

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 2587 and 2473 of 1990

IN THE MATTER OF an application by
the Tasmanian Prison Officers
Association and the Tasmanian
Public Service Association to vary
the Prison Officers Award

re structural efficiency principle

COMMISSIONER IMLACH

HOBART, 7 May 1993
Continued from 5/3/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Thanks, Mr Shirley.

MR SHIRLEY: Thank you, Mr Commissioner. There are no changes in appearances from the TPOA.

| | If I can outline to the commission that as has been the past practice the witness statements have been faxed to yourself, Mr Willingham's office and to the TPSA. It appears that perhaps one of those documents, Kevin Salter witness statement, was not and this morning I presented those to the parties.

And the intended order of witnesses this morning is Senior Prison Officer Tony Van Kastell, Senior Prison Officer Kevin Salter, Prison Officer Roger Sly and Chief Prison Officer Basil Masters. And they'd be the only four witnesses today and we anticipate that would be the completion of the witnesses for TPOA case.

If I could call -

ANTHONY VAN KASTELL, sworn:

MR SHIRLEY: Senior Officer Van Kastell, could you indicate your rank and the years of service and the areas of service that you've had with prison officers?... I'm a senior prison officer, I have been for 12 months. I've worked in the prison system for 16 years, it was 15 on this document but that was nearly a year ago. I've worked in all the maximum security areas of the prison. I've worked in the prison hospital and the medium security. So there's not many areas that I haven't been in. I've also done the duties of the Chief Prison Officer.

Good, thank you. I'll present a document to you. Have -

MR : Excuse me

MR SHIRLEY: Yes, he has got a copy of that.

COMMISSIONER IMLACH: What number, did we number it?

MR SHIRLEY: It's the one that was handed up. It's an exhibit. It was handed up this morning to you.

COMMISSIONER IMLACH: This morning.

MR SHIRLEY: I haven't handed it up.

COMMISSIONER IMLACH: Oh, well.

MR SHIRLEY: Perhaps I should hand it up.

COMMISSIONER IMLACH: No, no, I've got it.

MR SHIRLEY: I think might be the witness statement.

COMMISSIONER IMLACH: I've got something else as well. Maximum security establishment.

MR SHIRLEY: Yes, I think this is probably the more correct one. There may be some changes to that other document.

COMMISSIONER IMLACH: Right. We'll call this TPOA.64. All right, thank you.

MR SHIRLEY: Senior Prison Officer Van Kastell, have you seen this document before?... I have.

And have you had an opportunity to read it?... I have read it.

And have you had some input to this document?... Yes, I have.

Okay. You would be aware, Officer Van Kastell, that this is a special case and the part of the special case that we're dealing with at the moment is to deal with work value. And the commission is particularly concerned with changes after 1984 to duties and insofar as you're concerned for the duties of prison officers for the 'H' Division and 'N' Division. And if I could get you just to read through the document, read the document and if there are any things you wish to elaborate on at the time you could do that also, thank you?... This is the maximum security 'H' Division, it's the remand centre. This part is to do with the telephone calls that have been introduced over the last 1-1/2 years. The officers in this area of the prison must now make, monitor and observe telephone calls for all inmates. Inmates are allowed to make two calls per week. The officer makes the call to establish that the person receiving the call wishes to accept the call. When this is done the call is transferred to another extension and the officer monitors the call for its duration, up to 6 minutes. That applies for local and STD calls. STD calls are reverse charges. Before this date there were no calls to be made by inmates. Whilst telephones are in use communication with outside officers and others of the prison is by way of two-way radio. That means that while we're using that internal phone we cannot receive or use that phone for any other call so we have to use a hand-held radio. Also with the STD calls it's first the case of ringing the operator, getting them to contact the person on the other end and them getting back to you. So that's just a little bit extra that wasn't in here. Also over the last couple of years we've had televisions introduced into this division. From this date administration approved the introduction of personal TVs for their own cells. The TVs must be checked as they come into the prison to ensure that they are not used as a means of

transport for contraband items. Also the TVs are checked daily by the officer in the yard to ensure that there is no damage and if they are then to report on any defects of the television sets. Movement passes -

Just before you go on to that, officer. Just so I understand, with the introduction of televisions, can you indicate the date that that was introduced?... Not exactly, not the exact date. I know it's about 2 years ago they introduced the TVs, 2 - 2-1/2 years ago, but not the actual starting date.

No, that's okay?... But it's only been a recent thing.

Yes. It commenced after 1984?... Oh, definitely after 1984, yes.

And if I can just take you back to telephone calls. Was that a new activity that commenced after 1984?... Yes.

And can you recall the date?... Again, not the exact date but it's only about a year or year and a half. I remember being at the meeting when it was - that we spoke about the introduction of the telephone calls.

Okay, thank you?... Where were we, move down the line here. Movement passes. In 1986 administration introduced a system of movements which required no prison officer escort. This means that inmates may move between the divisions if they have a movement pass. A movement pass ledger was introduced so that passes could be recorded. The officer records the time, name of the inmate, where they are working, where they are moving to and the time of the departure. The receiving officer checks the pass, especially the time taken to move from where the pass was issued to where the inmate is going. If there are any discrepancies the officer must investigate and report these to his or her senior officer. The daily diary in 'H' Division or the remand yard was introduced in 1991 to record and organise the inmates that need to be presented to court. The officer must locate the inmate and ensure that they are presented to the court on the day their warrant requests. The daily diary - sorry, the daily records the fact that they are at court and when they are likely to be returned to the prison. The diary records where the inmate is located when he or she is returning to the prison. The officer's duties. The prison officer commenced as a turn-key now they are required to participate in all sorts of behaviour outside the formal duties outlined in the position description. From 5.00 p.m. to 9.00 a.m. the prison officer is responsible for the inmates as there is no senior officer in charge. Well that's not - well that's right, there is a senior officer on duty but all the professional staff from here are there.

Right?... Therefore they are responsible for the action they take if the inmates show any change in behaviour. This is usually noted by the officer concerned. Officers are frequently required to read, especially letters, to inmates as they lack the skills. Officers are required to diffuse situations as and when they occur and indeed to try and anticipate them happening. Officers are required to talk to inmates who are depressed and provide necessary mediation before greater problems occur. In a sense the prison environment has changed from one of retention to that of greater welfare orientation. Wardsmen are required to clean cells and officers are required to observe and monitor these activities so that security in the prison is not breached. Only five cells may be opened at any one time. This is governed by prison standing orders. From 5.00 p.m. no professional staff, no educational staff or psychological staff are on duty to assist in the counselling of inmates. This is the responsibility of the officers left on duty.

Just with that last item, Officer Van Kastell, is that an activity that occurs - this counselling process, that occurs on a regular basis?... Every day, I would say. I don't think there'd be a day went by that an officer wasn't required to read or spell - and the thing is, I mean, if you're asked to spell something or - and you don't know, I mean, it's up to you then to find out how it's spelt and then come back so that they get it right. I mean, you're the only person they've got to go to between those times.

Right, okay, thank you?... Hangings. When this occurs in the prison it is usually the officer who responds first because the hospital staff are too far away or not on duty. It is usually the officer who removes the towel from around the neck and tries to revive the inmate. Could I just elaborate a little bit on that?

Please?... With the hospital usually we've had times when this has happened - I've actually been involved in a couple of these cases and we do ring the hospital as soon as we detect any inmate that is hanging. But as again, as you'd appreciate, the officer is the first person there, he's in the front line. We don't stand around and wait for the nursing staff to come up which could take anywhere between 5 and 10 minutes. We get down straightaway and revive the prisoner if necessary so we do the front line work but, again, we're not trained for this.

Right, thank you?... Given that the prison officer is the first contact point for inmates they are the ones that inmates rely on for guidance and support. Simple things like reading letters and correcting spelling are the first important contact between these two groups.

Is this an activity or is this a change in the role of a prison officer that has occurred since 1984?... I suppose even back further it has always happened to a point but it has become more prolific since 1984 because the gaol has changed from one of retention to one of more welfare orientation. So we, sort of, have a more personal contact with the inmates and they tend to ask a lot more questions of the officers now whereas years ago, I mean, it was a show of weakness, I suppose, if you asked an officer anything. But these days it is the opposite.

Right, okay, thank you. I'll get you to go on to the next page, if you've finished with 'H' Division?... Yes. Again, I'd just like to stress those points of the things that we do within this prison. I mean, I know that we're classified as unskilled, which I find fairly offensive, considering the professional work that we do throughout this gaol on a daily basis. That again, we haven't been schooled for and, I might add, we don't get paid for. But these jobs are still done.

Good, okay, thank you?... 'N' Division, maximum security, isolation and protection. In 1986 'N' Division was reintroduced as an isolation and protection division. This division averages six inmates per week being imprisoned for various breaches of prison rules. The inmates in this division must be showered on arrival and they are fed three times per day. Again, I might add, the officer in the division actually physically feeds these people. Years ago, probably 4 or 5 years ago, we always had an inmate that was classed as a wardman that actually came out and performed those duties. But that doesn't happen any more, those duties are now performed by the officers in the division that dish up the food and actually carry them to the cells and put them to the slides and later on retrieve the dirty dishes.

Good, thank you?... The trolley and its contents must be searched for drugs or anything that may be hidden of inmates in this division. The cells are also searched daily for the safety of inmates and the security of the prison. Inmates are not allowed to smoke in this division and the cells are searched for this also. The inmates are also changed from existing prison clothes into white clothes and they change back into normal prison clothing on leaving. This changing from one set of clothing to another is if they leave the division for anything like visits or interviews or anything like that, then they change back when they come back in again.

What's the intention of that?... Well because they have to change back over again and make certain that when they do come back in the division that they are stripped, they are searched and anything that they may have picked up while they were out there is confiscated and put away, whereas if they go out in the same gear, even though that procedure is still supposed to

happen, it's a lot easier to let it slip by whereas this way it's got to be done.

Thank you?... A ledger is filled out on incoming and outgoing movements. The name of the inmate, their prison number, the reason and length of their stay is also recorded. A daily ledger is also completed to record their daily movements. A personal card is completed and the details of each days activities is recorded. For example, refused breakfast, refused shower or refused any food. From 1986 the method of dealing with inmates has changed in that there is no integration amongst prisoners from opposite sides of the compound. All inmates in this division are strip searched, placed in khaki overalls and placed in individual cells. Officers also bear the brunt of abuse when this division became a non-smoking division.

And once again, these activities - are you able to say a point in time when they changed?... Again, probably 2 or 3 years ago it would be that the change of clothing was introduced. The introduction of the officers actually doing the feeding rather than an inmate; the non-smoking which as you could appreciate does cause a fair bit of aggression with somebody that's a smoker and all of a sudden can't smoke and the ledger, they've all been introduced over the last few years.

Good. Okay. And the level of activity in division, is it used only occasionally or - ?... It has its moments. It's been used fairly regularly again now over the last 12 months. There was a period that it was - we had a lot of closures in it but we found that was successful so it's again being used on a regular basis.

Okay. Any questions?

MR: No.

MR SHIRLEY: Thank you very much, sir.

COMMISSIONER IMLACH: Thanks, Mr Shirley. Mr Willingham?

MR WILLINGHAM: I don't have any questions of the witness, commissioner.

COMMISSIONER IMLACH: Thanks. I've got a couple. Senior Prison Officer Van Kastell, these changes that you have enumerated which I think we've heard the general context before, in other words, the prisoners - the discipline is more relaxed and the prisoners get more benefits. That's fair to say, is it?... That's fair comment, yes.

And some of these things are listed here like the televisions and so on. Does that make it easier or harder for a prison officer?... It works two ways. It makes it easier - we don't have as many people cutting their wrists and doing themselves damage at night in their cells because they are occupied, so from that stand point it's a lot better for the officer on duty that night that we don't have those problems, but we have the problem on the other side, it makes it more labour intensive because these items have to be checked; they've got to be searched. As you can appreciate, radios and TVs in the cells are just other areas where contraband can be hidden if it's brought in. They are very sensitive to search because again we can't really dismantle the TV sets, check them and put it back and it doesn't work, so it works both ways. It's a lot better for the officer once the inmates are locked away because they've got something to do, but on the other side of things when the cells are opened up and the officer has to check these things, it makes it a lot more labour intensive on that side.

And you know of cases where the prisoners have used it for - ?... Not personal cases, only that I've heard from around the goal from security officers, but no, I've had no personal experience with it.

And have you yourself come across a hanging?... I have, yes.

Once, I presume?... Just the once, yes, thank God.

Yes. Thanks, Mr Shirley. Thanks.

MR SHIRLEY: Thank you, sir. Any more questions?

MR WILLINGHAM: No. Sorry, no.

MR SHIRLEY: That's all of this witness, thank you.

COMMISSIONER IMLACH: Thanks, Officer Van Kastell, you may stay or go, whichever you wish?... Thank you very much.

MR SHIRLEY: Mr Commissioner, if I could just ask for an adjournment for 5 minutes so we can get our next witness from the prison.

COMMISSIONER IMLACH: Right.

MR SHIRLEY: Thank you.

SHORT ADJOURNMENT

MR SHIRLEY: Thank you, Mr Commissioner. I call Kevin Salter as our next witness. Thank you. Do you require Kevin Salter to be resworn?

COMMISSIONER IMLACH: No, he's been sworn once.

MR SHIRLEY: He was, on -

KEVIN SALTER, recalled:

COMMISSIONER IMLACH: So you are under oath, Officer Salter?... Right.

MR SHIRLEY: Senior Officer Salter, I'll hand you a document and -

COMMISSIONER IMLACH: Is this a new one, Mr Shirley?

MR SHIRLEY: It is.

COMMISSIONER IMLACH: TPOA.65.

MR SHIRLEY: Thank you. Senior Officer Salter, have you seen this document before?... Yes, I have.

And have you had an opportunity to read it?... I have, yes.

And have you had some input to the drawing up of this document?... Yes, yes.

Okay. Thank you. You'd be aware, as we talked on the last occasion that you were here, and you talked about standing orders and changes to standing orders, that this is a work value within a special case and we're looking for changes that have occurred since 1984 - ?... Yes.

- and what I'll get you to do is read through your document aloud and if there are any items that you want to elaborate on as you go through, please feel free to, but changes since 1984?... Right. You want me to read this aloud, do you?

Yes, please?... Right.

Just read through it at your own pace. If there's anything else you want to elaborate on, please feel free to?... Okay.

Thank you?... The SPO as a direct result of change has the delegated responsibility of all the work musters that occur in the prison. The lunch musters are also his delegated responsibility as well as directing the inmates to the work gangs and work places. The SPO also, under delegation allocates the duties to the other prison officers in the

prison and amends their duties according to the staffing levels that operate on a daily basis in the prison. All these activities were solely the responsibility of the CPO before this change -

COMMISSIONER IMLACH: Were solely?... - were solely, yes - before this change, but now are under delegation, shared with SPO's. The SPO becomes second in charge between the hours of 5 pm and 10 pm and assumed more onerous duties due to the change. In the hospital the SPO on night shift and the nurse - could I just change that before I go any further?

MR SHIRLEY: Yes?... Yes. It's not actually the SPO in the hospital. It's the SPO on night shift, in conjunction with the nurse. It shouldn't be 'in the hospital'. It's the SPO on night shift.

So, the SPO - the senior prison officer - ?... Yes.

- would be - ?... On night shift because he's responsible for the hospital anyway and he's in charge of the whole goal so the hospital comes under that guise -

Okay. Good?... - as well. So it should be the SPO on night shift and the nurse in the event of a suicide attempt may then reclassify that inmate to a suicide category - either A, B or C. This is done between these officers with reference to the duty officer on call. Also, at the main gate, after 10 pm the SPO completes a suicide form for inmates brought in by police after lock-up. The SPO in maximum and the hospital, in conjunction with the CPO between 5 pm to 10 pm perform the final check of the prison, to ensure that the prison is secure and all inmates are locked away - all - all inmates are locked away. During the medical parade at 7 pm the SPO escorts the nurse around the prison with the medicine and ensures that inmates take their medicine. At 6 am the SPO ensures that the kitchen and bakery gallery is staffed by an armed prison officer. Then the SPO locks off all cross doors at the back of the prison and supervises kitchen and bake house inmates being released from their cells. This should also read: it's a delegated responsibility. In 'H' Division the SPO post is used to monitor telephone calls made by inmates. Actually that should be 'detainees' not inmates because they're not sentenced.

Good. Thank you?... In the 'N' Division the SPO between the hours of 7.30 am and 3.30 pm assist 'H' Division officers with the showering of inmates on remand. This activity was not undertaken prior to 1984. Actually that should read: 'N' Division senior prison officer rostered 7.30-3.30, on commencing his duties, assists the 'H' Division.

Okay. Thank you?... The SPO at the main gate is responsible for all access and departures to and from Risdon Prison. This

officer is contacted by intercom and he verifies all access by TV monitor - and also visual. Other activities that are performed by this SPO are the supervision of peg clocks, the prison hospital access gates. Also the duties required to be performed by the fire warden, the security and safe keeping of incoming property, the radio controls after 5 pm, all incoming telephone calls. The issuing of all personal alarms and the delegated responsibility for de-activating alarms. Also, that should include the issuing of all keys and arms and cuffs.

All keys, arms and cuffs?... And cuffs, yes.

Thank you. Being handcuffs?... Handcuffs, yes.

So all these activities that you've referred to - are all these activities you've referred to activities that become the responsibility or delegated responsibility of senior prison officers since 1984?... Some of them have been done before that.

Right?... The issuing of the cuffs; the issuing of the keys has been a responsibility always that the senior prison officer at the main gate has done.

Right. Okay. So, if we take out - is that the case with the arms too?... Yes, that was done by the senior on the gate prior to 1984.

Okay?... Yes. Incoming property would have been another thing that was there in 1984.

Okay.

COMMISSIONER IMLACH: So can I just get that again, Mr Shirley, sorry. Some of those items in the last paragraph would be crossed out. Is that right?

MR SHIRLEY: I understand that the reference is that there was an amendment to that last paragraph which says the issuing of all keys, arms and handcuffs -

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: - and then that was deleted because that was actually done prior to 1984?... Yes.

COMMISSIONER IMLACH: Right.

MR SHIRLEY: And incoming property.

COMMISSIONER IMLACH: That's deleted as well.

MR SHIRLEY: As I understand the - ?... Yes, that was there before.

COMMISSIONER IMLACH: That's what I heard, yes.

MR SHIRLEY: Okay?... Even the supervision of peg clocks; we did have a peg clock system prior to 1984 and that was monitored by the then SPO at the main gate.

Okay?... So - yes.

Fine.

COMMISSIONER IMLACH: Out?

MR SHIRLEY: Out, yes?... Incoming telephone calls was another one.

MR WILLINGHAM: Take the whole paragraph out?... No, no, not the whole paragraph, no.

MR SHIRLEY: You don't have to worry about that?... Right.

COMMISSIONER IMLACH: All incoming telephone calls out?... Yes. It was done -

Yes, that's fair enough, yes?... - it was part of the responsibilities prior to 1984.

MR SHIRLEY: Okay. Thank you. Would you excuse me, Mr Commissioner? Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Mr Willingham?

MR WILLINGHAM: No, thank you, commissioner, I have no questions of Officer Salter.

COMMISSIONER IMLACH: Thanks, Mr Willingham. I've got one or two, Senior Officer Salter. How often have you - how often can you say hangings take place - suicide attempts?... Well they -

Cut out the hangings; suicide attempts?... Suicide attempts - they're not a regular thing but we've had - in the time that I've been here - probably about 10 I think. That's roughly - that's only a rough estimate.

So they're not unusual, would you say?... Well I say - when you say 'suicide attempts' are you including slashing and - ?

Anything?... Anything. You get the odd one. But on a regular basis, I don't know. I suppose - no, in the 10 years I've been here I'd probably say 10, probably 12.

About one a year, is that fair enough?... Well, yes - sometimes you have a year where you don't have any at all, so you probably pick up one here and miss out on a couple there.

Right. And it's not in your evidence - ?... Sorry, are you referring with respect to the filling out of the suicide forms?

No, just the incidents of suicide attempts, that's all?... Oh, right, yes. I have found that since the introduction of these suicide forms that are filled out, the incidents of it probably have been reduced because they are a very good form - an excellent form.

I see. Yes, we have heard about them. Senior Prison Officer Salter, I don't know so much in your evidence, but from other prison officers we've heard that part of the changes, certainly since 1984, the relaxation of the discipline and the additional benefits that are available to prisoners these days. What's your opinion as to whether or not that's made the responsibility of a prison officer heavier or lighter?... What, the relaxing of discipline?

Well one witness - actually the one before you said that the system has been changed from retention to more welfare based or - he used the word 'turn-key', that the prison officer originally was merely a turn-key but now the attitude of the authorities and throughout the prison is welfare based. In other words, the prisoners now have access to more things than they did before?... Oh, yes.

Now does that make the prison officers' duties heavier or lighter?... With the access to more things, not so much the - things welfare side of it but the material things, in the job that I'm doing at the present moment as a security officer the material things that these people have in their cells it does make it a lot harder to carry out the duties, i.e. searching and things like that because they've got more places to hide things and things like that. So it probably puts a bigger load on you.

Do I take it then that - I'm only, sort of, trying to find out for myself, testing. But I just put it to you as I think about it. So the prisoners have these advantages which, for some, has a rehabilitative effect but for others this means more opportunities for them to deceive and so on. What do you say to that?... No, I wouldn't say that they give the stuff to deceive.

No, but use the opportunities, I'm saying?... Oh, yes. They've got 24 hours a day in their cell - they've got 24 hours a day to think of ways of hiding things and contraband and they find new ways all the time. And with the access to computers and radios, different things like that, then, yes,

they've got places that they can hide things that maybe they couldn't have hidden before.

Yes, all right, thanks, Senior Prison Officer Salter. Mr Shirley?

MR SHIRLEY: No, Mr Commissioner.

COMMISSIONER IMLACH: Thank you. You don't want to have another go, Mr Willingham?

MR WILLINGHAM: I'd like to follow up points raised by yourself, commissioner, yes, if I may.

COMMISSIONER IMLACH: All right.

MR WILLINGHAM: Officer Salter, just following up the commissioner's line, when you say, in answer to the commissioner, that in your view the introduction of such items as televisions in prisoners' cells made your workload heavier, and you said that it gave prisoners more opportunities to secrete things, just take the commission and me through that. I mean, how many times do you have to conduct a search of televisions, for instance, in prisoners' cells?... Do it all the time on a random basis. On security we don't search every cell, we randomly pick different cells to search. If we have the opportunity to search a whole division, then by all means we search everything possible, TVs, radios, you name it. Where something can be hidden we'll search it.

So you do this not on a routine basis, but on a random basis. Is that what you're saying?... When we get the opportunity, yes.

Well I'd suggest it's a random basis?... Yes.

Well what was the last item of contraband you found in a television set?... In a television set?

Yes?... Not personally myself. I haven't found anything in a television set.

Just one more question following up from the commissioner's line, is it or is it not your opinion that providing televisions to inmates makes behavioural control easier for prison officers?... Oh, yes.

Thank you. No further questions, commissioner.

COMMISSIONER IMLACH: That's all from me, Mr Shirley. Have you got any more?

MR SHIRLEY: Just one on the contraband. It's not your experience that you've found contraband, are you aware that

contraband has been found in TVs?... I couldn't say that there has been things unless it's been documented. There has been things found in radios, yes.

Yes?... We've also found things hidden in the heaters that are provided in the cells as well. You know, they find places to hide stuff and that's just it.

Okay, thank you. Thanks, Mr Commissioner.

COMMISSIONER IMLACH: Thanks, Senior Prison Officer Salter?... Thank you.

MR SHIRLEY: Our next witness will be Chief Prison Officer Basil Masters.

MR WILLINGHAM: Would this be an appropriate time, commissioner, to perhaps -

COMMISSIONER IMLACH: Rest and recreation.

MR WILLINGHAM: Rest and recreation and a little informal but quite serious chat before the next witness comes up.

COMMISSIONER IMLACH: Yes, by all means.

MR WILLINGHAM: I think perhaps, commissioner, depending on your viewpoint, it might be best if we went off the record as a starting point while my colleagues are here and discuss that issue that I flagged with you the other week.

COMMISSIONER IMLACH: Yes, well we'll adjourn now for morning tea, is that correct, and for an informal discussion.

SHORT ADJOURNMENT

COMMISSIONER IMLACH: Right, Mr Shirley, thank you.

MR SHIRLEY: Thank you, Mr Commissioner. Thank you for that short break. We'll call our next witness, Chief Prison Officer Basil Masters.

BASIL LEONARD MASTERS, sworn:

MR SHIRLEY: Thank you, Officer Masters. Can you indicate your current rank?... Chief Prison Officer.

Thank you. And can you give an idea to the commission of the positions you've acted in and the range of duties you've

performed around the prison, and how many years of service?... As a chief prison officer?

No, in all years of service?... I've done a little over 15 years service as a prison officer, the first 9 of which was a prison officer and then a couple of years as a senior prison officer and since 1988 I've been chief prison officer.

Have you acted in any other classification, any other officer classifications?... Yes, I have on several occasions, four, maybe five, carried out the duties of Principal Prison Officer.

Fine. And what areas of the prison have you relieved in or performed duties in?... The pause is because I'm trying to think of where I haven't worked. I think I've worked in every area of the prison. The period where I've worked least is in reception area. I've only spent about 4 weeks in there and that was in the early part of my career. There's been considerable changes in the reception area which I wouldn't be fully of because it's about 11 years, I would think, since I worked in that area. But apart from that I've worked in - the same thing maybe would apply to medium security as well. I worked in medium security prior to 1981.

Okay. So you've worked in all areas of the prison, some longer times than others?... Yes.

Okay, thank you. I'll show you a document and just get you to cast your eyes across the document that you have.

COMMISSIONER IMLACH: Call that TPOA.66.

MR SHIRLEY: Thank you, commissioner.

Have you seen that document before?... Yes, I've had the opportunity to peruse it.

Have you read the document?... Yes.

Good. And have you had input to that document?... Oh, yes, I've had some input to the document.

Okay, thank you. This is a special case and specifically a work-value case, this part, and for that purpose we need to concentrate on - your comments need to be specifically related to changes in the chief prison officer duties and responsibilities of chief prison officer occurring since 1984. So as you read through this document, if you can read it out aloud for the commission, if you want to stop and pause and highlight certain areas or add things to it, please do. But bear in mind if you can keep your comments to changes since 1984?... I'd like to say at the outset that where you said that these changes take place since 1984, a majority of the

changes have, in fact, taken place since 1986 which comes into that category.

Yes?... That's where a vast majority of the changes have taken place, since 1986.

Good, thank you?... The chief prison officer now has the responsibility of authorising entries in the sick parade ledger and in turn has the sole responsibility of authorising which inmates shall be escorted or transferred to the Royal Hobart Hospital for treatment. The sick parade ledger entries that I've just quoted, Mr Commissioner, were previously done by the medical staff and they were responsible for that, but due to changes that took place in the hospital that was then transferred across to the chief's responsibility. The inmates escorting or transfer to the Royal Hobart Hospital, that was previously done by the principal prison officer, now it is solely the responsibility of the duty chief prison officer and, in fact, all he needs to do usually is verify with the superintendent the level of classification of the inmate, therefore the amount of escorting officers required. That now is completely the responsibility of the chief prison officer.

And in both cases, the parade ledger and the reference to inmates, have occurred since 1984?... Oh, yes.

Right, thank you?... The chief prison officer is in charge of the prison from 5.00 p.m. until 10.00 p.m. each day. He is, in fact, the senior prison officer on the premises. And he assumes or he must assume the complete and sole responsibility of the running and management of the prison. The chief prison officer is now responsible for the perusal of the daily rosters and the assessment of the impact of staff absences caused by sickness, or other absences. The chief prison officer must then arrange and organise the replacements as necessary. The chief prison officer must also organise and record the availability of officers and authorise the officers for recall. The chief prison officer must maintain a daily diary and ensure that all events, visitors and procedures are recorded. Also the chief prison officer will record inmate discharges, receptions and detachments in that diary. The deputy superintendent's requests are performed by the chief prison officer. And if I may add a little bit in there that is despite an agreement that was reached when we were in the Law Department that chief prison officers would not do that. He must also arrange for the supervision of extra activities by inmates after lock-up. For example, the chief prison officers are required to operate video recorders and films for inmates, the operation of the communication and surveillance control room. This includes the constant communication with all departmental vehicles outside the prison. The chief prison officer must also arrange the showering of inmates, with the appropriate escorting officers. Inmates were previously showered in their divisions, now greater movement

of inmates and the chief prison officer must coordinate and ensure this activity is done safely. The chief prison officer is responsible for the supervision of the senior relieving officer who locks off the cross doors and ensures that the kitchen and bakery officer is posted, collects the menus and places the inmates at work on this area.

If I can just take you back to the first page of that document and you referred to the deputy superintendent's requests are performed by the chief prison officer. Can you give an example of what a deputy superintendent request is?... On the morning breakfast parade every inmate is given the opportunity of making a request to the deputy superintendent on paper. There is a specific form. These requests are then vetted by the chief prison officer and distributed in accordance to where that responsibility lies, reception, welfare, legal aid officer. The headings are on the form. The specific requests appertaining to the superintendent, or as it says on the form deputy chief superintendent, are in the first instance dealt with by the chief prison officer. Request for TVs, request for telephone calls, etc. There are some of those which current instructions do not allow the chief prison officer to make a decision on. For example, contact visits, change of labours, and these are then passed by the chief prison officer to the superintendent. Usually the chief prison officer is present when it is done, and a decision is made and the forms are then redistributed back to the inmates with their answer.

Good. Thank you. As an attachment to the document you have just read is a further couple of pages and it is titled, 'Duty Chief 6-2 Shift, Week Day' and then another document, 'Duty Chief 2-10 Week Day' Could you go through that document and indicate the changes that have occurred in the role and responsibilities of a duty chief since 1984. So, increased work responsibility in that document that's attached - or perhaps you could explain initially the history of this document?... This document appears to be almost a standard operating procedure for a chief prison officer, which is one of the things that may have been sadly lacking for a long time.

Take over from 10-6 SPO, checking night shift information -

Right. I will just interrupt you. You don't necessarily need to go through all that. The commissioner has that document. But if you can indicate of those duties which duties are new functions?... Prior to 1986 it was not the necessary procedure, although at times it was done, I must admit, for the night shift officer to deal with the recalling of people for the 6-2 shift during the course of the night. People have called in sick or they are unavailable to work on the 6-2 shift. They were on the roster and it was part of what the

association believed to be a minimum manning level which has since eroded. People on that 6-2 shift filled the vital posts, and the 6-2 chief would come on and he would be the person that actually did the recalls at 6.00 o'clock in the morning. Now there is a system in vogue where in fact there is a night shift information sheet and the SPO on night shift has the authority to call people in to ensure the 6-2 shift is complete at 6.00 o'clock; as under the old system it may have been 7.00 o'clock before the shift was actually complete to that minimum manning. Now that is somewhat of a rare occasion, Mr Commissioner. The 6-2 chief, however, has to make all the necessary entries if anybody has been recalled. In other words, put on the recall sheet, put in the recording book, and make all the records. That is not done by the night shift SPO, that's the 6-2 chief. That what is meant by 'checking night shift information sheet for recalls or any other information'.

Right. And that wasn't done - or a question - was that done by the chief prior to 1984?... The payment for - prior to 1984 there was very little need for recalls as such because the manning was such where usually it meant that redeployment was carried out - but if it was necessary it was done exclusively by the chief. In fact it wasn't done by the chief because there was no authority for the night shift to call anybody, so it wasn't done.

Yes. I understand that. What I suppose I am asking out of this document, which appears to be a document covering the various duties required of a chief prison officer. Which duties out of this document are changed duties since 1984?... There are elements of that first one that have changed, but only some of them.

Okay. Good. So that's fine. So parts of that first point. If you can go down to the next one where there has been changed duties and highlight that please?... The second one, hospital gate, that is in fact - that used to be the case - until quite recently, and now in fact the hospital gate keys are - or some of the hospital keys - are now kept in the hospital over night. Apart from that that happens now, and to the best of my knowledge has happened ever since I started in the place. The third one is what I referred to earlier on about short falls. I covered that earlier, I think.

Right. That's the point that starts, 'Allow night shift' etc?... Yes.

Okay?... The second one has always been the same. The next one is, well there are things in there, the Parole Board, the RHH escorts, the special escorts, court sittings, has always been the same, but the Parole Board sitting, the RHH escorts, and special escorts were all previously done by the principal

prison officer. Now they are done by the chief prison officer.

So which point are you referring to?... The escorts for the Parole Board sitting, the RHH escorts, and the special escorts.

I am sorry, where about is that?... 'Check list that the 2-10 chief has left you'.

Okay. Right. It starts, 'Check list that the 2-10 chief has left you'?... Yes.

That's a new function - is that a new function for chief prison officers?... Not completely new. There are elements of it. For example, the Parole Board sitting escorts, hospital escorts and special escorts.

Okay. Good?... They are now the responsibility of the chief prison officer whereas previously they were the responsibility of the principal prison officer.

Alright. Thank you?... It refers to the SRO in here. Prior to 1984, in fact when I started here, there was a position - and I don't mean it in any derogatory way - it was called the 'chief's arse'. That was because it appeared on the roster as 'Chief's Ass.', short for chief's assistant. Unfortunately the people that did the rosters at that time chose to shorten the system in that way and of course it got endearingly known within the prison as that. Then around about 1982 or so that position was disposed of, and the chief didn't have any assistance whatsoever. In 1986 the SRO was reintroduced because it was considered by management at that time that - well, to be honest, the chief was trying to be without that assistant. The chief was asked to work maybe the equivalent of 12-hours work and squeeze it into 8. So the SRO was introduced then.

Can you tell me what an SRO is, please?... Senior Relieving Officer.

Thank you. And is there an equivalent rank for that position?... He is an SPO.

Thank you?... And, as it says, he either works out the release of the shifts himself, or leaves it for the SRO to do. The SRO, that is what the specific task of the SRO is, to ensure that everybody is relieved of their posts for their meal break in accordance with the award, etc., etc, and that is a very difficult task when you haven't got officers with which to put in there to relieve them. People that have carried out the duties of acting chief, of chief prison officer, when they are carrying out their duties of SRO they are well aware of the problems, and therefore the chief can leave it to them. If

you are an SRO that has not carried out the duties of chief prison officer, then the chief, for obvious reasons, has to guide him on the way, show him that part of the learning process because somewhere along the line as an SPO he is going to carry out the duties of a chief prison officer and he needs to ... And that's where the real benefit of that SRO position is.

Good?... As it says, 'you will be scratching for staff' - almost every day. Yes, that's what he does.

Yes, just move on to the next one?... Yes, the next item is what happens, and I don't think there has been any specific change in that.

And which paragraph is that?... 'Have the SRO place the K&B officer in the gallery.

Okay. Thank you. There is no change there?... Certainly no material change.

Good. Thank you?... The next one, 'Generally it is accepted that the cross gate officer can have a drink when all the staff have gone to their posts'. That didn't used to happen, but that's to the benefit of staff, I feel, because now that means that if he is allowed to have a drink between 6.00 and 6.30 that's one drink less you have got to worry about. One break less you have got to worry about when it starts.

Okay?... The next item: I usually try to let people know what I want them to do. That is a matter of prior planning. This has obviously been done by one of the latter day chiefs, I would think. The older chiefs didn't - when I started that wasn't the case, but that's what happens now.

Sure. Perhaps if you can just go through the rest of the document and highlight those where there has been change?... Well the entries in the diary, I mean all that has been changed, because the chief prior to 1984 did not even make entries in a diary. That was only on a Saturday and a Sunday. Saturdays and Sundays the chief made entries in the diary. Other than that it was left to the principal prison officer because at that time the principal prison officer worked Monday to Friday.

So the point you are talking about is on the foot of page one, is it not? 'Make a number of entries in the diary'?... Yes.

Are you saying that is changed work for the chief prison officer?... Well, the chief prison officer just didn't use to make entries in the diary, that was the principal prison officer who did that.

Right. So are you saying that is new work for the chief?... Yes.

Okay. Commencing since 1984?... I can't remember exactly when Mr Barwick left, but whenever Mr Barwick left that's when basically it changed. Yes. But it's certainly since 1986.

Good. Thank you?... Apart from going halfway down the page, 'Relief of staff as per my cheat sheet', each chief prison officer has his own methods of how he is going to do them. Of course since over the past 2 or 3 years there have been numerous memorandums and instructions as to which officer does what, etc., etc., so he refers to the main gate 1 and main gate 2. Generally covered by court officers. The principal has always tended to be the same, although the actual people carrying out those duties may have changed.

Are you saying that that is a new responsibility for a chief prison officer?... Not necessarily a new one, but a changed one.

Well, has it changed since 1984?... The method has changed, yes.

Right. Okay. Thank you?... The next one, 'There is a need to cover from 9 am a main gate 4. That is completely and utterly new. That has only arisen since the changes and so-called improvements of the main gate area. 'Provide a man for police escort', we didn't have to worry about that in the past because the police did their own escorting. Now we have the responsibility of taking people to the police court, and that's why that is in there, 'Provide a man for police escort'. Usually it is combined with our own Supreme Court escorts.

Good?... The next just covers the method of relieving the officers that I have referred to earlier.

Yes?... The recall, that's part of the - the reference there - is part of the recording and administration of recalls. That is completely new because prior to 1986 again it was done by the principal prison officer.

Is that the point which starts, 'Recalls - '?... 'The day before's sheet to administration building'. That's completely new. It just didn't happen before.

Okay. Thank you?... Again that 'availability list', that's completely new.

That's on the top of page 3?... That's on the top of the page - yes, 3.

Thank you?... 'Check roster for afternoon shift', again that is all completely new. I'd like to, if I may, just comment briefly on, 'Sometime during the morning go to 'N' and do a check of the kitchen and divisions'. That is commonly known as the 'chief walk about'. That is somewhat of a diminished responsibility now because he doesn't have the time to do it, because he is tied up in all these other things. That used to be one of the chief's main responsibilities and now if you do it once in a shift you are lucky. As it says, 'Sometime during the morning go to 'N' and do a check of the kitchen and divisions'. Sometimes you do it once, sometimes you don't even have time to do it once because you are tied up in all these other things. Prior to 1986 it was nothing strange for the chief to go around the gaol four or five times. You know, which was from a supervision point of view a good thing. That, because he is tied up in other things now, is, well as this statement says, 'Sometime during the morning'.

Is that a new function, though?... Only new in as far as you don't do it as often as they used to.

So it used to be done before?... It used to be done quite often beforehand.

You may not have the opportunity. Okay. Thank you?... The reference to 'as many spare as possible', sometimes you don't have spare and you just have to utilise it from the officer on the front. But there is no real change in that.

Whereabouts is that reference?... '11.45 cease labour parade, as many spare as possible ...'.

Yes. Good?... The one that says, 'When inmates are in the mess rooms, I always look in at least once during that time to each mess room'. Yes, that's ... Well the only comment I could make on that is there are very few people who actually do that.

Is that a new duty, though?... No.

Okay. Part of their responsibilities. Thank you?... 'Check off names to the sports training', well prior to 1986 there was no such thing as sports training, so that was a thing you didn't have to do, have to bother about, so that is completely new. I could add a little bit there, which is check of names and arrange for supervision of the sports training. As I say, the sports training wasn't there. It didn't used to happen.

And that's the end of - ?... The end of the 6-2 shift.

Nothing on page 4?... Where's page 4?

Is there no page 4, is there? Alright. I can only remember photocopying some of them?... I have got no page 4 here.

COMMISSIONER IMLACH: Neither have I.

MR SHIRLEY: No. No, there was a page 4, but we may be able to get a copy of that. We can proceed, perhaps in the meantime, to duty chief, 2-10 shift. Is that the next document that you have?... 2-10, yes.

2.00 to 10.00. I'll get you to go onto that one.

MR NIELSEN: Excuse me, Mr Commissioner.

MR SHIRLEY: If you could commence reading through there and please highlight the areas where there has been a change of duties, responsibilities for duty chief?... I take it you want me to do - make the same comments on this?

Please, highlight where there's been change and if you want to make additional comments, please do so?... The reference 'make sure the odds and sods are showered from 1.30 pm' - the 'odds and sods' are the people that are not employed in the workshops.

COMMISSIONER IMLACH: I'm glad to hear that?... They are the ones that are in fact in the division - the wardsmen in the divisions, et cetera, that is a completely new thing. In fact, showering use to take place in the divisions - each division had its own shower block and the divisional officer stayed in his division and supervised, with assistance - there was always two officers present - the showering of the people in his division. That doesn't take place now that the inmates are all moved from their division to the shower block and they shower in the shower block which means there is additional movement of inmates, more supervision and in some cases protection has to be afforded to the movement of some inmates. They have to be supervised in the shower block which requires at least two officers to be present for the supervision in the shower block and then they have to be returned to their divisions - that's the odds and sods. Later on - it's the next item down - later on the other workshops are showered basically workshop for workshop, although the situation at the present moment is such that the numbers in the workshop in some of the workshops are not that great and sometimes it's feasible and practicable to amalgamate two workshops and shower them together. Again they have to be moved from the workshop to the showers and then from the showers to the division. They do not - once they've showered they do not go back into the workshop. They to the - that necessitates organisation. Of course that's all new because there was no such thing as a shower block prior to that. The next item 'at 2 o'clock provide an officer to reception for police escort'. Sometimes it is necessary to provide that officer. Other times it is necessary to get in touch with the criminal court people and arrange that escort through them. If there's

likely to be a late Supreme Court sitting, then you have to arrange special escort to go in and pick them up and bring them back. If there is not likely to be a late Supreme Court sitting, then you make the arrangements with the Supreme Court officers to call through the police lock-up and pick them up on their way back. But the arrangement still has to be done. You don't - the point I'm making, Mr Commissioner, it's not always necessary to provide one. It's a matter of organising those

MR SHIRLEY: And that's a new function or is that a new function?... No, that is a completely new function. Police use to do their own escorting prior - in fact, police do very few escorts now. Again this - at 3 pm the division front and cross gates need changing. Since the towers have been demanned the division front and cross gates still need changing, but changeover doesn't take as long because before they use to change from - division from the west tower and vice versa and cross gates use to change with - there can be, which still happens, and I notice that there's no reference to changing the east tower - yes, there is, with a 9-5. Yes, that still happens - no change there. Checking the gaol is exactly what happens now. The next one is what happens now. The 3.55 check totals, that particular thing - item there is basically the same although there are increased activities. For example, weight training, debating, meditation - they all require organisation as far as supervision and escorting of officers required, but they weren't in prior to 1986. The hobbies activities, they were in - there's no change there. There is a particular problem occurs on most - I say 'most' - possibly every other Friday regarding outside teams coming in for debates. They have to be checked and there has to be officers placed in education for the supervision of that. That is an extra activity. Not necessarily listed on there. Maybe I'm out of order. There is a particular problem if on those Friday night debates includes medium security coming into the main prison, that is a particular problem because invariably it means that security cease work at normally 5 o'clock and the chief has to organise it - even if security don't stay back - are held back to ensure that the medium securities are correctly searched in accordance with current instructions and then he has to - the chief has to organise that - somebody to do that. Normally the chief will authorise the appropriate overtime for security to stay back and do that. It is a particular problem, but that's, again, referred to in Friday debates.

MR NIELSEN: Coming good with a ?... And 5 pm kitchen staff - that is a change mainly for prison officers, not involving the chief prison officer.

MR SHIRLEY: I'm sorry, whereabouts is that?... About halfway down page 2 - 5 pm kitchen staff to the shower bay.

And I'm sorry, what was the point you were making about that?... That's it's not necessarily a change - or it is a change, but it's not necessarily affecting the chief prison officer. It's affecting other officers more than the chief prison officers.

Right. Thank you?... 5 pm sometimes requires a video tape to be put on on debates or the internal video program. That is completely new. There didn't use to be that, of course. The arranging of remote call officer or officers, again is a completely new thing since the rearrangement of the night shift. The labour sheet - any reference labour sheets is in fact a change - it's a complete change in the system in recording how you want the labour. The 6.30 pm the video movie is put on. That is new. There didn't use to be a video set up at all. 6.30, self and SRO to prison hospital - well we've had that many changes in application of medical and medicines - I couldn't even recall how many we've had - who administered and how they are administered - where they go. They use to go down to the hospital, now they don't. They use to go to a central point, now they don't. That is a complete - the medical run is a complete and utter change which refers to all of that. On page 3, do a note sheet for the SPO on night shift; that didn't use to be. There was - that covers the remote calls which weren't in prior to that. About halfway down sheet 3.

Where's the reference - I'm sorry, I'm just having some difficulty finding it. Where's the - ?... Do a list of staff for the 6-2 duty chief. Do a night sheet or night sheets is completely new.

Right?... officers available for recall, that is completely new. It use to be just a matter of ringing up whoever you knew would come in and now there is a fair and equitable system which necessitates that list of people that are available. Complete the diary; that is about the only activity in the diary that use to be done and that was the final thing - the final statement that was made by the chief last thing of night as to the state of the gaol and where all the inmates where, in other words, counting of the inmates. Video - well that's a change of course. I've already referred to that. And that's the end.

All right. I'll just show you that page 4 that you didn't have in your document and I've handed it out, commissioner. Can I just get you to quickly look through that which is page 4 of the document titled 'Duty Chief 6-2 Shift Week Day'?... Well apart from the reference to the main gate 4 which has only come in, of course, since the modernisation of the main gate that's just about as it's always been.

So make sure you've got visits, main gate 4 and any escorts covered; is that the - ?... ..

- that's changed, has it?... Only the main gate 4 bit. The other

Main gate 4. Right. Fine. Have - are you aware of the creation of new chief prison officer positions in the prison system?... Oh, well, hospital's got a chief prison officer now which it didn't use to have. There's a chief prison officer at Launceston; Launceston didn't even exist. The reception area has been - quite rightly in my opinion - upgraded to chief prison officer position.

Sorry, which position was that?... Reception.

Reception. Thank you?... I can't think of any more new chief prison officer positions - hospital, Launceston, reception. No, I think that's about -

Do you know why these positions were created?... I can only guess and assume and I think it's dangerous for me to do that.

Yes. No, if you don't know we won't speculate. Have changes in senior ranks caused any increased responsibility or duties for chief prison officers, that you haven't already covered in our discussions?... The duties of the principal prison officer have been such that - when it was changed - and I'm referring in particular now to Mr Bale, when he relinquished the position, it was changed from Monday to Friday to a shift work position, 7 day week accordingly. I personally believe that was a step in the right direction, although even now the days that that principal prison officer is off the line of communication is now, on those days, chief/director/superintendent - if the superintendent is here and not at a meeting. Changes have been in the responsibilities of principal prison officer. Where before he was - I suppose one could sum it up and say responsible for the administration of the inside of the prison, now more of that falls on to a chief prison officer in addition to a hell of a lot of welfare problems that chiefs get. When the principal prison officer was located in a different place to what he is now inmates went to him with a lot of their welfare problems, now then tend to go to the chief officer in the first instance.

I mean, why has there been an increase in those duties/responsibilities? You have a principal prison officer. What's created his change?... Well he has spent more - as I just inferred, meetings and a higher level - I, in fact, have just completed a stint - officially I still am, I suppose - of principal prison officer and I have found, in fact, I made the comment you just don't have time to do anything as a principal prison officer because you are a member of the classification committee and I happened to drop on two of those. You're doing a lot of more administrative tasks outside the prison

than when Monday to Friday you used to know where the principal prison officer was. He was doing a lot of these administrative tasks in his office. Now a lot of these administrative tasks that he used to do have been passed - compiling the diary is the best example, always done by the principal officer, now the principal prison officer doesn't even look at the diary - sorry, look at the diary as far as filling it out. Of course he looks at it to see that things are - and checking to see whose visitors have come in and who is such-and-such a person. But he certainly has no part in making entries in it now which he used to do. All the entries used to be done by the principal prison officer.

Right. You mentioned the chief prison officer in the hospital. Are you aware what time the chief prison officer completes his shift?... He starts at 7.30 and completes at 3.30.

What happens to those responsibilities, those functions after 3.30?... I'm not aware of specifically what happens but most of his functions, the functions of the chief prison officer are completed by then because at 3.30 the only tasks that are left usually - there is no physiotherapists, visiting specialists after that time. The only tasks left are they're fed and locked up and from 5.00 the duty chief assumes responsibility for that part of the prison anyway.

Right?... So anything happens in the prison after 5.00 the duty chief prison officer takes that responsibility. What happens between 3.30 and 5.00 in the hospital, to be honest, I'm not fully aware. I know if there's a problem there then the duty chief goes to sort it out.

But it has been tested but it hasn't been administratively controlled. Is that what you're saying?... Well if something happens between 3.30 and 5.00 or 10.00, even go so far as to say 6.00 the next morning, or 7.30 the next morning, then the duty chief gets involved with his staff et cetera, but between 7.30 and 3.30 the duty chief has no responsibility other than if assistance is required. And from time to time assistance is required even if it's only on a personal alarm. If a personal alarm goes the hospital and every available man, without leaving his post, is down in the hospital.

Has there been any training for these functions that are required to be performed by chief prison officers?... Specific training?

Yes?... No. Training within industry, training on the job, I think every prison officer has learnt and learnt lessons the hard way.

Right. Have changes in the camera room caused changes to the chief prison officer function or responsibilities?... In the camera room?

Yes?... Only the fact that there are more monitors, more cameras are being put into position which means there are more monitors. More monitors means that you get more rolling pictures going past your eyes.

Who is ultimately responsible for the camera room?... The chief superintendent is ultimately responsible for anything that happens in the gaol.

In a functional sense though?... In a functional sense the chief prison officer on duty.

Right. You mentioned welfare. Has there been a greater interaction with inmates with prison officers or with the chief prison officer and what changes has that caused or created for the chief prison officer?... I feel there has been - well this is a complete change of direction that prisons have taken. The complete prison system has changed direction, I believe, for the good from one of put them out of sight, out of mind and when they're ready, go out. Yes, but I think a report that was published recently agreed that the pendulum has swung too far that way and officers have been daily involved in welfare problems, problems that in the past they have had an avenue to go to. And now they're expected to deal with a lot of those problems, not that I say that that's necessarily a bad thing. I think it's possibly a good thing that the people that are dealing with welfare problems are the people that spend a lot of their time with the prison officers and therefore the prison officer is maybe the person to deal with it and not duck shove it on to somebody else. But, yes, there are a lot of these type of problems that come up in the normal officers - but that's not specific to a chief prison officer, that's through the whole spectrum of prison officers work from the prison officer in the division right through. Everybody is aware of this increased welfare responsibility. And I believe they've accepted it and doing it well, but that's only my belief.

Sure. They're expected to resolve these problems as they're presented to them?... Not necessarily to resolve them.

Right?... But have the knowledge in which they can advise the inmate as to what action to take. They don't necessarily resolve them but they need to know the knowledge of the avenue to advise the inmate to take.

Right. And do prison officers come to you with those queries or those problems?... Very often.

Very often?... As a chief prison officer, yes.

Right. Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Thanks, Mr Shirley. Mr Willingham?

MR WILLINGHAM: Yes, I'll be very brief, commissioner.

Just starting from where you left off, Officer Masters. Would you please give me some specific examples of the kind of problems that are brought to you by inmates that you referred to as welfare problems?... Start from the most recent one, an inmate's relative dies, his first approach is to the officer in the division: my father has just died. Am I allowed to go to his funeral? The officer will advise him accordingly and invariably inform the chief prison officer who will then make the appropriate - give the appropriate or contact the appropriate people so that certainly the chief superintendent will know what's happened and be aware of it. That is one example. Another example is that an inmate, his girlfriend is pregnant and she's having difficulty with the new born - or the child to be: am I entitled to do this? Can I do that?

I'm sorry, who is asking that, the woman or the man?... The inmate.

Yes. What sort of things is he asking?... Am I allowed to have a contact visit? Am I allowed to go out on a section 26 leave pass? The first contact between the inmate to staff is through the officer.

Thank you. That gives me a better understanding of what you meant, thank you?... Those two examples occurred within the past week.

They illustrate what you were talking about. Thank you, I understand that. Just as a matter of interest - and this is my last line of questioning, commissioner - the exhibit 66 from which you have read or taken the commission to comprehensively, I just want to be sure, Officer Masters, if we take the second and third pages of exhibit 66, the first and second pages beyond the cover sheet have got Chief Prison Officer B. Masters beneath them. Do you have that page?... Yes.

Did you prepare that, that is those two pages, the second and third pages of exhibit 66?... In long-hand, yes.

I don't want to know whether you typed it, Officer Masters, whether you accept responsibility for the preparation of that and you accept responsibility for its accuracy?... Yes.

Thank you. Could both the commission and myself take that to be your statement?... Yes.

Thank you. Now if we then go to the remaining pages, which are the three pages each - I'm sorry, four pages of duty chief 6-2 and three pages of duty chief 2-10, both are signed by Albert Sutcliffe in January 1992 - and I do hope his good luck wishes helped. For what purpose were these prepared, Officer Masters?... I wouldn't know. I believe that they were prepared to show - and this is purely my belief - that they were prepared to show the tasks carried out by the duty chief between the hours of 6.00 in the morning and 2.00, that's the one we're talking about, isn't it?

I think they're both much of a muchness, officer?... And between the hours of 2.00 and 10.00. In other words the two operational - chief officers duties. I believe that's why they were prepared because they just about cover everything the chief prison officer does.

Certainly do. For whom were they prepared?... I don't know.

Well how did you acquire it?... I didn't until it was given to me now.

You've got one in your hand. It's the first time you've seen it, is it?... Oh, it's not the first time I've seen it.

Where did you previously see it?... When Albert was preparing them - verifying that some of the points were correct.

At not stage did you discover for what purpose he was preparing them?... I must admit I had my suspicions, but -

You assisted - ?... - I know that he and I and a couple of other chiefs would dearly love to see what we call a standard operating procedure in existence and there was a chance that it may be for that.

Well you assisted him in at least verifying and checking some part of these documents and it didn't occur to you to discover from him why he was preparing them?... Not necessarily. As I said -

Well I would have thought that you had an inquisitive mind, Officer Masters?... I do, but as I said, Mr Willingham, I could be that it was a standard operating procedure that was being put into place -

Well let me ask you - ?... - but wasn't aware that it was specifically being prepared for this -

Right. So, let me follow that through then. You were unaware of what specific purpose those seven pages were prepared. What is their status?... What - ?

What is their status. Are they formal, official, standing order, authorised actions and procedures?... They are merely the duties that are carried out and the tasks that are carried out by the duty chief from 6.00 in the morning till 10 at night.

In the view of Mr Albert Sutcliffe in 1992 who was preparing these - ?... I will support -

- for a purpose - please listen - who was preparing them for a purpose of which you are unaware? Has - let me ask you this, Officer Masters, to make it clear; has this particular document - either of them - 6-2, 2-10 - ever been tendered to management and authorised and approved as a code of procedural carrying out of the duties of an officer?... I'm not aware if they have or they haven't.

But you're aware that they have been?... I'm not aware of it, no.

Okay. And just one final question. If Officer Sutcliffe prepared them, why do you suppose he wasn't called to give evidence to speak to them?... Not up to me to decide what procedures take -

No, no I didn't ask you to decide. I said why do you suppose he wasn't called to speak to documents that he prepared and signed?... I can't answer that.

Okay. I have no further questions, commissioner.

COMMISSIONER IMLACH: Thanks, Mr Willingham. No, I don't have any either. Mr Shirley, do you have any?

MR SHIRLEY: No, thank you, Mr Commissioner.

COMMISSIONER IMLACH: Well that's it, Mr Masters. Thank you very much, chief prison officer. You may go?... Thank you, Mr Commissioner.

MR SHIRLEY: Mr Commissioner, we have one other witness who is tied up in Coral Sea manoeuvres and won't be here till 1 o'clock. This may be an appropriate time to break for lunch.

COMMISSIONER IMLACH: I'm sure it is. All right, we'll adjourn till 1 o'clock.

MR SHIRLEY: 1 o'clock.

COMMISSIONER IMLACH: Right.

MR SHIRLEY: Thank you.

LUNCHEON ADJOURNMENT

COMMISSIONER IMLACH: Thanks, Mr Shirley.

MR SHIRLEY: Thank you, Mr Commissioner. If I may call our next witness Roger Sly - Prison Officer Roger Sly.

ROGER FRANK SLY, sworn:

MR SHIRLEY: Thank you, Prison Officer Sly. Can I get you to indicate to the commission your rank?... I'm a prison officer.

Good. And if you can indicate how many years you've been in the prison officer - in the prison locality?... Six and a half years now, sir.

Good. And in which areas have you worked within the prison?... Mostly in maximum, but I also spent 6 months in medium security.

Good. Mr Commissioner, if I can indicate that on the first page of the document that has been handed up, the reference to - I think it's the second page of that - 'Standing Orders MG3: (Exhibit)' - it's on the foot of that first page, if that can be deleted.

COMMISSIONER IMLACH: Right. Well this exhibit is numbered TPOA.67.

MR SHIRLEY: Thank you. With that document, Officer Sly, have you seen that document before?... Yes, yes, I have a copy of that. I've read it through.

Good and you have read through it?... I have.

Good. Thank you. And have you had input to that document?... Yes, I was interviewed by you and talked through all the various things that happened down at medium -

Good?... - which were different to what happened in maximum.

Good. Okay. Thank you. This is a special case and specifically today we're concerned with the work-value changes and if you can, in talking about this document, if you could confine your comments to changes to prison officer duties and responsibilities that have occurred since 1984 and what I'll get you to do is just read through this document and if there are any matters that you wish to elaborate on or expand,

please feel free to do so as you read through?... The average occupants of medium security when I was there was about 32 or 33 inmates. It would actually hold 36. There were 9 in the staff then. There was a superintendent; a senior prison officer and seven ordinary prison officers. It was reopened in May 1991 after being closed for quite a long time, I believe. I didn't go down there in the first 6 months. I went down and did the second 6 months so it was well running when I went down there.

Good?... The inmates covered a complete range of - there were from sort of fine payers, drink drivers right through to murderers who had completed quite a lot of their sentence and various other areas. One of the tasks which I've never, ever encountered till I went down there - because it's an old prison and the inmates are allowed to move around the outside, every half an hour we had to check where each of the inmates were and record that on a sheet - a master sheet and we'd go outside and look around the outside areas, around the inside, check them if they were sitting in their cells watching television or whatever and this went from a certain time in the morning till a certain time in the evening each day, depending on weekdays or weekends.

Can I get you to read aloud that paragraph?... On weekends and public holidays, every half hour prison officers are required to complete a check on the location of all prisoners in this division from 9 till 8.30 pm. This information is recorded by the officer concerned. On weekdays this is conducted from 4 pm until the inmates are locked away at 8.30 pm. On weekends and public holidays this check is conducted from 9 am.

Right. Is that an indication of the duties required of somebody filling out the muster sheet?... That's on the muster sheet, yes.

Okay. And is the muster sheet included at the back of your statement and titled 'Form M4 - Medium Security Prison - Check Sheet (Half Hourly)'?... That's it, yes.

All right. Can you explain how you would fill that out?... Well obviously the date on the top and what shift it was, whether it was a 6-2 shift or a 2-10 shift. The prisoners' cell numbers and names were written down there. The time - the location and time across the top there - there is a little key at the bottom of the form. 'C' means he is in his cell; 'L' means he's outside on the lawn, et cetera, and we would put the time of the check of that across the top in the top square -

Good?... - and then each prisoner down there would have a mark along side him - a letter denoting where he is each half hour

Right?... - and that would continue throughout that period of checks.

Good. Thank you?... and we would sign the bottom at the end of our shift.

Right. And if I can just get you to indicate, if you are able to, when this function was introduced into medium?... When I went down to medium - I started in the second 6 months - it was in being then, so I presume it started when medium opened.

Right. Was that after 1984?... Certainly, yes, because it didn't open till 1991.

Okay. Thank you. Can I then get you to go onto the next item there?... The case management plan: A prison officer is assigned 4 or 5 inmates - and that would depend on how many there were in medium at the time - to develop a profile so that the prison officer may get to know and understand the inmate. In this sense the prison officer is the conduct point - that should be the contact point -

Yes?... - contact point for the rehabilitation for the inmate's welfare. Welfare and family contacts are conducted once a month - I'm not sure about that - there is a follow-up form that goes with this. I'm not sure if it's welfare and family contact, but there is a follow-up form which you do every month or 6 weeks as required to do a reassessment.

Right. Thank you. If I can just get you then to have a look at the next attachment in that group, Form M10a, case management plan, is that the - ?... That's the form we use, yes.

Right?... We make a copy of that out and discuss those matters and sometimes that could take quite a long time. Sometimes two or three sessions with the inmate and that was done with his concurrence. He told you what he wanted to tell you exactly and once that was filled out it became 'in confidence' between yourself, the inmate and the superintendent and that was then locked into a personal file in the filing cabinet.

Right. It asks a number of questions that - do I take that you would ask of the inmate?... We actually ask these questions, yes. Try and get the inmate to talk about himself, to work out what he thinks is wrong with him, why he is here, what he could do to improve himself, et cetera, how he feels about things. I found that form quite difficult to start with -

Right?... - because it was out of my field and I just had to use my basic life skills to try and to do that form.

Right. What action would you take once this form would filled out?... Once the form is completed and we discuss it with the inmate, let him see what I've written, I then give that to the superintendent who would read it and he also signs it - I'd sign it, he would sign it, and then if there were any particular areas of follow-up that the superintendent wanted he would either follow that up himself or get me to and that would be locked into a secure filing cabinet in the superintendent's office.

Right. And the follow-up action, was that - what form did that take?... Well that would be with the prisoner's review report, the next one we're coming to, when you call him back in to go through things again.

So did you have to take any action that - ?... There were - yes - and one particular inmate, I remember he had all sorts of problems because he went to hospital before he came here and he was trying to find his clothes and items and things and I think I must have made at least a dozen, 15 calls to various police depots until such time as I tracked the stuff down for him. The same - well I discussed quite a lot with his parents about his problems and I'm glad to say he hasn't come back yet. Among the other - guys - talk to his parents when they came in for a visit.

Yes. It refers in the document - it's got a heading called 'General Health (eg Depression, Moody)', are you required to counsel or take any action if somebody - ?... Yes. If - I mean, if I - if you were to notice or you think that he was harbouring a real problem and it was a problem that could be out medically or psychologically and you could - when you gave this to the superintendent - suggest that maybe there's an avenue there that needs to be explored.

Right?... Again, I find it difficult to try and judge - I mean, I can see if they're well or sick or who behaves themselves - depression, moody - and things like that but - and all I can do is use again my life skills and make a recommendation if I thought it was appropriate.

Right. And if a course of action was discussed between yourself and the superintendent, do you bring a third party to assist in that, or ?... No, that would be discussed between myself and the superintendent and the inmate and even just between myself and the superintendent. The superintendent then would take any further steps.

Okay. Good. Thank you. Now -

COMMISSIONER IMLACH: Before we go any further, Mr Shirley, there's a confusion in the terminologies there in that case management plan, as I read it. Can we just get that cleared - what it means.

MR SHIRLEY: In the actual term 'case management plan'?

COMMISSIONER IMLACH: No, in the paragraph there - the second - the last sentence?... Yes, I'm not too sure about that welfare and family

Can we just get it clear what it means?

MR SHIRLEY: Are you able to elaborate on - ?... I'm not sure what you mean by welfare and family. I mean, I can understand the welfare of the inmate comes into this and the family contacts come into it, but I mean, it's not necessarily part of the - it's part of the case management and where you say about - where a follow-up and reassessment, or as required, that's the second form.

Okay. So if we take out - there is welfare aspects and family contact?... There are welfare and family contact aspects of that form.

Conducted once a month?... Well as required really. You know -

Right?... - normally the inmate will indicate that he wants you to talk to his family or you may go out there on a visit and talk to them off your own back.

Right. So if we make the amendment - welfare and family contacts are conducted - cross out the next part - as required?... Yes.

Yes?... That's fine.

So the words 'once a month in the form of a follow-up and reassessment or' are crossed out and it becomes 'welfare and family contacts are conducted as required'. Is that - ?... I - yes, I'm quite happy with that then.

Yes?... Yes.

Okay. Once again, if I could ask you, with case management plan, the date when that was introduced?... In was in being when I started at medium security -

Right?... - so I can only assume again that it started as medium opened.

Right. And the date in time?... Well that would be 1991 when medium was reopened.

Okay. Thank you. If I could get you to turn your attention to prisoner review report?... Well this is the follow-up review that we do with inmates - we did with inmates - as

required and on a sort of month - maybe a month, maybe 6 weeks, as we could fit it in with each of our inmates.

Yes?... And it's done a regular basis. A prison officer is required to conduct a further follow-up assessment of the demeanour of each inmate. If the prisoner wishes to challenge this assessment the inmate may do so to the superintendent in the presence of the prison officer. That would also apply to the case management Like if he was really against what you had written about him, he could challenge that.

And if I can just get you to have a look at the next form in that group, Form 10B Review Form. Is that the form that you would use?... Yes.

Okay. And, once again, are you able to indicate with the Prisoner Review Report when that commenced in Medium Security?... That was in being when I started in Medium.

Okay. So, once again ...?... It would be since '91.

Since '91. Okay?... That form sort of extends the original form and takes into account how the inmates is actually working, doing his job, how he is behaving himself with other inmates, behaving himself in Medium, conducting himself with visits. All those sorts of things come into that.

Good?... Again, they've asked the question, 'Definition of current problems'. All you can do to make that assessment would be to use your life skills. To my knowledge none of us are actually trained. Maybe the first people who went down there had some training in that area, but certainly I didn't when I went down there.

Right. Okay. If I can get you to turn over to the next page of your statement, and you might care to discuss 'Work and Conduct Report'?... Yes.

Every day three prison officers are required to complete this information for each inmate. The prison officers make this determination on their work and attitude and this assessment will affect the amount of time that each inmate may have for visits. Depending on the assessment of prison officers inmates may have visits from 1 hour in duration to 2.1/2 hours per week. This information is totalled by the night Prison Officer on Fridays for visits on Saturday or Sunday.

Right. If I can get you to have a look at the next form in that group, and that is titled, 'Four Men 2 Working and Conduct', can you explain how you would fill that out?... The names of the inmates are written down each side and normally

we would put on to there where they work. There is an input each day of the week and there are four inputs into that. A 6-2 officer, a 2-10 officer, and whoever is in charge of his particular work gang. I had to fill these out while I was working in Medium, also when I worked on the cemetery gang I was required to fill these out after the day's work for each of the inmates that worked in that gang. So you actually give them a score, between 0 and 10. Any misdemeanours you would tell the inmate, 'Right, I have only given you five points today because of ...', and that would go down and then at the end of the week the night shift officer on Friday, as it says, would add all the points up, divide them by the number of inputs and he would then get an average, and that would affect his visits.

Right. Does the key in the bottom right hand of that form indicate 6-2, 2-10, 8-4 - ?... Yes, 8 to 4 being the work gang.

Good. And then average, and then that would be carried forward to total average?... Yes. And then you would put in there how many hours visit they've actually got.

Okay. And the application of 1 to 10 is based upon that mentioned in the bottom left?... It is, yes.

Okay. Thank you. Can you indicate when that form was introduced in Medium Security?... This particular form - there was another form very similar to this in Medium when I went down there - and one of the officers remodelled this and this is the final model. But it had actually taken place when I went down there. But not in exactly this form, but the same actual routine.

Right. So the form has changed but the routine is the same?... Yes, we are doing the same, yes.

And once again a date in time that this was introduced?... It was in Medium when I went down so it must be since '91.

Okay. Thank you. I'll get you to comment on the next item in your statement, if you wouldn't mind - 'Telephone Calls'?...

The prison officer is expected to monitor and supervise the calls of inmates. These calls are recorded by the prison officers for their content and frequency. Inmates apply for all outgoing calls to the Superintendent.

They do that by request.

Outgoing local calls are made by the prison officer and the STD calls are made by the senior prison officer.

Or the superintendent or whoever is on.

Incoming calls are booked by the prison officer and recorded in the appropriate book.

We actually answer the phone down there when a phone call comes in for an inmate, ask who it is, if it is normally a family person then we would allow the inmate to talk to them, and you can actually monitor the call from just outside of the office. The phone calls going out are authorised by the superintendent or the senior, and as I said local calls can be made by inmate so and so and you would then dial the phone, check the person on the end is the person on the request, and then switch it through to the inmate to talk to them on the phone outside. STD calls, we have no access to an STD line. They can only be done by the superintendent or the senior from the superintendent's office. And we recall all details of incoming calls and outgoing calls in the telephone book.

Fine. Thank you. The next item, 'Entertainment'?...

Prison Officers are required to monitor and supervise the playing, hiring and transporting of prisoners to the city to hire video's.

It is not always the city, sometimes it is over to Glenorchy, sometimes it actually down to Geilston Bay. That's where they mostly used to come from.

Prison Officers are also required to supervise inmates on shopping trips which are approved by the Superintendent. These include the collection of photographs, special food for Debate Nights, family occasions and darts nights. Sports equipment, sand for the children's sand pit, visits to Cadbury's for lollies for children's parties are also conducted. Prison Officers are also required to supervise inmates who attend debates in town, Adult Education courses, family visits for sick relatives and funerals.

Right. Thank you?... That's a reasonable synopsis of the sorts of things occurred when I was there.

Right. Okay. Thank you. And if you would like to go on to the next, 'Personal Property and Money'?...

Prison officers are also required to record and account for prisoner personal belongings. They are also required to handle varying amounts of money, cash and cheques for inmates who make personal requests so they can hand these over to family on visits. These are all logged, receipted in the

appropriate book and a copy placed on the personal file of the inmate.

A float is maintained for the hiring of videos. Inmates contribute to this float for video hire, food items, etc. The float can reach amounts of \$150 and the prison officer must receipt and account for all this money.

We actually used to take the money out of the tin when we went to get the videos and we would pay for the videos and bring a receipt back which went into the book, and then the senior prison officer actually kept the book up to date, so he kept too. At one stage there was quite a lot of money in the tin. It did vary, dependent on what they were doing. If they were getting ready for a debate night, a big debate night, then the money would go up a little bit probably until they bought the bits and pieces that they wanted.

Are you required to balance or audit that book?... No, we didn't carry out an audit on it.

Right. Thank you. Your next page, 'Medication'?...

Prison officers are required to dispense non-prescription drugs for the treatment of minor ailments as and when prisoners request treatment. These items are logged in the medical log book.

There is a locked draw in the office where we keep things like Panadol, Disprin, bandaids, minor stuff like that - sunburn cream, etc., - and whenever an inmate requests some headache tablets or whatever we give them a couple of tablets and record it in the book, so you get an idea of a trend if somebody is using far too much.

The next item, family visits?... Well all visits down at the medium are contact. These occasions are contact visits and the prison officer must account for each inmate at half hour intervals. That still occurs, that sheet still has to be filled out even when they're on visits.

Right?... And you're required to go out and walk around the visit area and just check out where each of the inmates is and then come in and fill your form in.

Okay, good, thank you. The next item, No 2 work gang - fire crew and ground party?... The prison officer medium is required when the fire crew is away or sick or on days off to supervise the activities of the No 2 gang around the prison precincts. There used to be two prison officers - or one prison officer and a fire officer, so one used to cover for the other. Now there's only one who is the fire officer and he looks after No 2 gang as well. So he goes away with the

fire crew or is on a rostered day off, then one of the spare men in medium is required to keep an eye on No 2 gang.

Okay. And the last item, other activities?... It is also expected that prison officers participate and instruct in other activities that occur around the prison. For example, occupational health and safety, firearms, et cetera. Well this particular occurs to me, I'm the occupational health and safety rep. which I do voluntarily.

Yes?... And the firearms instruction I do, again, voluntarily. It's an area of expertise I enjoy doing it. There is no reward involved.

Right?... But when one volunteers I don't suppose one always expects to get a reward and there are other prison officers who use their add-on expertise from various other fields within the prison.

All right. I think the only other form we haven't touched on at this stage is the last form in that group, form M3 - Work and Conduct Record - Weekly Aggregate. Can you just explain how that - ?... Each inmate has a form, one of those forms in his file, in his personal file which is in the cabinet in the prison officers office and every week there are a number of points that he scored goes into a little square. So it's just a running total so you get an idea of his work performance and his behaviour performance while he is actually in medium, so you can see if he's doing a downward climb because he's been misbehaving himself or whatever. It will show up on there and just gives you a trend.

Sure. And at the bottom it indicates depending on your points score the length of the visit?... Yes, how many points you get how long a visit you'll get.

Good. Are you able to explain from your work between medium security and maximum security, be different in the work environment?... Yes, well medium security is run on a unit management principle where the officers stay there for a fixed period of time and you're part of - the work practice there is that you're very, very much more involved in the actual conduct of the inmate - how he behaves, how he reacts with you. Because you're there with him you learn a lot more about him, he learns a lot about you. In maximum we have none of this at all. We have to account where our inmates are but we don't fill forms out all the time. We keep a book. There are no case management work at all in maximum security. We are not involved in case management. And whilst I have no real problem with it I think I relied on my life skills, my own personal life skills to do that part of the job. There was no formal training, no help at all apart from talking to other people who worked there.

Yes. This increased contact between yourself and inmates in the medium security, has that changed the role of prison officers?... Yes, I think obviously a lot more is expected of you. But, again, work in medium security was voluntary and it's a way of going - perhaps to broaden your horizons and find out a little bit more about your job. There's certainly a lot more effort put into it down there and a lot more work to do than what you would do in maximum. In maximum it's very easy to sit back and somebody else does all this side of it if you don't do it. Down there you really had to start to be more accountable in regard to the inmate. There was a lot more interaction, certainly a lot, lot more contact. There's no wire between you; you're all in there together.

Okay, thank you. Excuse me, Mr Commissioner. I have no further questions, thank you.

COMMISSIONER IMLACH: Thanks, Mr Shirley. Mr Willingham?

MR WILLINGHAM: Thank you, commissioner.

Officer, you said that service in medium security division is voluntary?... Yes.

Of those people who are currently serving in that division, how many have been there since it was opened?... Certainly the superintendent, the senior and, I think - and I'm only guessing - I think one officer.

So do the people - ?... I think Officer is the only one that's been there right from square one, I think.

So have the people who are currently on the establishment of the prison, how many officers, roughly speaking, would have served in the medium security division since 1991?... It would be purely a guess.

A guess?... Probably a dozen to 15, maybe a few more. I wouldn't - certainly no more than 20, I should think.

Thank you. Now as I understood your evidence to be, since the medium security division has been opened you say there have been no changes to the routines that are outlined in your written documentation. Is that true?... No, I can only speak for the 6 months that I worked in medium security. While I was there this is what was happening then. I've no idea what's happening now.

That's how I understood your evidence to be. I just wanted to clarify that you are saying those pages of TPOA.67 don't represent changes, they represent, in your view, a factual assessment of what actually occurred?... Yes, that is what occurs down there, which all those things are different to

whatever occurred to me when I worked in maximum. Those were all new avenues that I had to go down when I went to medium.

I understand that. I'm trying to identify whether you are saying any changes have occurred in the practices in medium security division since it opened?... All of those things were in actuality when I went down there. It was 6 months after it opened and during that time none of those things actually changed, that continued.

That's fine, thank you. Now can we just go through a couple of the items which you talked about? Can I just, say, for instance, take family visits. The requirement for a prison officer to participate in the control and the process of bringing visitors into the prison is common to all officer, is it not?... When people visit in maximum security they are actually inducted, if you like, through the gate where bookwork is filled out. They then go to a visit room where there is a solid glass partition, there is no contact. One officer sits in the side with the inmates to conduct - his sits and listens and conducts the status of the visit, if you like, so nothing -

I'm probably taking you down a wrong path, officer. In fact, the commission and myself have already been shown and made aware of the differences in various areas of the ways the actual process of visitors is carried out. What I'm trying to establish with you is that in some form or another, whether you're at Hayes Prison Farm or you're in the remand centre or you're in medium security, visitors are a part of prison officers' life?... Visitors come into the prison and visit inmates, yes. It's just the way they visit that's different.

Certainly. Is it true then that all prison officers, irrespective of where they're located in the prison complex, have directly something to do with the processing of visitors?... Yes, the way it's done is different.

Yes, I've already - ?... There is - certainly all of us do it.

I accept that, sure. Now in terms of - and to use another example from your written submission, you talk about medication which, in your words as I took them down, translated into giving out of such things as Panadol, Asprin, Band-aids, sunburn cream and so forth, again I ask you is that not common to most other areas of the prison complex?... No, it's not. In maximum security we have no pills to dish out at all, no medical stuff at all.

Well, for instance, if you working at Hayes would you have to do that?... I've never worked at Hayes so I can't answer that question. I can't answer that question, I've never worked at Hayes Prison.

Well let me inform you that they do just that at Hayes Prison. So therefore I put the question to you, the dispensing of such things is not unique to people in the medium security division?... Not in medium security, no. It's been going on since - I believe, since its inception, since it was reopened in '91.

No, no, I'm sorry, I'm possibly not making myself clear. The dispensing of these kinds of products, Panadol, Asprin, and whatnot, is not just the exclusive province of people in medium security, it is something that other prison officers do, is it not?... If it's done at Hayes, as you say, yes. It's certainly not done in maximum and I can only speak for the two areas that I've worked in.

Rest assured it is done at Hayes, according to the evidence of one of your other officers?... It was something new and something different to me when I went from maximum to medium.

Tell me then, just in relation to the medication, you heard your advocate, as a prelude to introducing you to the commission, say that this was a work-value case and he said that the purpose of you being here today was to assist the commission in identifying changes which have occurred in the context of this case. I have a different view about what a work-value case is but I'm not going to stay to bore you with that, but in terms of you actually doing that task, officer, that is receiving a request from an inmate for, let's say, some sunburn lotion or an Asprin or a Bandaid, do you say to the commission and to me that that requires any particular skill or work-value increase on your part?... No, it just requires being a bit methodical because you have to record all these items and being sensible in what you dish out. But the only reason it's in there is it's something different, it's something that I've never done before.

I understand that. Thank you. Similarly, if we could go to a further item - and I'm selecting these at random because they just ring bells with evidence of your colleagues. In fact, the person, one of your colleagues who appeared this morning made reference to telephone calls and although there may be some minor differences, according to the evidence, in the way telephone calls for inmates are handled, does it require any particular skill from you other than the skill that you would exercise in picking up, let's say, your domestic phone?... Making a phone call requires no skill. Any skill or any expertise that's required in that area is following the instructions, check - when you make the phone call you're actually making a phone call for someone. You're checking the other end, you're checking the phone call is going to the right place. Recorded against, you need to be methodical and you need to make sure that it is correct, that it's been requested and it's authorised. It's not above quite a lot of inmates to try and con their way through various things, so

you need to be alert and make sure that what you're doing is right. And, again, it's not necessary an extra skill; it's something I've been asked to do that I was never asked to do before. So it's extra work for me which I would not normally be expected to do in the past.

But you don't say that it requires any particular additional skill?... It requires, again, you to be methodical and -

But you're already methodical, are you not?... I believe I am, others may not.

Would not that be - ?... A lot of people aren't.

- a key element of prisoner officers' requirements to be methodical? Would not attention to detail be a prerequisite?... Yes, but that doesn't always apply.

Well you must talk to Mr Marris about that. I'm just asking you the questions and seeking your opinions. And can I just finally clear up something which doesn't have a great deal of weight to it, but I wasn't entirely sure - could I just take you to the second page of your exhibit and the second paragraph headed 'Muster Sheet' to which M4 applies. I just wanted to know why particularly, as it appears, that form isn't required to be carried out on the weekdays prior to 5.00. Is there any particular reason for that?... Because all the inmates are at work stations. All the inmates - I say all the inmates bar perhaps three cooks and one working around the area or actually out on work gangs. They're not in the prison.

So you just simply don't have anyone in there at all?... No, there are three prison officers who take work gangs away and they are then responsible for the supervision and the whereabouts of those inmates that they take away.

Is there never a point at which some of the inmates are not on work gangs, that you do, in fact, have them in the complex?... Occasionally you may end up with some extra ones left behind for various reasons.

Would you then fill in M4?... No, they would then have to stay inside the prison. They don't go outside.

Oh, they're not allowed out. Okay, thank you, that clears it up. I have no further questions, commissioner. Thank you, officer.

COMMISSIONER IMLACH: Thank you, Mr Willingham. No, I don't have any either. Mr Shirley?

MR SHIRLEY: Just one, if I may, Mr Commissioner.

Officer Sly, you were asked about how officers were co-opted or volunteered to go to medium and I suspect you were one of those?... I was a volunteer, yes.

Are you aware that there may have been other officers who weren't volunteers?... I can't really answer that. To my knowledge I think we were all volunteers, to my knowledge.

Right. If you are able to answer this, please do, if not, don't, you know, don't speculate. But if you were required or one of your colleagues were required to occupy a shift in medium security and you were asked to by a senior officer, would you be required to do so?... Would I be required to or -

Yes?... Oh, I'm sure I could be - providing my shift doesn't change I could be rostered anywhere.

Yes, anywhere in the prison?... Yes.

Okay, thank you very much., Mr Commissioner.

COMMISSIONER IMLACH: Good, thank you, prison officer. Thank you very much. That's all, you may go, Prison Officer Sly?... Thank you.

Well, Mr Shirley, where are we?

MR SHIRLEY: If you'll just excuse me for half a moment, sir.

COMMISSIONER IMLACH: Right, off the record.

MR SHIRLEY: Thank you.

OFF THE RECORD

COMMISSIONER IMLACH: Thank you, gentlemen. This matter will resume on 23rd and go through to 24 June. Thank you.

HEARING ADJOURNED