

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 2587 and 2473 of 1990

IN THE MATTER OF applications 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, 14 October 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: I'll take appearances?

MR P.L. NIELSEN: Mr Commissioner, my name is NIELSEN, initials P.L. and I appear on behalf of the Tasmanian Prison Officers Association, along with **MR C. SHIRLEY** and **MR C. HUGHES**.

COMMISSIONER IMLACH: Thanks, Mr Nielsen.

MR R. HUNT: Good morning, Mr Commissioner. ROD HUNT appearing on behalf of the Tasmanian Public Service Association.

COMMISSIONER IMLACH: Thanks, Mr Hunt.

MR C. WILLINGHAM: If the commission pleases, CLIVE WILLINGHAM, together with **MR BEN MARRIS** appearing for the Minister administering the State Service Act.

COMMISSIONER IMLACH: Thanks, Mr Willingham. Well, Mr Nielsen?

MR NIELSEN: Thank you, Mr Commissioner. Mr Commissioner, we wish to first up, to seek your indulgence before presenting the case. One of our long-standing members who retired five or six months ago passed away on Monday and there is a funeral set down and our secretary and officers seek to attend that at 1.30 to 2.30 today, and we was hopeful that perhaps the commission - I haven't spoken to the other advocates - might
....

COMMISSIONER IMLACH: And what are you suggesting, Mr Nielsen, we resume at, what time?

MR NIELSEN: At 2.30, and we have no problem if you desire to recess at 1.00, but to give us that extended time, if that doesn't cause any inconvenience to any of the -

COMMISSIONER IMLACH: It doesn't cause me any inconvenience. Mr Willingham?

MR WILLINGHAM: No, none at all, commissioner.

COMMISSIONER IMLACH: All right. We'll do that, Mr Nielsen.

MR NIELSEN: Mr Commissioner, this special case was granted by the Anomalies Conference and referred to you by the full bench following an application from the Tasmanian Prison Officers on behalf of the prison officers in this state through the TTLC. Our application seeks to show this bench that in - that there has been major changes in terms of work value for prison officers covered by the Prison Officers Award.

Mr Commissioner, I've referred to two dates, the 25th of the ninth, 1981 and the 20th of the twelfth, '84. The reason for this is that a work-value case has already been conducted for prison officers in the state in 1984 by the then Commissioner King. However, our submissions regarding the periods for the work value is as follows: T.16 of 1985. On the 11th of February 1985, Mr Commissioner King handed a decision on a work-value case presented by the TPOA and the TPSA. The hearing occupied seven days between the 13th of November, 1984 and the 20th of December 1984. Evidence was adduced and submissions received up to and including the 20th of December 1984 when Commissioner King reserved his decision on the work-value change. It was apparent when reading the decision that during the work-value case, Commissioner King determined that not all classifications were covered by the evidence and the submissions and we seek to, at this stage, to present an exhibit of Commissioner King's decision, Mr Commissioner, if we may.

COMMISSIONER IMLACH: TPOA.1.

MR NIELSEN: Mr Commissioner, in speaking to TPOA.1, I wish to refer to page 15 and read accordingly:

DECISION

As indicated earlier, this claim by the P.O.A. for increased salaries can only succeed if it satisfies the requirements of Principle 4, Work Value Changes. Significant changes in the nature of the work of Prison Officers must have taken place during the period 23 September 1981 to 2 December 1983. Across-the-board salary adjustments based on the averaging of work value changes are not allowed by the current Principles. Accordingly, each classification covered by the award must, by the adducing of evidence, show a change in the nature of the work constituting a significant net addition to the work requirements.

Exhibit H.4, page 2, provides the following information:-

Number of Positions covered by
Prison Officers' Principal
Award No. 6

RISDON	1 Superintendent
	1 Deputy Superintendent
	1 Principal Prison Officer
	9 Chief Prison Officers *
	17 Senior Prison Officers *
	113 Prison Officers *

10 Trade Instructors *
1 Medical Orderly

WOMEN'S
1 Superintendent
1 Deputy Superintendent
4 Prison Officers
(Part-time relief as well)

KILDERRY FARM
1 Chief Prison Officer
2 Senior Prison Officers
10 Prison Officers

171 classified positions.

(The foregoing information was not challenged by the Law Department or government representatives. I have therefore accepted it at face value. However latest research has established that the Risdon Superintendent's salary is derived from another award, -

and if I may interpose there, as I understand that was the Administrative and Clerical Officers Award -

- thus leaving a total of 171 classified positions (officers) covered by the award.)

Of the above, -

and this is the point I wish to emphasise -

- only four (4) positions (see asterisk) -

and I refer back to page 15 -

- have been the subject of evidence going to changes in the work of the officers concerned. While evidence was adduced from officers within only four classifications, they are the significant ones in terms of numbers employed. The officers occupying those positions were all employed in the men's prison at Risdon.

Another point we wish to -

It is therefore not possible in accordance with Wage Indexation Principles to consider salary adjustments in this case for the following:-

Risdon
- Superintendent
Deputy Superintendent
Principal Prison Officer
Trade Instructor
(excluding Bake House Instructor)

WOMEN'S Prison - Superintendent
Deputy Superintendent
Prison Officers

Kilderry Farm - Chief Prison Officer
Senior Prison Officer
Prison Officers

I am aware of the difficulties confronting the P.O.A. in not being able to put evidence before the Commission going to all classifications contained in the award. It is most unfortunate that union politics and perhaps a misguided apprehension on the part of some Prison Officers has prevented a more complete case being made.

Having determined as above for those classifications not subject of detailed evidence, it now leaves only those four classifications -

And that's all I desire to read and make issue with you or least emphasise with you, Mr Commissioner, going back to my submission. Commissioner King then went on to make a determination about those four classifications.

Our submission is, Mr Commissioner, based on the finding by Commissioner King that he was only able to consider four classifications. Those classifications were, Risdon male prison, chief prison officers, senior prison officers, prison officers training instructors, excluding bake house instructor. Therefore, Mr Commissioner, we suggest you are able to accept evidence and submissions on those classifications from the 20th of December 1984 through until today, the 14th of October 1992.

The parties and person bound of this award comprises the minister responsible for the administration of the Tasmanian State Service Act 1984, the Tasmanian Prison Officers Association and the officers of that organisation and their members and the Tasmanian Public Service Association and its officers and its members.

Employee representation - to put this in perspective for you, Mr Commissioner, it is our understanding that there are approximately just 200 employees covered by the Prison Officers Award working in the various prison localities throughout the state.

Our association has a membership of 190 employees under the Prison Officers Award. The classifications are defined in the following: (1) prison officers on probation; prison officers; senior prison officers; chief prison officers; principal prison officer; deputy superintendent; deputy chief

superintendent; superintendent women's division.

COMMISSIONER IMLACH: Mr Nielsen, sorry to interrupt you. Just going back on the thrust of your preliminary remarks there in relation to Commissioner King's decision.

MR NIELSEN: Yes, Mr Commissioner.

COMMISSIONER IMLACH: Am I to understand - I think I understand that you are saying that those who received increases under that decision -

MR NIELSEN: Yes.

COMMISSIONER IMLACH: - are only able to have their work-value assessed as from the 20th of December 1984.

MR NIELSEN: Correct, Mr Commissioner.

COMMISSIONER IMLACH: Are you saying as well that those who did not receive increases at that time are able to have their work-value assessed going back to the 25th of September 1981?

MR NIELSEN: Correct, Mr Commissioner.

COMMISSIONER IMLACH: Thank you.

MR NIELSEN: Case outline -

COMMISSIONER IMLACH: I'm sorry to have interrupted you.

MR NIELSEN: - I'm sorry, Mr Commissioner?

COMMISSIONER IMLACH: I'm sorry to have interrupted you.

MR NIELSEN: No problems. In pursuing this special case in the Division of Corrective Services in Tasmania, the Tasmanian Prison Officers Association would seek to place on record the following history relating to the prison system that has developed over the last 8 years in this state, and I desire to hand up an exhibit, if I may, Mr Commissioner.

COMMISSIONER IMLACH: TPOA.2.

MR NIELSEN: Mr Commissioner, it's a little bit early yet but we desire at a later stage to advise you that we hope to go in and have inspections at this particular establishment, plus the additional areas to it and that is the women's and the medium and the other areas, but it's important - and forgive me, although I've been associated with the prison officers for about three or four years now, I still find it difficult when they refer to the various divisions and the east tower and the west tower, and I would ask Mr Hughes, with respect, just to address the commission briefly to explain as best as we

possibly can the exhibit 2 to you, so hopefully, if we have an agreement, when you do come out to the Risdon you'll have some desire - if I may - Mr Hughes - just for a few moments.

COMMISSIONER IMLACH: Yes.

MR HUGHES: Thank you, Mr Commissioner. The diagram is basically self-explanatory and as you had a preliminary walk around Risdon you'll understand that on the left-hand side is the main gate area which is vastly changed in the last couple of years to what it used to be. The divisions is the main accommodation area. On the right-hand side at the extreme right is the prison hospital. There's - on the top of the paragraph on the diagram you have the workshops, the laundry, the store, the boiler house, and in the middle is the sports ground that leads off from the various accommodation units and is basically the centre of Risdon Prison, and off to the left of the sports ground you can see there is a shower block, reception and the remand division. On the bottom left-hand side, a few inches in, is the bakehouse and kitchen which you visited and on the diagonals at the parameter you have the west and east towers which are manned currently and there are two towers diagonally opposite which are not manned. I would think, Mr Commissioner, that if you have any particular questions that when we actually do go for inspections at Risdon that they would be, with respect, better asked there than here.

COMMISSIONER IMLACH: Yes. Thanks, Mr Hughes.

MR NIELSEN: Mr Commissioner, the Risdon Complex is made up of the women's division, the hospital division, the maximum security division, and the medium security or on division. The maximum division has a number of areas or divisions within it and these comprise: reception, N Division, A to F Division, the workshop fronts, laundry, paint shop, workshop front, tin - correction, woodwork shop, tin metal shop and the bakery. H Division and remand yard, towers, kitchen and security. The other areas that comprise the prison complex are the Hayes Prison Farm near New Norfolk, the prison at Launceston which services the Launceston, Devonport and Burnie areas of the north and north west.

Initially, the basic role of the prison officer was to attend to the duty of opening doors between the various areas of the prison, and ensure that the inmates were accounted for and secure. Hence, the old term of 'turnkey' was a reference made to prison officers.

In the intervening period you will see and hear that this role of the prison officer has changed markedly for roles far more diverse and onerous.

You will be advised that the role of the prison officer changed from that of purely a custodial role to being more interactive and rehabilitative.

These include the participation and supervision of inmate programs that aid and assist the rehabilitative process for inmates. For example, sporting activities, like soccer, cricket, football, debating, athletics, music, and computer skill courses.

Many of these activities occur outside the prison grounds, and more often than not are conducted in the prison officer's own time.

You'll also see and hear that the role of the prison officer has changed to include the evaluation of inmate activities which determines inmate's visiting privileges.

I will just take a moment to highlight some of the areas where changes have occurred.

(a) The women's division:

This division was opened in 1961 and operated from the current site. Prior to that time the women's prison was located at the old gaol in Campbell Street, Hobart.

You will observe, Mr Commissioner, on inspection of this area of the prison and hear from witnesses that the women's division has changed from purely a custodial institution to that of a special institution with the inmates ranging from the criminally insane, psychotic and manic depressive, right through to inmates suffering severe personality behavioural disorders.

You will see that the role of the prison officer has significantly altered to include the following range of duties:

Prison officers are required to observe and record on a daily basis the work and conduct of inmates. This activity, and the assessment observed by the prison officers materially affects the inmate as the points system determines the amount of visiting privileges an inmate is entitled to in the following week.

Other work changes that have occurred include the completion of movement books and passes for inmates for such activities as escorts, visits to the dentist, and for in-prison debating. Phone calls must now be monitored, supervised, and recorded for security purposes.

Prison officers are also required to complete a shift report at the end of each shift so that the incoming prison officers are kept abreast of inmate behaviour patterns and demeanour.

Prison officers must administer and record the dispensing of medical items to inmates. Also prison officers are required to be actively involved in the integrated prison activities that are conducted with the women's division. These include dancing lessons, computer skills, music lessons, and debates.

These activities are part of the everyday routine of the prison officer so that the inmates are resocialised and are involved in rehabilitative programs for their release.

Officers are also involved in the activities with inmates that are conducted out of hours. An example of this was a male prisoner who trained for the athletics under the supervision of a female officer on the prison oval and at the domain.

Medium Security:

This division was first opened in 1970 and operated until 1981 when it was closed due to its high operating costs. In this area of the prison, Mr Commissioner, you will observe and hear witnesses give evidence of the changed role of medium security.

This division was reopened 16 years later on the 7 May 1991, and was intended for offenders who were short-term stay and minor offenders only. However, you will hear that the category of inmates ranges from murderers, rapists, robbery with violence, and armed robbers.

This division comprises three gains to service, the botanical gardens, government house, fire crews, prison properties, general maintenance, and the cemetery.

In this prison you will hear how prison officers complete a case management plan for each inmate under their custody. The prison officer must develop the profile of the inmate so that the officer knows the inmate and helps him or her in the rehabilitation process.

The prison officer in this prison is the prime source of guidance for the inmates' welfare during his sentence.

The prison officer must complete a work and conduct report for each inmate in this prison, in the same way as outlined in the women's prison.

The assessment by the prison officer has a direct bearing on the visits received by that inmate. The duration of the visit varies from 1 hour to 2.5 hours depending on their demeanour over the preceding week.

Officers are also required to complete a prison review report regarding the demeanour of the inmate, and this report is open to challenge by an aggrieved inmate.

In such cases, the officer and the inmate proceed before the superintendent for determination.

Prison officers are required to monitor, supervise and record all phone calls of inmates.

The officer is required to report on the frequency and content of the calls made.

Prison officers are required to take charge of and record and account for the property of inmates as they enter medium security.

In the same way as the women's prison these officers are required to record and dispense non-prescription medication to inmates.

Hayes Prison Farm:

At the Hayes Prison Farm, Mr Commissioner, you will observe and hear from officers that certain activities have changed over the period of the work-value case.

These changes include recording, monitoring and supervising telephone calls, similar to that activity undertaken in the Women and Medium Security Divisions.

The administering and recording of medication is also a required duty of these officers.

Officers at Hayes are required to maintain and supervise all inmate personal files. This activity was until recently the responsibility and the domain of the superintendent.

Many officers at Hayes, due primarily to its isolation, have undertaken first-aid courses in their own time. This need has been developed because of some inmate accidents and the fact that the nearest medical attention is some distance off.

Similarly, as in the other areas of the prison, these officers are responsible for the assessment of the inmates' demeanour and, consequently, their privileges. Depending upon the report of the officer certain privileges will be curtailed or suspended.

Officers are also required to complete a report covering musters and half-hourly checks of inmates' location on the Hayes Farm property. Just excuse me. Officers are also required to prepare a report to assign and determine the

suitability of inmates to conduct farm duties. This is completed on a daily basis.

You will also hear during the course of this case that for the afternoon and nightshift prison officers are designated as the officer-in-charge on these shifts.

This is the case because the prison does not provide for a senior prison officer or a chief prison officer on these shifts.

Officers at Hayes are also required to handle large sums of money to provide provisions and to provide cash for the prison canteen. This activity is conducted on a regular basis. The amount of money required on these occasions can be up to \$1,000 at a time.

The Launceston Maximum Security:

At the Launceston complex, Mr Commissioner, you will see and hear evidence of the work practices that are being performed since this institution was taken over by Corrective Services from the Tasmanian Police Force.

These practices commenced on 23 December 1991, and this institution caters for both male and female inmates at the same place. Inmates are either on remand or serving sentences for long or short-term periods.

All the officers in this prison have been sworn in as special constables, pursuant to the Tasmanian Police Act, and we desire to submit another exhibit, if we may, Mr Commissioner.

COMMISSIONER IMLACH: TPOA.3.

MR NIELSEN: Mr Commissioner, I would ask our secretary, Craig Hughes, just to brief you on this exhibit, please?

MR HUGHES: Thank you, Mr Commissioner. There is a need for the officers who are employed as prison officers at Launceston Prison to be sworn in as special constables because under the current laws prison officers cannot accept prisoners without warrants; whereas in police lockups the police have the power to do that.

And, as the Launceston lockup was designated as a prison, there was a problem with either changing the legislation to enable prison officers to accept prisoners or detainees without warrants or, as was done in the case of Launceston, of swearing in all those who have to work up there as special constables, giving them the power under the Police Act to hold people until the paperwork was done. Thank you.

COMMISSIONER IMLACH: Thanks, Mr Hughes.

MR NIELSEN: Mr Commissioner, duties performed by these officers include half-hourly reporting on the conduct and security of inmates; daily showers at 7.00 a.m. each morning for those inmates held in custody or on remand; property holding and accountability of all items of inmates; TV surveillance to help account for the welfare and custody of inmates; officers must strip search all inmates who enter and leave the prison.

Movement passes must be completed for all inmates who are transferred to Hobart.

Inmates visits must be monitored by officers and the details of who attends and their particulars.

Travel warrants are completed by officers for movements to the north west coast courts and Hobart.

Officers must complete incident reports, especially as it relates to the demeanour of inmates.

Medical details are kept on all inmates under medication, and these drugs are administered by officers.

These drugs are recorded in a drug register and held in a secure drug cabinet.

Final lockup certificates are completed on all inmates who have been sentenced.

Mail, both incoming and outgoing is censored by officers to ensure that information is not being passed to an outside source.

The shift change-over ledger is completed for all inmates who exhibit unusual characteristics, and require closer observation.

Oncoming officers use this information to assist them in the controlled running of the prison.

Officers keep records of the court date that inmates are returned to court to ensure there is a system of checks and balances.

Hospital:

At the Hospital Division of the Risdon Prison you will hear evidence and see the development that has occurred in this area during the period being considered during this special case.

It should be noted that this division is a full contact post with officers always in close contact with inmates.

The types of inmates are various, ranging from the general sick to those inmates who are held because they have threatened or attempted suicide, or have a designated medical condition.

Officers are regularly asked by the hospital psychiatrist for their observations and views regarding the inmates' demeanour.

The hospital security has also been relaxed by management, and this has caused some additional responsibility to ensure that inmates are kept safe and secure.

Officers have not been given any training in first aid, but they have acquired these skills because of the need to respond to routine and emergency situations that occur in the hospital daily.

Reception:

Mr Commissioner, you'll observe when you visit the reception area of the prison and then when you hear of the changes that have occurred in this area during the period of the special case.

These changes include the introduction of a computer system to quickly process and retrieve information regarding inmates.

Also a filing system was introduced to house the hard copy of the computer information.

Personal radios were introduced by management for inmates. A system was introduced to cater for this.

Similarly, TVs were introduced for inmates, and a system was commenced to record these movements.

Inmates' photographs were commenced for security purposes, and this responsibility resides with the reception officers.

The location of inmates in prison, once they are received and processed, is the responsibility of these officers.

Other ledgers have been introduced to record certain inmate activities, and these for releases of inmates and a discharge diary to check when inmates are to be released.

The weekend and public holiday work is quite different to what it used to be, and there is greater responsibility on officers in reception.

These duties include the receiving and verifying of warrants, the updating of a muster board for weekend arrivals. There is no welfare officer on weekends, and those duties normally discharged by them on week days is dealt with by reception officers during the weekend.

These officers now have the responsibility of receiving and processing CES cheques for inmates being discharged.

These officers must complete movement passes for inmates moving about the prison.

Where there is a discrepancy the reception officer must investigate and report, if necessary.

Management introduced a travel expense float for inmates who have completed their sentence.

This is the responsibility of these officers to administer, and they must account for, issue receipts, and reconcile this \$40 float.

Maximum Security:

The post that comprises the maximum security which are staffed by officers include the following: prison industries - correction, I'll start first of all: the CCTV, closed circuit television control; the observation towers - there are two, and they are armed; the main gate area; the end division; separate treatment division; office gates; the kitchen and bakehouse galley, which is armed; the H. Division, which is the remand yard; reception, kitchen, bakehouse. Division front, A to F Divisions; SIPS; workshop front; workshop gallery, which is armed.

The prison industries: laundry, woodwork, tinsmith, tailors, a paint shop, and the education.

You will hear evidence and see during inspections that there have been a number of changes which include the monitoring of telephone calls requested by inmates.

The officer must make the call initially, and supervise and monitor it to ensure that security is not breached.

Televisions were introduced, and the officers in maximum must check on arrival of the inmate and then they are checked daily for faults.

Movement passes have been introduced in this period, and officers must allocate these to inmates as they move about the prison.

If there is any discrepancy they must investigate and report these, if necessary.

Officers in maximum have introduced a daily diary so that inmates who have court appearances will have entered.

Inspections, Mr Commissioner - I had better have a drink of water, if I may.

The TPOA requests that the commission visit the areas of the prison complex so that you are able to obtain a first-hand knowledge of the areas that will be presented in this special case.

To achieve this end, the TPOA proposes the following program of events for inspections:

Her Majesty's Prison, Risdon; the Male Division, Risdon; the Female Division, Risdon; the Medium Division, Risdon; the Hospital Division, Risdon; the Maximum Security, Risdon; Hayes Farm Division, New Norfolk; and the Maximum Security, Launceston.

It would be our submission that the inspections at Risdon would be able to be completed in one day, inspections at Launceston would be completed in one day, and the inspections at Hayes Farm Complex would take a half a day.

Mr Commissioner, we wish to introduce this matter to you for your consideration and for the other advocates.

Inspections - the mainland. The TPOA would request the commission to visit the mainland, specifically Victoria, to seek, first hand, the facilities both prison and training that exist in that state. It is the submission of the TPOA that this would be most useful to gain an appreciation of the types of prison and training facilities and prison officer courses that exist. This would give the commission an opportunity to assess the facilities, both working and training, that exist in other areas.

It is important that the commission have some inspections on the mainland because there is no comparison of prison or other similar style institutions in this state. With the prospect of substantial work-value changes, it's going to be difficult for the commission to assess the real value of that change without some comparative reference point.

It is not the submission of the TPOA that you compare the work and salaries of this prison and its employees with that of the mainland institutions and their awards, but rather, the style of work being done at these institutions.

In this way the type of work being performed now can be given some real value at the end of this case and ultimately your deliberations. The value that you ultimately decide upon will be in keeping with the state award value, but you'll be better informed the real value of change in percentage terms with comparing it to the other work being done in other institutions.

To this end it is my submission that you inspect the following institutions on the mainland. With respect, Mr Commissioner, we have taken some initiative and written to the - to the Offices of Correction in Victoria, and I desire to present an exhibit if I may.

COMMISSIONER IMLACH: TPOA.4.

MR NIELSEN: Mr Commissioner, without putting you in any difficulty at this point in time, we only wish to indicate to you that the - what we have done with good faith and goodwill and that the letter, specifically from our association dated 11th June is significant what we're attempting to do. Where we've identified the - your good self, sir, on page 1, Commission Imlach, representatives from the Corrective Services Division, Tasmania, industrial representatives Tasmanian Government and the industrial representatives from the Public Service Association and our association.

And we also itemise some various - which we've had - the ability or privilege of being myself, Pentridge of being in the training college and I can assure you that they are worthwhile and that we would hope that yourself, sir, would give some consideration at some later stage as to our position on that matter.

Mr Commissioner - Training - the TPOA and its representatives have had a number of discussions regarding training and the main topic has been the lack of training and the lack of opportunities that have been given to our members.

I would like to now present another exhibit if I may.

COMMISSIONER IMLACH: TPOA.5.

MR NIELSEN: Just very briefly in talking to this exhibit, Mr Commissioner, is that this was part of our submission with the TTLC way back in the - when the Trades and Labor Council and I think still is, as part of the submissions to the full bench and so the document speaks for itself. We don't wish to labour the point because

COMMISSIONER IMLACH: Yes, Mr Nielsen -

MR NIELSEN: - with goodwill and good grace I would like to submit.

COMMISSIONER IMLACH: - well I trust you don't expect me to take this as work value?

MR NIELSEN: Well, Mr Commissioner, you have raised the issue very - we realise of course that in the hard definition of work value what you say is correct, but we believe, with respect, the fact that this case is now up and running before the commission and I'm sure the government and the other honourable advocates are aware that training is an essential part of any system - of any organisation and the same as the award restructuring that's already going on I suppose in tandem out at the corrective services, but our - it would be our submission to seek somewhere along the line with respect to these proceedings, that to try to identify training as you say clearly if it's not under work value we acknowledge that and don't wish to place that - or embarrass the commission, but we do believe that there is a requirement and the desire that training ought to be raised at some - at some stage at some place - number one - and number two, that we would also desire to involve the commission.

And whilst on the point, number three, we would also desire that a committee be established, sir, with either yourself as chairman of that, or someone of the commission so that training could be overviewed over a period of time. And we're aware of course of the finances and I assume we'll be told that at one stage, but we do believe that training is an essential part. It's going on in all walks of life, and whilst we - it may be argued from the - from my colleagues at the other end of the beach - of the bench - that - table - that there is some training going, we believe that we have a big question and - or we only put on notice, with respect, that consideration to training should be given some priority at some time or some place.

COMMISSIONER IMLACH: But not necessarily in this particular case.

MR NIELSEN: Well we don't - we only wish to give notice, I believe, Mr Commissioner. You've already raised the issue of a work-value issue, and I believe that's - we wouldn't argue with that position.

COMMISSIONER IMLACH: Alright, thanks, Mr Nielsen.

MR NIELSEN: Thank you, Mr Commissioner. It is the submission of the TPOA that it - well I'm just repeating some of my comments here, but I will repeat them if I may - it is the submission of the TPOA that a training committee of union and employer representatives be established to develop and implement an approved and accredited training program for prison officers in this state.

It is also the association's submission that you chair this committee to ensure its success. The development of this program will greatly enhance the quality and efficiency of the service delivery as well as increase the career paths and job satisfaction of our members.

Mr Commissioner, I go onto another delicate issue, and you mightn't say that - I'm not a - that - that you think that - I think I've always been a great admirer of Bill O'Reilly when he used to always appeal. He told the story once that he thought someone was out and the cricket umpire said to him if he'd appealed I'd be giving him out so forgive me - the honourable gentleman, I'm desiring to put this issue up to you this morning in regards to classifications.

Now the issues of classifications again may be challenged as to whether they're in the realms of a work-value case. We want to say that under the SEP and the fact that we've already received increments that there is already established out at Corrective Services, Risdon, an award restructuring committee of both the employer management and the - the employee organisations and progress is being made there and that we - we believe that hopefully at some stage and it's only been a - it's been a little bit of mismanagement to be very frank on our part that we haven't got a letter with you today, but we - it is available and we will present it later on, confirming that discussions have taken place, but we believe that classifications is an issue that should be identified and we would desire again at some stage to pursue on classifications with you and to make a formal submission to you. Now as to how that is identified or whether that is another matter like training we're basically in your hands.

COMMISSIONER IMLACH: Well do you want me to give you a reaction now, Mr Nielsen?

MR NIELSEN: I - in view - I'm not quite - I don't think we will because I think perhaps if I get a copy of the letter where we have been having this award restructuring - we haven't touched classifications, but it is our desire and to touch them and you may then desire to give us some thoughts once I make a submission.

COMMISSIONER IMLACH: Yes, well I just make the point, Mr Nielsen, that it seems to me off the cuff that anything that's proposed for the future is not substance for a work-value case. I'm not - that's not to say I'm not sympathetic with the points that you are making, but we all know that work-value is very strictly prescribed as to the details and it seems to me that training, where the - shall we say there

hasn't been a seriously structured program - I put it that way - is a matter for the future and not subject matter of a work-value case, and in the same context it seems to me this award restructuring classification issue seems to be on the same plane.

MR NIELSEN: Well, Mr Commissioner, we - we - we thank you for the opportunity of putting it to you and that we were that over with the response, but we in all seriousness just to wish to put the commission on notice that that's our thoughts, our desires and perhaps at some other place at some other time we may seek some guidance from you as to how we proceed in those matters.

COMMISSIONER IMLACH: Yes, well I say in - it's brought to the commission under the provisions of the act in the proper manner, I'd be only too pleased to entertain submissions, but it seems to me, off the cuff, as I say, that work value is not the place for it.

MR NIELSEN: Alright, Mr Commissioner. Mr Commissioner, we've basically completed our submissions and opening address to you. What we would attempt to do now is to - to advise you as we previously have done in our submissions of getting our diaries out. Actually we're mindful, and I don't wish to cut across my other colleague from the TPSA, as to what we were mindful of is to - is to setting up a - and we didn't know how this case would progress timewise and with no disrespect to you, Mr Commissioner, and to the other advocates here present, we desire to have inspections and a hearing out at Risdon itself.

I understand there's a conference room that the PSCC committee and the award restructuring committee meets as to whether that's big enough may be at issue, but we would desire - instead of bringing witnesses all the way - and it's difficult getting them off in regards to their own shift requirements and commitments at Risdon, but if it was possible at all we would like to have a - not only an inspection but a formal hearing out at - out at Risdon. I'm not quite sure whether we could do the same at the Hayes or at Launceston, but to address the commission on a brief summary as we saw each division, each section out there, I think we would have the inspections first is our desire to take you around them and then secondly to come back to a - to a conference room and then to formally have the commission in place and for us to make our submission - a brief submission - and then to bring our witnesses in and swear them in out at - out at Risdon and then proceed with asking them questions and they'd be subject to the other advocates and to yourself, sir.

COMMISSIONER IMLACH: Yes, well thanks, Mr Nielsen. We'll just go off the record for a minute.

OFF THE RECORD

MR HUNT: Thank you, Mr Commissioner. I assume that your request to hear from me is in relation to the inspections, because we don't have any material or submissions to put this morning in respect of the TPOAs application at this point.

COMMISSIONER IMLACH: Right. And what about the association's application?

MR HUNT: We will be putting submissions to you at a later time, Mr Commissioner.

COMMISSIONER IMLACH: Right. We'll go off the record again, Julie.

OFF THE RECORD

COMMISSIONER IMLACH: This matter is adjourned so that the parties can consider this matter of when and where the inspections will take place and further hearings.

SHORT ADJOURNMENT

COMMISSIONER IMLACH: Well, Mr Nielsen, what have you to report?

MR NIELSEN: Mr Commissioner, the parties have met, and have proposed the following dates:

4th November: that's for the hearing for the TPSA to make their submissions. They have indicated of course their advocate that he has to go back and confirm, but we understand that he -

Friday 13th: inspections at Risdon. We believe that will be all day, and morning tea and lunch will be in the afternoon organised as required by the comments.

Friday, 20th November: that will be at Hayes. That will be a fairly long day, and we hope to get through the witnesses at Hayes as well.

November 27th: inspections at Launceston. We'd like them to be fairly early in the morning, and there has been a suggestion made that we may go up Thursday night and stay the night in Launceston, which is I think favourable to the

advocates, so they are able to get down to the prison there very early Friday morning.

Going on to December, Mr Commissioner, we've got the 4th of December - Friday the 4th - and that will be witnesses all day at Risdon.

And we have got 11th December, again for witnesses all day at Risdon.

Now, we haven't set any further dates, because we believe as we move along there that things will develop that will give us a little bit of a clearer picture.

COMMISSIONER IMLACH: Yes. We'll just check my - and make absolutely certain. Yes, they are all okay with me.

MR NIELSEN: I don't know whether any other advocates wish to comment?

COMMISSIONER IMLACH: Nothing else?

MR NIELSEN: I am sorry, Mr Commissioner, I also wish to say that this afternoon, as I understand it, we don't desire to proceed and, nor Thursday - tomorrow.

COMMISSIONER IMLACH: Right. Well, before we close up, is there anything you wanted to add to all that, Mr Willingham?

MR WILLINGHAM: No, commissioner, as Mr Nielsen said, we have managed to amicably come to an agreement on that program that you have just confirmed.

I'm not sure whether Mr Nielsen intended to discuss today the question of the Victorian inspections - we have had some informal conversations outside - or whether he wanted to leave that to another time.

MR NIELSEN: I'd desire perhaps to leave that to another time, but certainly we did have discussions between the parties. There is no agreement on that position, but our position, the TPOA, is that we would like to further present that to the bench - to yourself - sir.

COMMISSIONER IMLACH: Yes, well I think that matter ought to be, if possible, settled between the parties. It's quite a significant thing to do and if, for example, Mr Nielsen, if the authorities were not happy to take that course, well I would have to think about whether I was happy to do it, too. So -

MR NIELSEN: Well, at this stage I haven't got a great amount of confidence that the parties will. The cost has been one of the real issues that has been raised, and that is significant,

but we weren't desiring to try - the letters will speak for themselves, and we've named the people there - those exhibits, should I say - but we'll take your remarks on board and try to pursue that.

COMMISSIONER IMLACH: Yes, look, don't misunderstand me, Mr Nielsen. In my opinion, it is up to the applicant to pursue these matters, and if the applicant feels that the parties should go and see the interstate situation, I put it to you that you ought to put that as firmly as you think necessary. And, as I say, in the end I presume it is up to me to decide whether we go or not. But, I am just saying now that if the other side, the department, does not want to go, that will be a factor in my considerations - a significant factor.

Don't let that - you - let that deter you from putting it to me, because it is your prerogative and maybe in the circumstances you may well be correct in requesting and insisting that we go.

But I am just flagging -

MR NIELSEN: I'll endeavour to do that, Mr Commissioner.

COMMISSIONER IMLACH: - now that it is a serious matter.

MR NIELSEN: Yes. Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Alright, then. Well, thank you, gentlemen. One other point, are there to be witnesses in Launceston?

MR NIELSEN: Yes, Mr Commissioner.

COMMISSIONER IMLACH: We'll just go over that witness business again. On the 13th there will be just inspections all day at Risdon; on the 20th, all day at Hayes plus witnesses; 27th, Launceston, plus witnesses; then we have witnesses those other 2 days on the 4th and the 11th.

MR HUNT: At Risdon.

MR NIELSEN: They're witnesses on the 4th and the 11th, yes.

COMMISSIONER IMLACH: Yes, that's right, yes. Alright.

MR NIELSEN: Yes, that's it, Mr Commissioner.

COMMISSIONER IMLACH: Good. I am clear.

MR WILLINGHAM: Yes, commissioner, if I could just elaborate on that?

In relation to 20th November with Hayes it was our suggestion - that is, the suggestion of the parties - that if we could start a little earlier than normal in order to give you an adequate opportunity to undertake the inspection.

My understanding from Mr Nielsen is that there would be a maximum of two witnesses from the prison farm, and if it suits your convenience we would like to dispose of the evidence from those two witnesses on that day.

So experience suggests you'll probably be looking at maybe 2.1/2, 3 hours, to conduct the witness evidence, cross-examination, and re-examination.

And much the same comment goes for the Launceston inspection on the 27th, and that I think was the reason for Mr Nielsen suggesting that we perhaps got a very early start on Friday morning. Mr Marris advises that probably an hour, an hour and a half would satisfactorily complete the inspection, and we could then proceed to witnesses who, I again understand may number a maximum of two.

COMMISSIONER IMLACH: Yes. Thanks, Mr Willingham. Are we agreeable now to fix starting times?

MR WILLINGHAM: I think it would be very appropriate if you could, commissioner.

COMMISSIONER IMLACH: Alright. Well, I will take suggestions. I'm agreeable any time, really. 10.30 on the 4th?

MR NIELSEN: Yes.

MR HUNT: Yes.

MR NIELSEN: I'm sorry, Rod.

COMMISSIONER IMLACH: Right. Now, Risdon all day. Mr Nielsen, what do you suggest?

MR NIELSEN: Well, that's - we're on the 13th?

COMMISSIONER IMLACH: Yes.

MR NIELSEN: Yes. Well, 9.30 or 10.00 o'clock? 9.30?

COMMISSIONER IMLACH: 9.30. Right. Hayes, all day?

MR NIELSEN: Yes, we'll want to be out there, what, 9.00 o'clock? 9.30.

MR WILLINGHAM: What's the estimate of the time for the inspections - 3 hours, 2 hours?

MR NIELSEN: It is a fair - like, we'd want to go over the farm. Craig is being with us - 2 hours.

MR WILLINGHAM: Two hours. Say, 9.30?

MR NIELSEN: 9.30.

COMMISSIONER IMLACH: 9.30.

MR NIELSEN: At Hayes.

COMMISSIONER IMLACH: At Hayes. Launceston?

MR NIELSEN: Well, we hope to stay over - it has been suggested on the 26th that the parties may go up on the Thursday night and stay overnight, and we'd be happy with 9.00 a.m. or 9.30 - 9.00 a.m.?

COMMISSIONER IMLACH: 9.00 a.m. on Monday at Launceston on the 27th, yes. Risdon for witnesses on 4th December?

MR NIELSEN: 9.30.

COMMISSIONER IMLACH: Right. And the same for the next day?

MR NIELSEN: Yes.

COMMISSIONER IMLACH: Right. No objections to that? Good. Alright, thank you, gentlemen. I appreciate all that cooperation. This matter is adjourned until 10.30 a.m. on 4th November.

HEARING ADJOURNED