assessment, business case, procurement/contract instrument(s) or variation(s) with the prisoner telephone system supplier that concerned pricing, together with internal/external briefings or board/committee minutes recording the rationale.

G. All communications to prisoners or staff concerning (i) the ban on redirection services and (ii) the new tariffs (posters, circulars, intranet notices).

Document preservation notice: Please preserve (and ensure your supplier preserves) all records (including emails, IMs, drafts, pricing spreadsheets) relevant to the above pending potential proceedings.

3) Invitation to confer (OPEN)

We prefer a commercial, pragmatic resolution. Please nominate attendees for a without prejudice conference this week. [Proposed meeting dates omitted from this extract.] In person (Brisbane CBD) or via MS Teams. Please confirm by return email.

Sections 4–6 — not published

Sections 4, 5 and 6 of the original letter are a without-prejudice save-as-to-costs communication (the Calderbank part) and are not published.

7) Service and contact (OPEN)

Please direct all correspondence (including the JRA s 32 statement and documents) to Michael Scherini, Scherini Lawyers, michael@scherinilawyers.com.au, 03 9961 3149.

If any part of this request is said not to be a “decision to which the JRA applies”, please state that position and the reasons in writing by the deadline.

All our Client’s rights are reserved.

Yours sincerely

Michael Scherini
Accredited Specialist (Commercial Litigation)
Principal Lawyer, Scherini Lawyers

Schedule 1 — Open document list and deadlines (OPEN)

Deadline: 4:00pm AEST, Wednesday 26 November 2025

1. Decision-maker (identity, role, delegation); statutory power; form of decision (administrative procedures under CSA s 51(3)/s 265 or other instrument); and rationale (including s 51(6) and HRA considerations and less-restrictive alternatives).

2. Statement of reasons (JRA s 32).

3. Documents: (a) administrative procedures (current and immediately preceding) under CSA s 51(3)/s 265; (b) tariff schedules, rate cards, implementation notices, and pricing approvals pre/post 1 November 2025; (c) delegations relied upon; (d) any ministerial or s 263 CSA directions since 1 January 2024; (e) HRA compatibility assessment(s) (ss 13, 26(1), 30(1), 58(1)); (f) risk assessments, business cases, procurement/contract instruments or variations with the telephone system supplier concerning pricing; relevant briefings/minutes; (g) all communications to prisoners/staff re (i) redirection services and (ii) new tariffs.

4. Document preservation notice (including emails, instant messages, drafts, pricing spreadsheets) — QCS and its supplier(s).

5. Meeting — availability to confer. [Proposed dates omitted from this extract.]

Extract prepared for publication by the Australian Prison Telephone Project (Keeping Families Connected), enginnumbers.com.au/prison-call-costs/. The open sections above are reproduced in full from the letter of 18 November 2025.