

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, 11 December 1992
Continued from 4/12/92

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Now, thank you, are there any appearances changes?

MR C. SHIRLEY: No change in appearance for the TPOA, thank you, Mr Commissioner.

MRS W. BURGESS: If the commission pleases, I wish to make an appearance. WENDY BURGESS, appearing for the Minister administering the State Service in place of **MR WILLINGHAM**, who sends his apologies, and I appear together with **MR BEN MARRIS**.

COMMISSIONER IMLACH: Thanks, Mrs Burgess. Right.

MR SHIRLEY: Mr Commissioner, if I can just inform the commission as I have on the previous days hearing that faxes have been sent to the parties. I understand there are some problems with the legibility of those documents and I'll see if I can do something about improving that.

If I can indicate that previously the exhibit for Prison Officer Jan Shaw has already been numbered at TPOA.33, and so therefore the two new witness statements faxed and marked - to be marked for exhibits for Prison Officer Bob Gourlay and for Prison Officer Geoff Cox, and I understand the next number is TPOA.49.

COMMISSIONER IMLACH: Mr Gourlay is 49 and Mr Cox is 50.

MR SHIRLEY: Thank you, Mr Commissioner. I have a witness list - I believe you've already got a copy of that - just to indicate today's list of witnesses and that will show, Mr Commissioner, that we intend to call Prison Officer Bob Gourlay to give evidence on the main gates operation, followed by Prison Officer Geoff Cox on the hospital - just one moment, Mr Commissioner - Mr Commissioner, I've just been informed due to work commitments it may be that Prison Officer Jan Shaw may be our second witness as opposed to our third, but I'll inform you as to that later.

And if I can just indicate on record that there was some discussion amongst the parties as to the next set of hearing dates being 2nd, 3rd and 4th February 1993, however, I understood that the hearings which from the Prison Officers Association point of view will be also four witnesses were to be held here at the prison, and I believe - although I haven't got a copy of the notification I understand, but it indicates it will be - the place of hearing on each of those occasions commencing at 10.30 will be at 'Lyndhurst'.

COMMISSIONER IMLACH: Well as far as I'm concerned if it's witnesses and the parties wish them here that's where they'll be. So that will be amended.

MR SHIRLEY: Thank you very much. The commencement time - I notice the commencement time is 10.30. Now we're happy with that, but -

COMMISSIONER IMLACH: Well 9.30.

MR SHIRLEY: Nine-thirty - thank you very much, Mr Commissioner.

Mr Commissioner, having dealt with those matters I might proceed to call and have examined Mr Bob Gourlay - Prison Officer Bob Gourlay, as our first witness. Thank you.

BOB GOURLAY, sworn:

MR SHIRLEY: Prison Officer Gourlay, could you indicate to the commissioner what experience you've had in the prison officer - prison system?... Yes, I have been a prison officer for the last 15 years. The last 10 years I have been an acting senior prison officer after having passed the senior officers qualifications examination.

And can you recall when you sat that exam?... That was August 1982.

Good, thank you. And have you acted as a senior prison officer?... On a number of occasions.

Right, thank you. I'll show you a document - have you seen that document before?... Yes.

Have you had an opportunity to read that document?... Yes, I have.

And have you had any input to the production - or to the - that document - not being produced - but insofar as the - the matters contained in that document?... Yes, I have.

Mr Commissioner, I ask that that document be marked as an exhibit.

COMMISSIONER IMLACH: TPOA.51.

MRS BURGESS: Excuse me, Mr Commissioner, with - in regard to this exhibit it's the first time we've seen it and I'd reserve our rights regarding this document because I don't think that I'll be able to digest the whole of it during the evidence-in-chief of the witness and we wish - if we wish, we wish leave to recall him at a later stage to address questions to him.

COMMISSIONER IMLACH: Yes. No trouble with that, Mrs Burgess.

MR SHIRLEY: Mr Gourlay, just before we commenced with your evidence about changes in the - this special case and your particular work value period since 1984, can you indicate to the commissioner the type of operation insofar as the number of officers that work in the main gate area?... Yes, well since 1984 there has been changes at the main gate area. Previous to today, there was three officers rostered at the main gate area, namely main gate 1 officer, which was a senior prison officer, a main gate 2 officer, which transferred to the tower twice during the shift, and we had a relief officer there for the sake of reliefs.

With the main gate 2 officer, was that a prison officer?... Yes, they're all - sorry, I meant to say they were all prison officers.

Did you say that the main gate 1 was a senior prison officer?... Yes, I did.

Yes, thank you. And you said there have been some changes - have there been physical changes to the main gate area?... During the last 18 months there has been restructuring at the main gate. The officers have been redeployed - not redeployed - the main gate foyer area which used to be the No.1 senior prison officer position is now controlled by a prison officer.

Right?... The main gate 1 area which is the senior prison officer is located behind the foyer. The main gate 2 officer is located in the vehicle access area and we do have a relief officer to relieve those positions.

Good, thank you. So if I can just quickly recap, main gate 3 is the first area that you walk into?... Yes, this is the foyer area.

Good. Directly behind main gate 3 is main gate 1 -?... Yes.

- where a senior prison officer sits in a - in an office?... It's a locked control room.

Right. And then off to the right as you look at the main gate and reception area - or main gate 3 and main gate 1 - off to the right is main gate 2 which is primarily a vehicular access?... This is the vehicle access - yes.

Right. And if I can just take you back - and did you say there was - the main gate 3 area was the main gate 1 area?... Yes, prior to construction the main gate 3 area was the main gate 1 area controlled by a senior prison officer.

Right. And when you say change in construction - what actually happened by way of physical change?... The main gate 1 office now is in the - a sealed area. There's physical

contact with visitors and there is no contact with the physical contact with the other prison officers.

Right. So the main gate 1 area is now a sealed and locked office - is that what you're saying?... At all times - yes.

Good. Main gate 3 is the front area which receives the public?... Yes, the main gate 3 officer is in control of all visitors access, operations of gates.

Good, okay, thank you. Now in the appointment of the officers for the main gate area, was there any requirement for officers to be at a particular level?... No, initially it was for a prison officer, 8 till 4, permanent position. Expressions of interest were called; a number of officers applied for the position and three officers were selected.

Right. And was there any discussion about their qualifications?... No, we didn't have an interview. Management took upon themselves to - to choose the particular people they wanted at the gate.

And did they choose officers with certain experience?... I can't say - that was done by management - but I would believe that they would have to have a certain knowledge, skills and experience of the area.

Right. And the other officers that worked in the area that you've referred to - the three officers - are you aware of their qualifications?... Yes, myself I have my qualifications of senior prison officer. The other two permanent officers also have at least 10 years experience as a prison officer. They all have passed a senior prison officers qualification examination.

Good, thank you. Now I'll get you to turn to the document that you've been handed and it's been marked TPOA.51; I wonder if you would be able to take the commissioner through the document starting with the first page being main gate 1 and indicate to the commissioner the changes that have occurred since 1984 - changes to duties and responsibilities that have occurred?... Do you wish me to read this out and -?

No, you don't need to read it, but if you can just highlight the points - ?... Right.

- and the changes in the duties?... The distribution and security of all gaol keys - now these are all done by the - the new area - No.1 area - these used to be handed out from the No.1 - No.3 position - right - and the armoury has been located from the foyer area into the main gate 1 area now, so that's sealed again. The No.1 officer is still in charge of the whole main gate area and they override - that is controlled by the No.3 officer until such times as during an

emergency - the No.1 officer has the sole power to override that system. But the main gate 3 officer still does this till that happens. Now the main gate officer - this - there is change here - the officer who is responsible for access - sorry - yes, that's still the same - the officer No.1 has the control of the hospital - that's fine - that's still the same.

If I can just take you back - you said that distribution and security of all gaol keys was No.1 - are you saying that that was - when you say No.1, is that referring to main gate - main gate 1 and main gate 3 responsibilities?... The sole responsibility for the handling of the keys and recording of keys has always been the responsibility of the No.1 officer.

Right. That's a senior prison officer. Right. Now the senior prison officer in the main gate area is located in main gate 1 which is the back office?... He is located there now - yes.

Right. And what you were saying was that that was the responsibility of the officer who was in the main gate 3 - is that correct?... I'm getting confused here - yes it was. The main gate 3 officer - we are getting confused, aren't we?

Yes. If - ?... We do not - we do not - the main gate 3 officer does not handle keys now - that's I think the point you're trying to get to, isn't it?

Well did the main gate 3 officer handle keys in the past?... No, never.

Right. So the distribution and security of keys was handled by the main gate 1 officer?... Yes.

MRS BURGESS: Excuse me, if we could just object. Mr Shirley could ask the question of the witness instead of asking for yes and no. It's knowledge of the witness?... If I could clarify that - it's because of the changeover of from 1 to 3 - that's the confusing part.

MR SHIRLEY: Right?... That is the confusing part.

COMMISSIONER IMLACH: Well perhaps if we - how many are there now, and how many were there before at the gate - three?... There were three - yes.

How many now?... There are still three plus a relieving officer.

Right?... So that makes a total of four during the course of the day.

And if you write - have you got a pen there, Mr Gourlay?... Yes.

You have, haven't you? If we put down the three previous officers - I've got three squares here on my paper - and originally they were 1, 2 and 3 were they?... Yes.

Right. And who was the senior - 1 was he?... No.1 was the senior.

Yes?... The No.2 officer was in charge of the vehicle access gates and the No.3 officer was a relief for meal breaks, et cetera.

Right. Now if we put across from there the - you know - the modern equivalents - the latest - what would we put next to 1?... No. 1 is the senior prison officer.

And he's the one in the secured - sealed section?... Yes.

Right - what about No.2?... No.2 is the vehicle access officer.

Right, perhaps if we go back to 1 - senior - senior - what gate?... Senior prison officer, main gate 1. Oh, are you - the plan of the gaol - is that what you're trying to do - is have the plan?

Well, no, I'm just trying to put it in graphic form. If we go back - the previous situation you had gate 1 was it?... Main - officer - senior prison officer main gate 1.

Yes, right - senior - now - now we've got the senior prison officer who's in the sealed section?... Yes.

What's that called?... That is the main control area.

Yes.

MR SHIRLEY: Main gate 1?... Main gate -

COMMISSIONER IMLACH: Main gate 1, is it?... Main gate 1.

Main gate 1. So what have we got - 2 - what was 2 before?... No.2 has always been the vehicle access area.

Right. And now?... It's still the main gate 2 - and it's still the vehicle access?... Yes.

Right. And then No.3?... Is the main gate foyer - No.3.

The main gate?... Foyer.

Foyer - right. So that's the difference really, is it - apart from the - ?... That has always - that area has always

been there and it was - and it was a No.1 position - it is now the No.3 position.

Right. Main gate 3 - can we say that?... Yes.

Now - main gate 3. So we've got the old system - 1 was the senior prison officer; 2 - the vehicle access man; 3 - was relief - he didn't have a gate at all?... Yes. No, he didn't control the gates - he assisted the main gate 1 with visitors and he relieved the senior prison officer on the main gate 2 while the main gate 2 changeovers occurred.

Right. And now we've got the senior prison officer who's in the sealed section which is called the main gate 1?... 1 - yes.

And we've got the vehicle access man who is at main gate 2?... Yes.

And then we've got main gate 3 which is the foyer?... Yes.

Right?... Now those - well two of those areas - well one is sealed which is No.1; the main gate foyer officer is always - he is locked in their office too, and he has the access to open the main gate 2 area.

Right. And actually the main gate 3 - is the first one you come to?... This is true - yes, as the foyer, yes.

All right.

MR SHIRLEY: So is it fair to say, was there a main gate 1 - was there a main gate 3 - ?... No, there was no main gate 3.

Okay. Thank you. So main gate 1 was a senior position?... Yes.

Is now main gate 1 and is still a senior position?... Yes.

It's locked in a separate office?... Yes.

Okay. Main gate 2 is vehicular access?... Yes.

And is still vehicular access?... Yes.

And main gate 3 has been created by physical changes?... Yes.

Okay. So if I can get back to the distribution and security of the gaol keys - the - that was a No.1 position?... Yes.

Which was a senior position?... Yes.

And is it - it is now, I think you were saying, it is now a main gate 1 position?... Yes.

Right. The armoury - if I can recap, you were saying was controlled in the foyer area?... Yes - before these changes.

Right. And that was - was that the old main gate 1?... Yes, that was the responsibility of the main gate 1 officer.

Right. And so that is still main gate 1 isn't it - is that what you're saying?... Yes.

The security of the whole area?... Is still No.1's responsibility.

Good. Electronic mechanism and locking of the office - the override capacity - ?... Is still -

- the dispatching of - ?... - is still in control of the No.1 officer.

Right. He - has that No.1 officer always had an overriding capacity to lock all the gates?... After the recent construction, he has that access now. Beforehand there was no control mechanism.

Right - so that's a change since 1984?... That is a change.

Okay. And the control of the hospital area access of vehicles and - ?... Yes, that's solely -

- pedestrians?... - solely the responsibility of the main gate 1 officer.

Right. And is that a new function?... It is a new function since reconstruction.

Right. So it commenced after 1984?... Yes.

Okay. Can I ask if you are aware of - in relation to the security distribution of the keys - if that officer has now the control of the chief prison officer keys and is that a new function?... It is not a new function. The main gate 1 officer - I'm sorry - it's the physical area again we're getting into.

Yes?... The old system was an open gate where these officers walked through. The chief prison officer's safe was located in the No.2 main gate area.

Right?... And only the chief prison officers had access to that safe.

Right. So there were some keys that were the responsibility of the chief prison officer?... Yes.

And they were kept in his safe?... Yes.

And which area did you say that was?... It was the old main gate 2 area. It is now located in the new No. 1 area.

Right. Did you say that the main gate 2 is the vehicular access area?... That was the old area.

Right. And that's where the safe was?... That's where the safe was.

Right. Okay. And now that safe is located in the main gate 1?... Secure office, yes.

Good. And are the keys that were known as - or that the chief prison officer had access to - are they now the responsibility in the control - ?... Of the new No. 1 senior prison officer. He has controlled that.

Right. Okay. Thank you very much. Now I will show you another document just on this part. It relates to standing orders. Is that document titled Main Gate Officer No. 1 - Standing Order No. P7?... Yes.

COMMISSIONER IMLACH: TPOA.52.

MR SHIRLEY: Can I get you to explain to the commissioner the changes that have occurred in this standing order that have changed your duties and responsibilities. Perhaps if I can put that another way?... Yes, I am just reading.

Yes. Does this standing order give authority to the duties and responsibilities of the main gate No. 1 officer?... Yes, this is the standing order all officers are required to have, and all officers who are rostered at the main gate No. 1 must be aware, they must have knowledge of this document.

You'll see at point 2 it refers to personal alarms to all staff, and check that keys are correct with the key register on - ?... Yes, that is just one of the duties. The duties are all listed there 1 to 22, and all main gate officers must be aware of all these regulations.

Good. Are you aware when personal alarms were introduced into the prison?... Yes, these were introduced I'd say, roughly off the top of my head, about 4 to 5 years.

So are you saying after 1984?... Oh, yes, after 1984.

Okay. Thank you.

COMMISSIONER IMLACH: So, if I could just intervene there, Mr Shirley, that means that you are saying that item 2 is a change since 1984. Is that right?

MR SHIRLEY: I believe the witness is saying that, Mr Commissioner.

COMMISSIONER IMLACH: Yes. Is that right?... Yes, that would be one change.

Perhaps - I don't know if it is any help or not - as Mr Shirley I think asked you originally, so we'll identify that item 2 - if you'll read that out, Mr Gourlay?... Yes.

Item No. 2. Be responsible for the issue and receipt of all keys and personal alarms to all staff, and check that keys are correct with the key register on relieving and being relieved.

Now that's a new duty since 1984?... Just the personal alarms section there, because prior to 1984 officers didn't carry personal alarms. So that is just one item there.

Right. Now if you go through all of those one by one, if they are not new just say so, and - ?... Yes, I am just trying to read through and pick up the ones that's relevant.

MR SHIRLEY: Perhaps, Mr Commissioner, if I can just clarify? In that No. 2 it says all keys. I believe you said just a moment ago that chief prison officer keys were not the responsibility of the senior?... They were the responsibility of the senior, not to handle them, but to ensure that they were properly signed for. That was a key register the chief - a separate item, a separate book - which it was registered in. The main gate 1 officer still has that book, and all officers including chief prison officers must sign the book when requesting keys.

Good. But does that officer, the senior prison officer in the main gate 1, have access to that safe?... He is given access to the safe by means of the chief prison officer handing over his personalised keys, which he carries with him at all times. The senior prison officer takes those keys, opens the safe, hands it to the chief prison officer, the chief prison officer signs the book and the main gate 1 officer hands the personalised - locks the safe again - and hands the personal keys back to the chief prison officer.

Good. But I understand that you said before that that safe was housed in the main gate 2 area?... Yes.

And the chiefs were the only ones who had access to the safe?... This is true.

Right. Now the No. 1 officer does have access to the safe.

Okay. Thank you. Yes, well if you can proceed as the commissioner has asked you, and if you can go through those points and comment on them?... Item No. 5:

Ensure that both Main Gates (sliding doors and inner grill) are never open at the same time. The only time both Main Gates may be opened at the same time, is in the event of an over length vehicle being required to enter or leave the prison. In such an event, the officer posted Main Gate No. 1 is to arrange for one (1) additional officer to be posted ... at the Main Gate.

As you may be aware, the No. 3 officer now controls the outer main gate area and the outer gate, the No. 2 officer is responsible for opening those sliding and grill gates at the vehicle access, and also the gate leading into the forecourt area. Now that becomes the responsibility of the main gate 3 officer now, for the No. 1 officer cannot physically assist with those jobs, those duties.

Because of the physical environment?... Yes. The officer is locked in the position, he cannot assist.

Good. Okay, thank you?... Turning the page to item 9. Item 10:

Ensure that prisoners working inside or outside the perimeter fence are not let in or out through the perimeter fence gates without prior notification of the officer directly responsible for their custody, who is to advise the No. 1 Gate Officer of the number of prisoners concerned and their names.

Now that's a duty that the No. 3 officer is required to do now because of the physical structure of the gate. The No. 1 officer has very - lacks vision of the area - so the responsibility becomes the responsibility of the No. 3.

Good. Thank you?... Now, No. 11 would be another one:

Ensure that all prisoners leaving the prison are identified and accounted for by gate passes and photographs.

Now, again because of the physical nature of the gate, the No. 3 would ensure that the prisoners leaving the prison have gate passes and also shown identification photographs. Because of the physical nature the No. 1 cannot personally physically see that.

Are you aware who used to conduct that activity before?... Yes, the No. 1 he was responsible for that, because he could

physically go outside, have a look, and make sure those documents were correct.

Right. And you're saying the old No. 1 was, what rank?... He was the No. 1 senior prison officer.

Senior prison officer. And now that activity is conducted by which officer?... Well, with the passing through the main gate, that's the No. 3 officer. He makes sure that the gate passes are correct and identification is correct.

Okay. Thank you?... No. 12:

Produce all books and documents under their control for inspection by the Chief Superintendent as directed.

Because of the nature again there are a number of books which the main gate 3 officer has, such as contact and visit books, special visit books, prisoners' property books, authorised visitors book. These are all handled now by the main gate 3 officer.

And who were they handled by before?... They were all handled by the No. 1 senior prison officer.

Good. Thank you?... I think item 19 - sorry, item 14 - would be exactly the same. Do you want me to read it out?

Maintain all books and documents under their control at the Main Gate Office and ensure that such books and documents are kept complete and up-to-date.

Now that has become the responsibility of the No. 3 officer.

Right. And was the responsibility of which officer?... It was the responsibility of the main gate No. 1 - the senior prison officer.

Thank you?... Now once again item 15:

Ensure that all messages, telephone or verbal, received at the Main Gate are passed expeditiously to the appointed authorities.

Now the main gate officer No. 3 deals mostly with - this is an area where it was the main gate officer's responsibility. This is now main gate 3 officer's responsibility.

Good?... Turning to item 21. And just item 22:

Carry out such duties as may from time to time be directed.

That's -

And are there any other duties that are required to be carried out from time to time that you can identify?... Yes, well the No. 3 officer now relieves the No. 1 officer for meals, or if the No. 1 officer has to go to meetings, or whatever. The main gate 3 officer now takes over those duties of No. 1.

So, meetings, lunch did you say?... Meal breaks, or if the No. 1 officer has to be called away the main gate 3 officer takes over the duties of No. 1.

Right. Okay, thank you. Now if we can just go back to the next page of your document. It's titled Main Gate 2. I wonder if you would go through that document and indicate to the commissioner the duties and responsibilities that have changed since 1984 for that position.

COMMISSIONER IMLACH: We'll call that TPOA.53.

MR SHIRLEY: It's in the pinned one, main gate, turn over it becomes Main Gate 2. No, that one there.

MRS BURGESS: Did you give that in your exhibits, Mr Commissioner?

COMMISSIONER IMLACH: No, I don't think I did.

MR SHIRLEY: TPOA.53, did you say?

COMMISSIONER IMLACH: Well, I just picked up the one I had in front of me, Main Gate Officer No. 2, that's not the one?

MR SHIRLEY: No, not yet, I'll be coming to that in a minute. TPOA.51 is three pages and it is the second page of that.

COMMISSIONER IMLACH: Right.

MR SHIRLEY: It's the statement that Prison Officer Gourlay has referred to.

COMMISSIONER IMLACH: Right. Now, we're referring to TPOA.51 and it is the second page.

MR SHIRLEY: Thank you very much, Mr Commissioner?... This is the document here?

That's it, yes?... The main difference since 1984 is that the officer posted at main gate 2 is now locked in the vehicle access area. He doesn't alternate between No. 1 or No. 3. That is his position, he stays out there.

Good?... So, No. 3 - oh well, we will come to that later.
There is one other - item 2:

Alternate with other officers posted to the
perimeter towers ...

Now the towers have been - well, they are not in use any more
- so he alternates with the division front officer.

Right?... On a 2 hourly basis.

COMMISSIONER IMLACH: What does that mean: division front
officer? Where's he?... He directs - have you been inside the
gaol, sir? That is where the division cells are. And
outside the division cells there is an area called the
division front, and that officer patrols that. And he used to
alternate with the west tower.

Now he alternates with the - ?... Now he alternates with the
No. 2 officer at the main gate.

Main gate 2. Right.

MR SHIRLEY: Mr Commissioner, there is an exhibit, the layout
of the prison plan, at TPOA.2, and it is those areas marked
(a) to (f), the divisions patrolling -

COMMISSIONER IMLACH: Yes. Right.

MR SHIRLEY: Thanks, Mr Gourlay. I will show you the standing
order in relation to the main gate 2 area, Mr Gourlay, and -

COMMISSIONER IMLACH: Is that the one that I jumped in and -

MR SHIRLEY: TPOA.53.

COMMISSIONER IMLACH: TPOA.53, I'll confirm that. Right.

MR SHIRLEY: That document is titled, Main Gate Officer No. 2,
is it, Mr Gourlay?... Yes, that's titled Main Gate 2, yes.

Good. Can you quickly read through that document and
highlight those duties and responsibilities that have changed
since 1984?... The main gate 2 officer, I don't think - I
can't see any changes since 1984 there. It's just - the only
change physically is that it should not have access to the No.
1 area.

Right. Okay?... And he now works in closer cooperation with
main gate 3.

Good. I'll get you to have a look at the last page of your
statement. Main Gate 3, it is titled, and I wonder if you
would explain what changes there has been to the duties and

responsibilities of that officer?... The main gate 3 officer now is the main gate 3 foyer which deals with the general public and controls the outer perimeter gates. He is at all times to be courteous to all visitors to the prison except lawyers, etc., general visitors to the area.

COMMISSIONER IMLACH: Did you say be courteous to everyone except the lawyers?... I might have said that, sir, I am sorry. Now this is a position that has been now created. The No. 1 has his own area now. This is the creation of the foyer main gate, and this was formerly the main gate 1 officer. Now, because of the physical nature of the gate the main gate 3 officer now does most of the duties of the old main gate 1.

MR SHIRLEY: Right. And that officer was, what?... That officer was a main gate 1 senior prison officer.

Good. Thank you. So is it the case that these changes, these items identified in your statement, are they all new duties, new responsibilities since 1984?... Yes.

Okay. I'll show you a standing order for that. Is that headed, Main Gate Officer No. 3?... Yes.

COMMISSIONER IMLACH: Standing order No. P.29, is that right?

MR SHIRLEY: Yes, Mr Commissioner.

COMMISSIONER IMLACH: Yes, well, TPOA.54.

MR SHIRLEY: Thank you. The date of that standing order was brought out at what time?... That was October 1, 1991 which was the sort of formal new change at the main gate area after the new reconstruction.

Right. Would you be able to go through that document and indicate to the commissioner the duties that have changed and the responsibilities that have changed for the main gate 3 officer?... Well, it is a new position, so all these I would have to go under the heading.

Right. Were all those duties before done by the main gate 1 officer?... Yes.

Right. The classification of that position, the rank of that position?... It was a senior prison officer.

Okay. Thank you. Now I will show you another document. Is that document titled, General Security at Main Gate, Standing Orders No. A1?... Yes.

Okay. Thank you.

COMMISSIONER IMLACH: TPOA. 55.

MR SHIRLEY: Can you explain to the commissioner the need or the role of this standing order, and what changes have occurred that reflect changes in duty and responsibility for prison officers working in the main gate area since 1984?... Well, this is a new order. All officers working at the main gate must be conversant with this order. There are no changes whatsoever. I mean, all prison officers are conversant with this document.

Right. So the standing order was published at what time?... 1991, that's what's on it.

Good. And are you saying - ?... This is a new standing order to cover the new main gate area.

Right?... And all officers working in this area must be conversant with this standing order.

Right. Was there a standing order that previously dealt with security in the main gate area?... You are asking me? Yes, there was, yes, yes.

There was?... Yes.

What I am trying to identify is the changes to the previous document that dealt with security, and this document, so that we can identify the changes that have occurred?... I am sorry, I don't understand the question. I'm getting a bit -

Was there a document, a standing order before, that dealt with - ?... Yes, there was general security at the main gate standing order, yes.

Right. Dated prior to 1984?... I couldn't answer that personally because they do change from time to time, and there has always been a standing order for that.

Security?... Yes.

Good?... I can't exactly say when they are changed, but they are changed frequently.

Good, that's fine. The requirement under this special case and the work value part of this special case is to identify those changes that have occurred since 1984?... Yes, right, yes, yes.

And then those changes that have led to new or increased duties or responsibilities?... Right.

So, if you are able to identify this document, those changes that - ?... Yes, I would like to identify item No. 2:

The electrically operated gate or outer wicket gate is not to be opened for the exit of vehicles or persons without first ensuring that the area outside the gate is clear from a security point of view.

Now prior to - since 1984 - these electrically operated gates have been installed, so

Thank you?... And I think that goes the same for section 3 there, gates 4 and 5, they are all electronically controlled. That's a change in the gate area. I think that covers the - oh, yes, if we turn to the secure control room main gate No. 1.

Yes. That's the appendix to A1?... That's the appendix to A1, yes.

Good. Thank you?... That mentions the main gate secure control room. Now, prior to that we didn't have that area.

Right. So that area did not exist prior to 19 - ?... Yes, prior to -

Thank you?... I think this whole document can be covered by the same answer.

Right. So this document and the points that it covers didn't exist prior to 1984?... Yes.

Okay. Thank you. Now have you had any input to documents relating to your contact with the general public, having worked in the main gate 3 area?... Yes, having worked in the main gate area from its conception, the three officers posted there where we tried to improve the area by discussion with welfare officers and other people around the place. One document I can think of that comes to hand was this document, General Information for Families of Prison Inmates.

And, did you produce that document?... No, I did not produce the document. I think the inception of the idea came from myself when Mrs Lyn Giddings - I mean, it wasn't discussed it would be produced - it just sort of came from an idea.

So, discussions between yourself and another person for input into this document?... I didn't know the document was being produced, but I think it sparked from some conversation I did have.

Right. Okay. Thank you. I'll show you one further document.

MRS BURGESS: Are you submitting that as an exhibit at all?

MR SHIRLEY: We can, if you want to.

MRS BURGESS: I just wanted to know what status and what relevance the commission would be taking.

COMMISSIONER IMLACH: Well I actually didn't take any particular notice of it because it wasn't put forward as -

MRS BURGESS: That's fine.

MR SHIRLEY: Is that document titled Main Gate Area?... Yes.

COMMISSIONER IMLACH: TPOA.56.

MR SHIRLEY: And have you had any input into the preparing of this document or the production of this document?... I think this may be the first time I have seen this document.

Right. I'll get you to quickly read through it then and -

MRS BURGESS: While the witness is reading through, Mr Commissioner, what is the document that Mr Shirley is putting forward if the witness hasn't seen it, if the witness is giving evidence?

MR SHIRLEY: It's a statement that was prepared by officers in the main gate area and it will give background as to the operation of the main gate area and some areas of change and I'll be asking -

MRS BURGESS: Right. So you're going to bring forward all those people as witnesses -

MR SHIRLEY: No.

MRS BURGESS: - to accept it?

MR SHIRLEY: No. I'll get Mr Gourlay to comment on it if he is able to - if he's got the knowledge to then it will be presented on that basis?... Yes, I've read that, yes.

.... Does that cover the duties required by officers working in the main gate area?... It requires duties of all officers working at the main gate area.

Right. And does it cover some areas of change that has occurred since 1984?... Yes, I - as I have previously mentioned - the No. 3 gate officer, as I - or a considerable amount of duties that's in this document, that prior to that the - we did not have a main gate duty officer.

Are there any duties in here that - since you've read the document - indicate change and therefore - changed since 1984 and therefore changes to your duties and responsibilities that

you already haven't given evidence about?... Yes. The main gate 3 area has a greater responsibility now than - as a prison officer, compared to these officers previously - this position previously was a number one position - senior prison officer.

And does this document cover all areas of the main gate?... Yes, it covers all areas.

Right?... The - we haven't mentioned - though I think I have mentioned that I - the main gate 3 officer does control and does the duties of the senior prison officer at main gate 1 by relieving his position and so it comes under the heading of all this area.

I believe you mentioned changes for lunch, meal breaks, and other absences?... Yes, at any - at the request of the main gate 1 officer.

Yes?... knowledge and skills.

Good. And when you said there is greater responsibility, are you able to identify that in any way?... Well an area of - by visitors receiving property, property - when it comes to visitors, contact books, they must be performed by the deputy - superintendent in that area.

Right. Are you given any money by other people - ?... Yes, we are.

MRS BURGESS: Excuse me, Mr Commissioner, that's evidence from the witness.

MR SHIRLEY: Yes, and I'm asking -

MRS BURGESS: Mr Shirley is asking the witness and prompting ?... Yes. If I could, I have a history on -

MR SHIRLEY: One second, sorry.

COMMISSIONER IMLACH: Well I think you should put it to the officer, Mr Shirley: Do you handle money?. Yes. Would you please explain what happens?.

MR SHIRLEY: If I take it - the objection is that it is some form of leading -

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: - that - I haven't identified an amount of money or what the money is for. I've asked in general terms about money items, and the witness can either agree or disagree and I'll pursue the line of questioning from there. But I haven't

made any specific reference to amounts or for particular purposes.

MRS BURGESS: Excuse me, Mr Commissioner, I think Mr Shirley did say: Was there anything else that the witness could remember or had forgotten or could elaborate on?, and then he went on to lead the witness. That's the objection.

COMMISSIONER IMLACH: Is there mention of money in this document?... Yes, there is, sir.

COMMISSIONER IMLACH: Is that what we're talking about?

MR SHIRLEY: Yes.

COMMISSIONER IMLACH: Perhaps if you could ask Mr to elaborate on that for us.

MR SHIRLEY: Right. On page 2 in the first paragraph there is reference to - about the middle of the paragraph - receiving televisions, radios, money, clothing, and other miscellaneous items and so on -

MR NIELSEN: Seventh line.

MR SHIRLEY: Can you indicate what that reference is about?... Yes, the main gate 3 officer is responsible for all these - the books, and the one we're talking about here would be the receipt book whereby visitors can deposit money for inmates and I - the main gate 3 officer is responsible to handle those receipts, and I receive the money properly - make sure the receipts are done properly and the money put into a money safe located at the main gate 3 area.

Are you able to say what quantities of money are handled?... Well it comes down to commonsense. We wouldn't take large sums of money. If somebody - you know, \$20 or \$30 would be okay. Up to \$100 I would have to have permission from duty chief prison officer.

Right?... We don't handle great amounts of money at the main gate.

So you're saying \$20 to \$30 would be - ?... Oh, a sum, a sum, a sum.

Yes. And then around \$100 with the chief prison officer's - ?... Well that's just commonsense. I think the main gate 3 officer would - you wouldn't accept a large amount of money.

Right. And are you aware that - was that activity conducted by another officer previously?... Yes. All the bookwork was done by, previously, the main gate 1 senior prison officer at the gate.

Senior prison officer. Okay?... Now all these books mentioned here are done by the main gate 3 officer. He's responsible for the -

Okay. Thank you. Excuse me, Mr Commissioner. Thank you, Mr Commissioner, they are all the questions I have.

COMMISSIONER IMLACH: Right. Mrs Burgess?

MRS BURGESS: I'd like an adjournment for approximately 10 to 15 minutes because of the volume of exhibits that have been presented.

COMMISSIONER IMLACH: Yes. Well perhaps before we do it. If you could just excuse us for a minute, Mr Gourlay?... Sir.

COMMISSIONER IMLACH: I'll just go off the record for a moment please, Carol?

OFF THE RECORD

COMMISSIONER IMLACH: We'll adjourn till a quarter past eleven. Yes, Mrs Burgess?

MRS BURGESS: Yes - no, that's okay.

COMMISSIONER IMLACH: Good. A quarter past eleven. Thank you.

SHORT ADJOURNMENT

MRS BURGESS: Mr Gourlay - ?... Yes.

- just when you were giving evidence on the main gate you said that there was main gate 1, 2, and there was a relief officer. The case is now that there were two officers in 1984, that was senior prison officer and prison officer, now there are three, senior prison officer and two prison officers. Right?... Plus a relief.

The relief - yes, the relief - reliefs come and reliefs go, but the main - ?... Can I -

- there were two and now there are three. Is that correct?... Can I say to keep the continuity of the main gate area the relief officer is the main gate 3 officers. They work on a rotating basis, whereas the first week, the officer is -

Just, if I can interrupt you, Mr Gourlay, - ?... Yes.

- just to make it simple, there were two in 1984, now there are three?... Right. Yes. Okay.

Okay? Thanks. Now hasn't it always been the case that main gate 2 has always relieved main gate 1 so that a prison officer has always relieved the senior prison officer?... No.

They haven't?... Now where possible the relief of the main gate 1 officer always is the qualified senior prison officer.

I thought the main gate 1 officer, Mr Gourlay, was the senior prison officer?... Yes, but when he is relieved it's the practice that the main gate 1 officer should always be relieved by a qualified senior prison officer because an important -

It may have been practice but at the main gate - if we go back to the original question - at the main gate you have one senior prison officer who is main gate 1?... Yes.

You have, say, main gate 2 and main gate 3 who are prison officers?... Yes.

Does main gate 2 and main gate 3 relieve main gate 1?... At present, yes, we are qualified, yes.

Right. So you have a prison officer relieving a senior prison officer?... Yes.

Has that always been the case?... Yes.

Thank you. The distribution of keys. You said that the main gate 1 officer, that is the senior prison officer, is responsible for the distribution of keys?... Yes, yes,.

He still is?... He still is.

There's no change in that?... No change.

He was pre-1984?... Yes.

Thank you. It's just the physical location has changed about?... Yes.

Thank you. Now, isn't it the case, Mr Gourlay, that now it's a safer, more secure - ?... Yes.

- with better visibility, pleasanter - that area to work in with extra staff doing the same basic functions?... Are we talking about the - ?

The main gate area?... - area as a whole?

Yes?... It is better, yes.

Okay. Thanks, Mr Gourlay. Now in relation to Standing Order No.7 which is main gate - ?... P.7

- point 2 - that's right - TPOA.52, and it's point 2, when you said it's changed and it had changed, you did mention that the main change there - or perhaps you could tell me what the main change was again?... Well the main change really was the personal alarms.

Personal alarms. Okay. That's the only new area of change - the only new responsibility. Is that right?... For the main gate 1 officer.

For the main gate 1 officer. What does that actually mean: personal alarms? Does that mean that you issue personal alarms the same way that you issue the keys?... Yes.

So you just hand them out?... Hand out -

Hand out personal alarm and you record it as you would for the keys and everything?... Record it, yes, time -

Right. So that's just one extra thing that you are required to do?... Yes.

Okay. Thanks. Now, who has overall responsibility for all matters concerning the main gate - all the main gate areas encompassing the prison officers, the reliefs?... The senior prison officer main gate 1.

Has responsibility?... Overall.

Right. And has that always been the case?... Always been the case, yes.

Okay. Thanks. In TPOA.51, on the second page, on main gate 2, you said the difference there - do you have that one?... Main gate 1, main gate 2, yes.

Right. You said the only difference, you said, was in the one area where officers at point 2 alternate with other officers posted to the perimeter towers as directed. I understand the perimeter towers are no longer in operation, so - ?... Yes, I did mention that, yes.

Yes, I know you did. So, what change has there been - what work value and what responsibility has there been other than a physical location? Instead of going to the perimeter towers, you are now going somewhere else?... I did mention there was no significant change in that area.

Okay. Thank you. So there's been none?... Except for - if I could go back to that again - the main gate officer, since the conception of the new main gate area, is confined to the main gate area.

Yes, it's just that this - ?... That's the only job he does now.

That's right, but he still - ?... He doesn't -

- has the overall responsibility as you indicated earlier?... Yes, but he can assist the number one officer in some of his particular duties which, in the case before, he was able to, yes.

Did the - was the - was it a responsibility of the senior prison officer to alternate with other officers posted to the perimeter towers? Was that his - was that part of his duties?... Just the main gate 2, yes. Just the main gate 2 officer. The main gate 1 officer doesn't come into this.

He didn't?... No.

Right. Okay. Fine. So there's been no change. Now go through the statement of main gate personnel which was TPOA.56 - do you have that one? No, TPOA.56 was - which is the statement that Mr Shirley gave you at the final - ?... Oh, right, yes, right. I think I can find that one. Main gate area, yes.

Okay. You said that regarding property - I think you said - on page 2, you replied that you receipted money and everything - more responsibility than previously in all the areas of the main gate including - you did allude to the property. Hasn't that always been the case, that visitors come and the prison officers receive property?... No, that is the responsibility - that was the responsibility of the main gate 1 officer.

That was the responsibility - so the visitor contact books and receiving property was main gate 1 officer?... Was, yes.

Okay. And just on the main gate and just in the new relocation of officers, for the want of a better word - that's my words - with the development of the administration building outside the prison - that's this building that we're in at the moment - in fact, a great majority of the reception enquiries are directed rather than - are directed here rather than at the previous practice at being at the main gates. So with - do you agree with that? Are your enquiries less now because of the administration building?... The administration building - the telephonist - if somebody asked for prison information, they put it through to the main gate 3 foyer in which the prison officer has more knowledge than the receptionist at the administration. We can explain more to - questions - we can

answer the questions whereas the receptionist at the administration may not have an idea of what the answers are.

So is that - does that mean that it's - the volume has increased since the administration building has been - ?... I think the responsibility has always been with the - previously, the No. 1 senior prison officer would have answered those questions. Now the questions are directed to the prison officer No. 3.

So that's in regard to telephones?... Yes.

How can the telephones - the telephones were always there though in the main gate. I'm talking about enquiries from the public, from people - ?... Yes.

- coming and going, toing and froing, doesn't the bulk of that come through now the administration building?... It is passed onto the main gate area.

Those people that go through - ?... Previously -

- administration then are passed onto you?... Yes.

So it cuts down on - cuts down or doesn't cut down on your work?... It depends on the volume of telephone calls. You can't say you're going to get 50 calls per day. It's a question that we answered when applicable.

Well has it made it easier to have the admin building outside the gaol or inside the gaol?... Well the administrative -

Just a view?... Yes, I'm just as the administration works from 9.00 till 5.00 and they're away at weekends so the volume of most work through the telephone comes through the main gate area. So whether the administration is working or not, the main gate runs 24 hours a day.

Yes. So, you're saying there has been no change since the admin building was put outside, but that's okay?... No, well that's right, yes.

Right. Okay. That's all. Thank you very much.

COMMISSIONER IMLACH: Although just to follow that up, Mr Gourlay, not a lot hangs on it, but I tend to think that if, for example, someone came to see Mr Marris, if he was here in 1984, they would have had to go to your main gate, wouldn't they?... Yes, all enquiries, most people come to the main gate instead of administration.

Well now they'd come to here, the administration, in that - ?... Not necessarily, sir. As I said before our enquiries are

24 hours a day at the main gate. Weekends the administration is not here

Yes, but I'm just - just say if I was coming over and I know Mr Marris - ?... Yes.

- I'd come here wouldn't I?... Yes, you would, sir, yes.

Yes. In other words, in that context there'd be less going to the main gate. There may be more - if you count the numbers there may be more because of whatever?... Yes.

But in that context, that would be one less going to the main gate, wouldn't it?... There would be one less going to the main gate, but not -

I understand what you are saying. Right?... I mean, the volume as far as administration - people coming to the - as far as the work, there's nothing. It's

Right. Mr Shirley?

MR SHIRLEY: Thank you, Mr Commissioner. Mr Gourlay, you were asked about distribution of keys and it was put to you that there's been a change since 1984. Can I get you to just reiterate your comments in relation to chief prison officer keys and what happened with those keys?... Yes. Previously, since 1984, the safe keys were located at the old No. 2 area -

Right?... - which was in between an office passage way and the chief prison officer had his own personalised keys to open the safe and record the transaction in the record book.

Yes?... Now, the chief prison officer's safe is located in the new No. 1 secured gate. The prison officer hands his own personalised keys now to the officer - No. 1 senior prison officer. The senior prison officer then gets the keys from the safe, makes sure the chief prison officer signs the number of keys and hands - the men get one, then hands the personalised keys back to the chief prison officer.

Right. And the safe is located where now?... It is now located in the senior prison officer's main secure gate, No. 1.

Right. And what was the rank of that officer?... The rank was the senior prison officer, main gate No. 1.

Right. And the keys and the location of the safe is now - well, the safe is located where now?... In the No. 1 secure safe, No. 1 position.

Right. Right. And the rank of the officer in that area?... The rank there is the senior prison officer No.1.

Senior prison officer. Okay. Do the chief prison officers go into that area and have access to the safe?... No, the senior prison officer No. 1 is locked in that area. No other officers are allowed access to that area unless being relieved.

Right. Okay. Thank you. You were asked, in relation to TPOA.56 about property and that was being received and has always been received?... That was always by the senior prison officer No. 1.

Right. And that is now done by - ?... That is now done by the main gate officer No. 3.

Right. And that person's rank?... That person's rank is just a prison officer.

Right. Okay. Excuse me, Mr Commissioner. No further questions, thank you.

COMMISSIONER IMLACH: There we are, Mr Gourlay, that wasn't so bad was it after all?... That's all right.

Thanks very much?... Thank you. I'm sorry, Mr Shirley, I've got these mixed up. You can sort them out later if you want.

MR SHIRLEY: Yes?... Thank you, gentlemen, lady.

COMMISSIONER IMLACH: Good morning.

MR SHIRLEY: Mr Commissioner, it may be prudent to go off the record and have an adjournment. Our next witness will be Mrs Jan Shaw from the Women's Prison. It may take her 5 minutes or so to get up here.

COMMISSIONER IMLACH: Okay. We'll adjourn.

SHORT ADJOURNMENT

MR SHIRLEY: Thank you, Mr Commissioner. We have our next witness, Prison Officer Jan Shaw.

JAN SHAW, sworn:

MR SHIRLEY: Thank you, Officer Shaw. Can you indicate to the commissioner your rank?... Female Prison Officer, Acting Deputy Superintendent, at the moment.

Thank you. And can you indicate the experience that you've had as a prison officer and in the prison environment?... I've been employed in the women's prison since March 1985. I was employed on a casual basis at first and have been full time permanent since July 1987.

So, if I can just indicate on the statement that it refers to six and a half years as a prison officer?... Yes, a typographical error. It was seven and a half years at the time. It's seven and three quarter years now.

Right. Okay. So, I'd seek to make that amendment, Mr Commissioner. And you indicated that you have acted - or you are currently acting as deputy superintendent?... Yes.

Have you acted as deputy superintendent in the past?... Yes.

Good. Okay. Thank you. I'll show you a document?... Thank you.

COMMISSIONER IMLACH: What's that, Mr Shirley, TPOA - ?

MR SHIRLEY: Fifty seven, I believe, Mr Commissioner.

COMMISSIONER IMLACH: Women's prison?

MR SHIRLEY: Women's prison, yes.

COMMISSIONER IMLACH: Right. TPOA.57.

MR SHIRLEY: Prison Officer Shaw, have you seen that document before?... Yes, I have.

Right. Have you read that document before?... Yes.

Right. And have you had input to that document?... Yes.

Okay. Thank you very much. I'll get you to, if you wouldn't mind, from the commencement of that document, indicate to the commissioner the occupancy - the maximum occupancy currently at the women's prison?... Right. The occupancy maximum is 23 inmates - 23 inmate accommodation, 21 of those being ordinary cells, two - one separate confinement cell and one time out cell, and you have 23 cells altogether and we have an average of eight inmates for the past two, perhaps three years. The number of officers required to staff this prison is one superintendent, one SPO, five POs and three POs - PO being prison officer, of course. The women's prison is a facility which accommodates four classifications of inmates, these include maximum, medium, minimum, and remandee. Before the time of this work value case the role of a prison officer was purely to turn keys. There was no interaction between the officer and the inmate. The environment was one of close restrictive supervision all the time and highly regimented in

all the activities of the inmates. The following duties have been introduced by management over the period of this work value case.

Thank you. And with that first one, May 1991, daily reporting, we might leave that for the time being because there is another reference to that on the beginning of page 2?... Yes.

Can I get you to turn your attention to the next major paragraph of November 1985 and read that paragraph, thank you?... Right. November 1985, special institution: Staff must care for the following categories of inmates, criminally insane, psychotics, manic depressives, schizophrenics and inmates suffering from severe personality and behavioural disorders and this within a general prison population usually including life imprisonment to short term inmates, and officers have also supervised pregnant inmates and their babies.

Thank you. This is a special case and part of the special case is - relates to work value change. In general terms, from 1984, can you indicate to the commissioner the changes in duties and responsibilities for prison officers at the women's prison that have been brought about as a result of the change in classification of special institution?... Is that - yes, just directly as regard to special institution.

Thank you?... Well, as is noted, that began in November 1985 and that has increased the work load - when there's a staff of two on the prison on all time when the inmates are out of their rooms, having to care for that type of person means that you are constantly - even more constantly aware of what interactions are going on, what innuendos are going on, and people that have severe behavioural disorders don't really intermingle effectively within the population and quite a few of them think they do and they choose to interact but they don't interact what we would understand as normally and therefore they require quite a deal of supervision and, as I said, there are two people working and you can have up to 19 inmates that you are supervising, and special care with these people might include having to bath them separately or whatever and for that you need two people, so therefore you are required to be virtually in two places at once, bathing and supervising - bathing one inmate or supervising that and supervising the other remaining inmates all at once. It's a very interesting job but it is quite demanding.

Thank you. I'll get you to turn to next the paragraph about training and I'll get you to read that if you wouldn't mind?... Yes. Staff have been given no special training to cope with any of these changes. Some staff have attended conflict resolution and negotiation skills courses, hospital

training introductory course, fire safety, weapons management, women in management, OHS and EEO, et cetera.

Thank you. Now once again I'll get you to indicate the changes in duties and responsibilities that have occurred since 1984?... Well of course I can't comment on parts of 1984 - only having worked there since March 1985.

Good?... But from March 1985, when I began, the training was one 6.00 till 2.00 shift you shared with one officer, one 2.00 till 10.00 shift you shared with an officer and one night shift you shared with an officer and that was your training and then you were put on a division and expected - as was previously noted - just work within a rigid environment and that was quite - it had its difficulties in a way. That because everything was so regimented it was quite cut and dried, but as has been indicated, the responsibilities have increased and the interaction has increased, and with that interaction you do have a freeing up of regimentation but you also - it includes other responsibilities - it includes a further responsibility of care rather than just a custodial care, you have an interactive care and a moral care, I feel, that you might not have had before. Interpersonal skills dealing with a wide range of people from all socioeconomic classes is an interesting - and in an unregimented environment much more, as I said, demanding of you as an officer and as a person, because you were there as a personal example to people in how to live and also as not just a custodian as someone who is capable and willing of - of being a mediator or an intermediary between inmates and inmates, inmates and staff, inmate and welfare officers that they have access to, so that you are directing them towards services that are unavailable to them.

Thank you. And perhaps if we can join the first major paragraph - ?... Right.

- in the middle of that page and the one on page 2 - and I'll get you to read those if you wouldn't mind?... 1991 - Daily reporting - officers are required to observe the daily - the inmates daily behaviours and report on any unusual characteristics that they may demonstrate throughout the day. This information is used by all officers. May, 1991 - work and conduct assessment - five times a day POs must assess and allocate points to all prisoners. This is done three times in the morning and twice in the afternoon. The prisoners' assessment entitles inmates to points and the corresponding number allows them visiting privileges. This is assessed in time ranging from one half an hour to 2.1/2 hours per week.

Okay, thank you. I'll show you two documents?... Thank you.

Are these documents headed Work and Conduct Record, Work Aggregate and Entitlements?... Yes, they are.

And then there are two in that vein, and they're slightly different in format?... Mm.

COMMISSIONER IMLACH: It will be TPOA.58 - I think it is, and - yes - and that will be the one with the straight down format and not the one that's indented halfway down?... Right.

TPOA.59 is the one that's indented.

MR SHIRLEY: Thank you. I might just get you to talk about the difference between these two documents?... Right. Well it's only a physical difference in reality; 59 we found didn't leave enough space for us to write all that we needed to. They do refer to the same things, so what we have done, out of 59 we have taken a refusal to work and points allocation and taped that to an inside of a book. That is an indication of what points you should be allocating for what particular behaviours, and so that's now in the front of a book where we can refer to it when we're allocating points. And exhibit 58 is the actual sheet we now use, that we - we mark points as was noted, five times a day. At - on a Friday night or a Saturday morning, those points are allocated and the points total is put on the next week's sheet in the relevant space available on the next week's sheet so that you'll know to what the inmate - the prisoner is entitled as far as visits, contacts.

Thank you. Can I get you to indicate to the commissioner the changes in duties and responsibilities as a result of work and conduct assessments introduction?... Well as has been noted before, you do have to really observe people, and you have to be able to in an interactive environment be able to stand by the points allocation that you - that you allocate, so that you are - each points - allocation of points is signed and the inmate is able to see their points allocation and therefore you have to be able to validate the points allocation both to your superintendent should she enquire and also be able to verify and be fair in your allocation to the prisoners. Now that involves quite a deal of work as you can imagine. It all depends on how much - how many prisoners you do have. But it - it does take away from just that purely, as I mentioned earlier, that purely custodial - that purely regimented: you will be here at 5 o'clock, you will do this at 5.30, you will sit in the rec. room from 6 pm until you're locked up at 8 pm, et cetera. It's - it's much more encompassing of behaviours of interactions of - of attitudes - as was mentioned earlier.

Thank you. Is there an appeal system by inmates against this allocation of points?... I suppose you could call it that. As I said, you do have to be able to verify the allocation.

If they have a complaint, do they take it to the superintendent - is it superintendent at the women's

prison?... They can do. Usually they would bring it to you - to me -

Right?... - and I would be able to say to them, well, hey, listen, remember this? And, oh, yes, and off they go. No, we don't - we haven't really had any problems in people not accepting basically what is - what is allocated to them.

Right. Thank you. I'll get you to look at the - your statement again, and if you could read the section relating to October 1991?... Movement Book - Prisoners are required to have their movements monitored when they move about the prison. Some of these include escorts, library, dentist, and debating.

And would you mind indicating to the commissioner changes that occurred for duties of responsibility in relation to that?... Well as the prisoners have been encouraged to develop skills and rehabilitate themselves, that's involved them moving between prisons, moving to the library, so therefore you're having that sort of care, but you now have to monitor each movement. Every time someone leaves and returns, whether you're with them or not, you have to record their movement in an actual movement book - the time that they left, the time that they returned, and in a separate book you put who they went with and whatever, so there are two books - one just verifying the other.

Do you need to fill out a report if there's any conflict in times or if you observe some unusual differences in times?... It hasn't happened yet, so no.

Okay, thank you. I'll get you to have - turn your attention to the next item - August 1991 - meals?... Right. Meals - Every meal for every prisoner - every meal for every prisoner must be recorded - that's a typographical error - it should be every meal must be recorded. We don't actually sit and write what every prisoner eats. These include breakfast, lunch and dinner sittings. We just record what's available.

Okay. And why was that introduced?... That was probably just to - I really - I don't know, so I can't comment exactly, I can only surmise that that was included so that we would have a record of the quality of the food that's available within the prison.

Right, okay, thank you. I'll get you to have a look at the next item and read that if you wouldn't mind - November 1990 - phone calls?... Prison officers are required to monitor, supervise and record in the appropriate book, all phone calls for all inmates, the length of the call and the frequency of the call must be recorded along with the name of the person. This is all cross-referenced with the prisoners' points entitlements.

And are you able to indicate the changes in duties and responsibilities as a result of that change?... Well phone calls weren't allowed before 1990, and that's just a part of the - of I guess the rehabilitative side of the prison - allowing contact between parents and loved ones. It's also a very good way of - of being able to give to prisoners - for rewarding for behaviour. It's also there, I guess as a we can cut this out - or - you don't get it if you don't - if your behaviour or standards aren't maintained. So - and I do, as I said, it's cross-referenced with prisoners' points entitlements and it's - it's a humane, I suppose, way to maintain contact but it also involves more time out of your day monitoring, supervising and recording.

Good, thank you. Would you care to read the next item - 1980 - Attitude Report?... Each prison officer is required to write a general report including prisoner muster numbers at the end of each shift. The prison officers are required to assess the inmates demeanour and write specific comments for every inmate.

And once again, are you able to indicate the change in duties and responsibility as a result of that change?... Yes. When I first began, any information passed from prison officer to prison officer was verbal so therefore if someone omitted to tell you things, you were unaware of - of what had been going on in the prison and the onus of responsibility was on you to know everything, or - and there was - it could have been disjointed things between what one person had thought they'd said and what one person had received in information. So a shift report is an appropriate way of keeping information that's there available to all so that you can look back and assess behaviours and assess treatment in a prisoner's behaviour. If you've been having problems, you can look back and maybe see whose shift it was or whatever. You can also identify prisoners with behavioural disorders, when they're going down and when they're coming up again. For instance, if they're a manic depressive and you're able to look back through the shift reports and it gives you a comprehensive idea of that prisoner and it builds up - prisoners' behaviour - and it builds up into a pattern that you can identify which is also very useful for doctors and psychologists if they should ever need to look at it. That is two separate shift reportings. We have one basic shift report that we write in a large diary and that's just the basic shift report with the muster numbers at the end of it and the other shift report - and in that we write any general liaisons and things, or any differences of opinion between - between people so that they can be noted and observed and so that they don't develop. And specific comments for every inmate reverts back again to the work and conduct assessment which is in a separate book and you write, even if it's a couple of words on each prisoner so

that you know - so that there is something there for them - a separate thing - there's shift reports written three times a day and a separate prisoners' report with the points allocation is written twice a day.

Thank you. The next item - 1990 - Integrated Activities?... There is an increased emphasis on the development of integrated and social skills. Officers supervise square dancing lessons, computer skills, music lessons and debates etc. This requires inmates from other areas of the prison visiting this division during these activities.

The - where it says this requires inmates from other areas - is - is that - well what is the gender of - of those inmates?... Male.

Right. Thank you. And can you indicate to the commissioner the - the nature in the change of duties and responsibilities as result of that change?... When I first started, the only males that came to the division would have been tradesmen or workers and they would have been supervised by the person - the officer - that - for whom they were the offsider - is that grammatically correct - yes. They would have been supervised by the officer that brought them into the prison and used their skills and then went. But when we have these integrated activities it now involves us with prisoners that are unknown to us - usually of a minimum security - or mainly of a minimum security classification coming from the medium security prison. But you still have to be obviously aware of behaviour and - and interactions between all people within the prison.

Thank you. And the last item on that page, Assaults?... Assaults:

Prison Officers in this Prison have been attacked physically causing injuries as a result of being punched or kicked. It is not unusual for prison officers to be verbally abused in the course of their work. The increase has been in the incidence of psychological pressure and threats.

Can you just explain that last sentence, if you wouldn't mind?... Yes. The women's division is an environment in which we don't have a lot of physical assault, but because of the mix of people with which you are dealing, I think verbal assault is probably - or verbal pressure - is probably the main thing, or certainly that I have had to encounter; and that involves being able to deflect what could potentially be an unpleasant, perhaps physical assault, into something. I can give you examples if you would prefer, personal examples of things that I have had to deal with.

Yes, perhaps if you wouldn't mind illustrating an example, thank you?... Yes. Well, we had one woman who is

schizophrenic and she's very, very clean, she can't bear germs. She was seeing the AIDS virus dripping out of taps and she had germs coming out of the ceiling at her. We were walking along the coverway one day and she said, 'I want you to open the bathrooms for me. I want to shower', and I said to her 'The showers have been cleaned and they are locked now.' And she said, 'If you don't open the showers for me I am going to punch your head in', and I said, 'Well you know that I will do anything that I can to assist you, and I really don't like the way that you are speaking to me. I would like you to stop.' She said, 'Oh, that wasn't me speaking, that was the radio'. So you are deflecting that sort of thing. I had another incident - I'm quite slight - and there was a 15 stone prisoner who walked up to me and she said, 'You're very slight, aren't you?', and I said, 'Yes'. She said, 'I could break you in half'. I said, 'Yes, if you wanted to, but why would you want to?' She said, 'That's right, darling, why would I want to?', and gave me a hug and walked away. There's these potentials that you deal with within your work environment that, as I said, you deflect and you manage. So, as I said, the assaults I would say are not physical assaults, they are verbal aggression perhaps that you deal with. Other incidents where perhaps there could have been threats between prisoners having broken up. I have had to actually intervene between brawls between prisoners, and fortunately I haven't been injured in those. There have been potential situations that I deal with as well. There was one incidence again when we were dealing with a psychotic person and she was helping with chores in the kitchen, because you have to make sure that everyone does their jobs, everyone assists, because the people that are normal become agitated when the people that are abnormal and exhibiting behaviour that is not acceptable are getting away with things that they would not be allowed to get away with. So, here we have two people drying up in the kitchen and the normal person is drying up a fork, and the abnormal person - goodness knows, perhaps thought: Oh, my goodness. She was terribly worried at the time that people were going to kill her. In fact, she thought everyone was going to kill her, and so she grabbed the fork. And so you have the situation where the normal person is thinking: My word, why is she grabbing the fork? and grabbing it back, and the other person is thinking: Oh, my goodness, she is going to kill me with this fork, and grabbing it back. So you have this to-ing and fro-ing of a fork and you walk into the kitchen - or you walk from where you were in the kitchen, I should say - over to them and you say: I'll have that fork, thank you, and you take it from them and you dispose of it into a drawer where it is safe, and both people are happy. But, as I said, it can be - you are diverting what is potentially explosive situations. There are more examples, if you need them.

No, thank you, I think that has covered it nicely. You have indicated that in November 1985 the women's prison was designated as a special institution - ?... Yes.

- and these people that you have just been speaking about, the inmates that you have just been speaking about, are you aware where they were housed prior to the women's prison being designated as a special institution?... Probably Royal Derwent.

Right. So that class of inmate was not a responsibility of the women's prison?... No.

Okay. Thank you.

I have no further questions, thank you, Mr Commissioner.

COMMISSIONER IMLACH: Thank you, Mr Shirley. Mrs Burgess?

MRS BURGESS: I request a short adjournment until 20 past 12?

COMMISSIONER IMLACH: Yes. All right. Well, we'll excuse you until 20 past 12.

MRS BURGESS: Thank you.

COMMISSIONER IMLACH: Thank you, Officer Shaw.

SHORT ADJOURNMENT

COMMISSIONER IMLACH: Mrs Burgess.

MRS BURGESS: Good morning - or afternoon, I think, by this stage?... Yes.

Just a couple of questions for you. I will just take you to exhibit TPOA.57, and you mentioned - right - under November 1985 Special Institution and you were saying that increased workloads, your interaction with prisoners is more demanding, and everything. Hasn't supervision, assessment and control always been the prime function of a prison officer?... Yes. Interaction hasn't actually been a function, though, and the recording of this interactions hasn't been a function - or wasn't a function when I first began work - it was just purely a supervisory, a purely being there dressed in blue, and turning

So the supervision, assessment and control have always been the prime function?... Supervision and control, yes. Assessment, no.

Okay. Fine. If I take you through your Management, May 1991. Still on the same document . You mentioned that the point system, you explained very concisely what the point system was about, the introduction of it and everything. That was very informative. Isn't the primary function again of the prison officer custodial, and haven't those tools - and I am referring to the point system that's been introduced - made the job easier and more rewarding for prison officers? Would that be a fair assessment?... The job is interesting and rewarding, and always has been. There's been different emphases. During the development - I look upon it as a development of the job from when I began - as, yes, that's a hard one. But the job now involves a great deal more administration than what it did. A great deal more autonomy than what it did; a great deal more responsibility, or accountability, than what it did. So, in those respects, if you like those things it is rewarding, and I like those things so it is rewarding.

How is it more responsibility?... Well, as I mentioned before, if you weren't recording all that you had to do you could absolve yourself of responsibility by conveniently forgetting to pass on information, or some - I will not identify myself with some of those people. Some could conveniently not pass on information, and not accept responsibility on their shifts for interactions, or whatever, that had occurred. And, so ...

So the system actually is working well? Not working well?... The system is being finely honed.

Right. Okay. I take you on now to Assaults. I think that was confused, though. At the second page it doesn't actually have a date for assaults. Is that under 1990 or is that - well, you have got 1990 Integrated Activities and then Assaults after that. Is that since 1990 or is that a typo, or do you know?... No, assaults are something that just occur.

They just occur?... Right through the system.

So assaults have always happened since your time in 1985 or so?... Well, actually as I said, I have never had a physical assault, so ...

So you are giving evidence on assaults from 1990 or 1985?... 1985.

Okay. That's okay, that's fine. Are there more assaults, either verbal or physical since 1985? Have there been any?... I can only account for myself, of course, and I think since we've had the intermix - well, actually this emphasis on intermixing is probably an unfair bias to be introducing, because you do - even without - you have this mix of socioeconomic backgrounds, this mix of classification of prisoners, this mix that you have to manage within this

environment. It is a different environment, and you do have to manage that because there is nowhere else for those people to go. You don't have maximum security as a threat to send them to if they misbehave. You must manage the people that you have within this environment. There is nowhere else.

Okay. I was just getting back to the question that I asked you, and that was, are there more verbal and physical assaults since 1984?... Well that would depend purely and simply upon how many inmates that you had, and how many people that you had and what, as I said, what level of interaction and friendliness those people had. It doesn't depend on a time.

Okay. And how is the mix of changed classifications, how has that changed?... It's always been a classification apart from the introduction of the special institution.

Right. Just going on to the special institution, you did say it was probably Royal Derwent but you weren't sure when Mr Shirley asked?... I am sure you could find that out.

Oh, well I am positive we can find that out. I was just asking you if you were or weren't sure, in clarifying it for your evidence. Okay? Now, how many women have been held under the Mental Health Act since 1985?... One that I am aware of.

One that you are aware of since 1985?... Mm.

Okay. Are you also aware of Professor Ivor Jones' report and research into the incidents?... No.

You are not aware of that at all?... Not that I can recall.

Oh, right. That's the time spanning from 1980 to 1991. I just thought you may, working in that area, be familiar with it. But, nothing?... Not that I am aware of. I am not very good on names, though, so ...

It's a report then. Probably if you are not sure of the name, it's a report into the incidence of psychiatric disturbances among female prisoners. So, even if you are maybe not aware of who is actually the author, are you aware of a report?... No. The only things that I have read are more theoretical, I guess - they are institutionalisation sort of reports, Making out in a Mental Institution, and reports of that ilk.

Right?... Quite old reports.

No, this one is fairly current seeing it is 1991, and I don't know. That's all we need. Thanks?... And that's just purely from the psychological anyway, not the -

COMMISSIONER IMLACH: Thank you, Mrs Burgess. Prison Officer Shaw, this business of assessing and reporting and so - ?... Yes.

- is that aimed at - or obviously it is aimed at the work and conduct record to give them points which is for time off?... It's for visits -

Is that right? Time with their families and so on?... Time with family, length of visit allocation, yes.

Yes. And also for the general assessment by the prisoner's authorities as to their behaviour, I presume, for remission and so on?... It could be used for that. It assists in the recording of information. It assists in the effectiveness of communication between prison officers.

Yes. Well that's what I'm trying to get at. All the reporting - the writing down and so on, that is used, is it, to your knowledge?... Yes.

You use it yourself, what the others have written?... Yes, we use it so that you know what sort of environment you're coming into. You can leave a happy prison at the end of one shift and come into a tension filled prison at the beginning of another.

And that's likely to be in the report?... Yes.

And is that new, is it?... We didn't have reports before the stated date, and as I said it was purely verbal communication and you'd meet some people at the gate they'd say, Oh, I have to leave this place, and they'd be gone and that would be all that you know about the shift that had just passed.

Right. Now the special institution factor - Mrs Burgess touched upon it - and you'd said there had been one virtually committed under that - on that basis. Are you advised of the condition of other prisoners or are they just another prisoner?... No, we take people. They are just delivered to us. We read the warrant and if the warrant is acceptable we accept people and we do have the facility of the prison hospital to use, but we are still a place of first assessment. We are still a place whereby prisoners are processed, we accept them, we do their - we record their clothes, we change them - we process them from a person to prisoner and we take care of that and we're involved in assessing their behaviour if it is necessary to - if they are particularly disturbed - to be able to shoot them off to the prison hospital, but we are a prison of assessment as well, and as I said, this special institution as well, this concentration on it, it doesn't - I have brought it up - it doesn't emphasise enough what we do, even without the special institution, we still do have that mix of prisoners at all times. The classifications,

the people on remand who haven't been sentenced yet, from life murderers that are serving life imprisonment to people who are on non-payment of fines, just picked up off the street, brought in, we have this intermingling of people, this - that you have to manage, and as I said you just - you can't sent them anywhere else. You manage them and you manage them within that environment and that's your working environment, and that's the environment - that's yours.

Good. Thank you. Mr Shirley?

MR SHIRLEY: Thank you, Mr Commissioner.

You were asked questions about the role of the prison officer being for supervision and control and you were also asked about assessment, and you said with assessment that wasn't the role before, as I understood it. With the supervision and control, are you saying that supervision and control has changed in its nature?... Yes, supervision and control is now an interactive supervision and control. It is not a control where you're punishment - totally punishment orientated. You are trying to rehabilitate people or trying to have people that will function effectively in society - people that can interact with others. You are trying to teach social skills, interactive skills, skills of responsibility, skills of care, skills of citizenship and before the emphasis was on obedience. It was - well there's still an emphasis on being accountable for your behaviour but it is not this totally: You will do because you are low; because I am high. It is more a responsible interaction.

Right. Thank you. In relation to the questioning as to assaults you made mention in your statement as to physical assaults and then a reference to psychological pressure and threats. Is that the change that has occurred to assaults in the assaults category?... Well as I said I haven't suffered physical assaults myself. I have suffered the threat of physical assaults, that I have deflected.

Right?... They are just, I suppose, been there. I can't recall dates for those.

Yes. Yes. And the pressure or threats that stem from that, are they a new pressure are they?... Yes, I think once you have an obedient population that's totally socialised to be obedient and the emphasis shifts on you becoming accountable and you have interaction, then you do perhaps open up the potential for the verbal and emotional pressures that we have been describing.

Yes. And in relation to the women's prison and its special institution status, I believe you indicated that before the women's prison was a special institution, that type of inmate that was either classified under the Mental Health Act or some

other classification was housed somewhere elsewhere?... To my knowledge, yes.

Yes. The point I'm trying to find out from you, you did have access or recourse - or did you have access or recourse to that type of inmate prior to the special institution status?... Not to my knowledge.

Okay. Thank you very much, Mr Commissioner.

COMMISSIONER IMLACH: There we are, Prison Officer Shaw, that's it. Thank you very much?... Thank you.

MR SHIRLEY: Mr Commissioner, we have another witness and would need a couple of minutes break to get him or we could break for lunch.

COMMISSIONER IMLACH: Well I'm in your hands.

MR NIELSEN: I think we may as well break for lunch.

COMMISSIONER IMLACH: We can get on with it can we?

MR NIELSEN: Yes.

MR SHIRLEY: Straight after lunch?

COMMISSIONER IMLACH: Yes, but I'm saying can we get on with lunch in a short period.

MR MARRIS: Lunch is laid on the table now.

MR SHIRLEY: Lunch is here.

COMMISSIONER IMLACH: Oh, right. Well we'll do that then. All right. We'll adjourn for lunch, approximately half an hour.

LUNCHEON ADJOURNMENT

COMMISSIONER IMLACH: Mr Shirley?

MR SHIRLEY: Thank you, Mr Commissioner. We call our next witness, Prison Officer Geoff Cox.

GEOFF COX, sworn:

MR SHIRLEY: Thank you, Mr Cox. Can you indicate to the commission your full name?... My full name is Geoffrey - with a 'G' - Gordon Cox.

And what is your rank?... My rank is prison officer, qualified for senior position, sometimes called first grade.

And how many years' service have you had as a prison officer in the prison system?... Fifteen years, this is my fifteenth year.

Right. And is - and what areas of the prison have you had experience?... In all areas except internally in the females -

Right?... - and in Launceston.

Right. Thank you. And your experience, just by way of background, outside the prison system. Have you service in any other public service - in the public service areas?... Yes. I was 10 years in the police service, covering Hobart, north and north west, finishing up at Bellerive as watch sergeant for two and a half years.

Good. Thank you. I'll show you a document.

COMMISSIONER IMLACH: Now what's that, Mr Shirley?

MR SHIRLEY: TPOA.60, Mr Commissioner.

COMMISSIONER IMLACH: Right, TPOA.60, we're getting perilously close to teachers numbers here, aren't we?

MR SHIRLEY: I apologise for that.

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: Mr Cox, have you seen this document before?... Yes, I have.

Have you had an opportunity to read the document?... Yes, yes, I have.

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

Right. Thank you. What I'll get you to do for each part is to read the comments that you have made and I'll ask you some questions about different parts of it. I'll get you to start with the background if you could read that, thank you?... Okay. Hospital - Infectious Diseases. Background. There is no formal training for officers who are placed in the hospital. Management had a form of familiarisation training program but now no such policy exists.

Right. Thank you. And then I'll get you to read the next part about - ?... The hospital is now designated a special institution. Officers who expressed or who management

believed had an aptitude of working with inmates with mental disorders, were selected. These officers must work with a degree of calmness and stability in an uncertain environment.

Can you indicate to the commissioner the training that you had for the position in the hospital?... Well initially, going back to the first one, there was initially an IQ test which I objected to and then later was changed to an aptitude test for the position. Anyway this is by the by. The designated institution here, the officers there are - were made aware of what happens inside the health system as regards to people's mental disorders. We went to the Royal Derwent and other places and were made aware of what happens with inmates outside of our system, so it complemented our system. It's quite a good idea, but as I said it was a familiarisation not a learning experience, followed by an examination, followed by a qualification. It's a participation certificate.

And that familiarisation training program, how long did that ?... One week.

One week?... Yes.

I'll get you to turn to the next part about the hospital meetings and I'll get you to read that, thank you?... Yes. Prison officers have regular meetings with Dr Lopez the resident psychiatrist and nurses to discuss patient attitudes and how they should be treated. We are asked to observe an inmate's behaviour and report any change to the charge nurse.

Thank you. How frequent are those meetings?... They were infrequent. I was there for two years and I guess there would have been 10. Now the management have upgraded the ranking structure - we have a chief and - a superintendent and a chief, senior. As such if there is any problem as mentioned here where it needed a meeting, officers would go to their immediate boss who inform the nursing staff and if necessary a meeting is called and the matter is discussed and then it goes back to Mr Lawler or Mr Harris and the senior nursing staff for any changes in policy, which I believe is working quite well.

Right. Did I understand you to say there a was a superintendent?... There is now.

At the hospital?... Now.

Right. And a chief -?... And a chief -

- prison officer and a senior prison officer?... Yes.

Okay. Now with the superintendent and the chief and the senior prison officer are they on duty all the time and 24 hours a day or do they occupy specific shifts only?... The

superintendent is there on Monday to Friday basis. The chief and the senior, I believe, take alternate weekends. I cannot say for sure. I haven't seen their roster -

Good. Yes?... - but there is a management control system in operation.

Right. And does that ensure that a senior officer is on it at a given time?... To my knowledge, yes. I haven't been into the hospital to - to survey it. I cannot accurately say that.

Okay, thank you. I'll get you to turn to the next page of your statement regarding types of patients, and if you could just read?... The types of patients include, hepatitis B, A or C or D or E or F, AIDS, HIV, schizophrenics, psychotics, suicidal and criminally insane, as designated under the Mental Health Act.

Right. And do you have any direct knowledge as to the classifications assigned to inmates or patients that come into the hospital?... No, not as such, no. No, that's a matter between the doctors, specialists and the charge - the charge nurse. Those matters are documented and kept away from us.

Right, okay. I'll just by way of background get you to indicate to the commissioner the classifications that exist, and if you could just read that next section?... Right - the classifications are - these classifications refer to, for example, suicide and I'll just go down them. Red is for light on 24 hours a day, 15 minute observations, no clothes, sometimes a boiler suit worn on back to front and the ends of the hands are sewn up. There's a special mattress. Feeding is done with a spoon. Drink comes from a plastic container. Observed while they're taking their meals and the items given to them are taken away to prevent any physical injury to themselves or others. An observation sheet is kept very close by and any - every time they're checked the officer notes the time, his signature, and if there's any alteration it's made known. Yes, that's about it. And if there is any change to the status of the inmate in the red category, then first of all the nurses are notified, that they check it and it goes on from there.

Good, thank you?... The yellow is half hour observations. The patient stays in his own cell. He - oh, and the above one too, red, he doesn't have any cigarettes at all.

Right?... No - no lighter, no cigarettes, no matches, nothing. The half an hour one, he has cigarettes given to him by the staff on request. Again they're monitored on a sheet of paper, who observes them and what time, their stages. And green, being they've come from the yellow or red, or neither, and they're observed closely as they move about the hospital complex and if they observe any problems with them - any agro

or behaviour that's inconsistent with their normal behaviour, then again the nurses are notified if they haven't seen it, and any action that's required is then taken up.

Right, thank you. Now I'll just get you to turn over to the second page if you wouldn't mind, and if you could read that section relating to patient information?... Prison officers are not allowed access to patient records and therefore are not aware of the status of a patient. Inmates have a blood test on admission but prison officers are not allowed access to that information and the results. Prison officers adopt the view, as a work practice code, that inmates have hep.B and/or AIDS or HIV.

Okay, thank you. So confirming once again, that prison officers don't have access to that information and are not aware of the results?... That's correct.

Okay?... It's kept in - it's recorded - I know that it's kept in green books - I know it's there but we don't have access to it.

Right, okay, thank you. And are you able to comment if that is a similar process throughout the prison system?... Yes, in the mainstream gaol that's the same.

Right?... That's the same, yes. We don't know of any inmate who has any - any of these mentioned things - hep.B or AIDS or HIV - we just don't know.

Okay, thank you. Now I understand, Prison Officer Cox, that there was a - a situation in 1988 when you were present and indeed involved and you took a certain course of action in relation to an inmate. I'm wondering if you could read the next part, just slowly, and at your own speed, outlining those - that incident?... On this particular shift - I was working a 2.00 till 10.00 shift with another officer and a nurse was present at the time of this incident. There was an inmate on a 15 minute observation, and he was checked. This inmate who had hung himself was not on any classification at all - there was no indication at all that this in fact took place. And I carry on. An inmate had hanged himself. I was on duty and discovered him. I contacted the nurse on duty and the other officer. That - if I can just elaborate on that - that proceeded us then to break the emergency glass and first aid where we've got keys to unlock the door because they were locked away - the keys being taken up to the main gate. And then a knife was taken down as well so that the inmate was cut down from where he was being hung. Having a lot of experience in resuscitation, when he was brought down, I immediately performed mouth to mouth resuscitation and the other officer - he performed the compressions. The nurse had then gone to get some oxygen up the other end of the hospital. The inmate had shown no signs of life and appeared quite black.

I might just stop you there, Mr Cox - Prison Officer Cox. You indicated that you'd had some experience with resuscitation previously - was that in this environment or another environment?... No, in the police environment we are trained quite thoroughly in this area.

Okay?... And for me it was just an automatic reflex to resuscitate, plus, I was aware from my police experience of the responsibilities under the Criminal Code in relation to the - the - giving the opportunity for someone to retain life if they've in fact tried to take their life and we think that we can keep them alive. You have a responsibility to offer some assistance which -

And you received that understanding whilst you were in the police force?... In the police force.

Thank you?... Right. In this process I used the prison issued resuscitation tube which is a tube as such - it's like an 'S' - open 'S' with a bar across it and you use that behind the head of the patient as opposed to the previous method of either side, tilt the head, remove anything - obstruction - then mouth to mouth or use the tube - this one is behind the head - lift the head back, tilt the head to get the airway open and then you blew through the tube. And if anyone's done this they'd appreciate this, but when you blow into somebody who's - there's no movement it's just like blowing into a bottle - and the harder you blow in the harder it comes back and in this instance he was a huge man - he was about 120 kilos - quite a big man. The - I couldn't get away from what come back at me when he vomited back - his mucus and congestion on his lungs and blood - now this went over my face and up my nose and in my eyes, over my glasses and also down my throat and it's this - this was kicked off - this thing kicked off what later happened to me. The inmate was treated with oxygen by then when the ambulance - when the nurse back from the other end of the hospital and the ambulances were in attendance. Also we hadn't notified the main gate who - oh the chief rather - the chief on duty - who in turn calls an on call officer and then usually the security officer comes down or designated people come down from the administrative level and Mr Law or Mr Harris or someone - in this situation it was rather serious, the police are notified and it's just a matter of procedure. I might have overlooked something but - oh, and a doctor must be called in to pronounce the fact that the person has died. But on this occasion the prisoner left the hospital and his heart was beating by itself and he had an oxygen mask on his face so we brought him back to life again. And it was on a Friday night, which is not written in here, is the fact on the Monday afternoon that he died. I later found out that he had a second vertebrae was broken as a result of the hanging Keep going?

Yes, thank you?... Five days later - this was on a Friday and this was over the Christmas period if I remember, and the first appearance of Dr Lopez. I might add here not even the police had access to the inmate's files - they were under the control of Dr Lopez as under the Mental Health Act which was quite proper. And Dr Lopez informed me that the inmate concerned had hepatitis B and that I should make an appointment to see Dr Kennedy at the Red Cross. I also contacted my family doctor who administered two injections. Dr Lopez in fact referred me to Dr Kennedy. I might just add a little bit more to that and that is that Dr Kennedy, via the computer, spoke with the University of Melbourne and Sydney and together they came up with a procedure as to virtually keeping me alive. I had two injections out of three which is a departmental policy that became there. it's offered to officers to have the three injections then the follow up boosters every 5 years. I had two injections of hep. B prior to this. Now Dr Kennedy informed me that at my age - this is after he spoke to - on the computer to Melbourne and Sydney - that at my age and delay in injections and also there was a delay in my being washed out - which I think you all understand what that means - I had an 80 per cent risk of a positive contraction of hepatitis B. I developed a fear of dying. I was off work and had to isolate myself socially as I did not know if I had in fact contracted the disease. I was living - I was living on my own and I suffered from nightmares and still do and I still visualise the inmate hanging in the cell and the resuscitation procedure et cetera. I suffered severe family disruptions - my daughter, as I said, had left home and I was on my own. My wife to be and I had separated. She was feared for her own well being. Then I had 5 years of not knowing whether or not I had contracted the disease and I still suffer from skin rashes. That related to that last - second last statement of 5 years - I was advised unofficially - not officially by the department - that the inmate had AIDS - now whether that's true or not I don't know, but I have 6 monthly blood checks to check. Now I required post trauma stress disorder counselling by Dr Burgess-Watson and I was referred to him by the doctor, Lopez, for counselling and how to live with this, now I know to be post trauma stress disorder. I was unable to work properly for about 6 months. I lost my confidence and eventually returned to work but was only able to work on and off. I became mentally depressed and stressed and contemplated suicide a lot. I still suffer short term memory losses and I can't handle stress as I was able to prior to this event.

Just if I could stop you there. This - that last comment in relation to the handling of stress and the ability to handle it formerly, was that both in - or was that in the prison and was it in other areas of the public service?... Yes. Say, in the police - say - well, for example, the last couple of years I was in charge of 30 to 50 men, that was towards the - that

was just after the bridge broke - went down and we had a lot of officers there, so - and I was in charge of a lot of men - a lot of responsibility and I was in the bushfires and in the mortuary in '67 - 50-odd bodies came in which they did for three and a half days and never worried me. It never has and never does, but this one sneaked up on me and I just haven't handled it too good and the only thing that I haven't been able to handle. This one has really got me.

Now there was a further incident in 1991 relating to another inmate. Was this also at the hospital?... Yes, again at the hospital in cell number - oh, I forget now.

Yes. No, that's not important. And just briefly what was the circumstances of this particular incident?... The situation was that a prisoner feared for his life and believed that he would be seriously injured by another inmate or other inmates, and he was on Category A, but he was moved off. I don't know how long it took, probably five days, a week, I'm not sure, but he was - he had his clothes, he had his bedding - he looked to me like he was just treated like another inmate. I don't remember if he was on the category. I was a spare officer on that shift - on the night shift and the officer on duty, Mr Moody, he directed me to go down to the hospital and attend to it as I had previous experience in the prison and in the police in handling this situation. So, that's what happened. And the experience of the '88 incident reignited again, the post trauma stress disorder commenced again. I returned to counselling with Dr Burgess-Watson which continues - well this afternoon I have got to see him again. I'm having a lot of trouble sleeping and I mentally relive the experience of the two hangings and I was off on workers' compensation and still am on workers' compensation. Now I work five days a week, Monday to Friday, at the convenience of the department. I could follow the roster but Mr Harris said it would be more helpful to him and the staff if I was on Monday to Friday. There was more work available then. I daily take medication as a result of these incidents and I work on restricted duties, in other words, I work general duties. I am not posted in charge of divisions or things like that, and I am currently classified as post trauma stress disorder for the workers' comp purposes. There's been no problems with that, with the department or with workers' compensation. Since that incident with the Kelly last December of last year, I ruptured duodenal ulcers and I still have constant - live with the fear of having to resuscitate inmates in my work place. This stems back to the initial incident where I, in fact, did resuscitation - there was no resuscitation in the 1991 hanging. The nurse said he was - could find no signs of life and I was just to direct people to come in and make sure the cell was closed. But I am not very comfortable with the concept of having to resuscitate an inmate inside the gaol - having my previous experience and not know what the officers - what the inmate has. There are about the prison first aid

equipment as such - first aid boxes, but inevitably if you have a work related situation there's a lot of blood flying around and any violence, the same, or a slashing in a cell which happened recently and the office refused to wash the cell out and the inmate - when he got his arms all fixed up he came back and cleaned up his own cell. So there is a general fear amongst our officers, from my observation and discussions, of having to resuscitate inmates. The tube, as I described initially, has been changed to a mouth piece - it goes over - and it's got - which has a ball and is supposed to be nonreturnable - you don't get any contact of fluid, blood or whatever, but on the last instructions by Nurse Fox whose duties are to instruct officers in our training by the department - which is very helpful I might add - AIDS and hep B. He said that those instruments weren't totally foolproof, that they could leak through, so you still could get a blood to blood contact which still worries us and I would be very reluctant to do it, but as I said, under the act we have to offer some assistance so we're in a bit of a dilemma. So in the last sentence, this is an every day working environment for prison officers and this set of circumstances could happen to any prison officer on any day, 24 hours a day.

Right. Thank you. I have no further questions, thank you, Mr Commissioner.

COMMISSIONER IMLACH: Thanks, Mr Shirley. Mrs Burgess?

MRS BURGESS: Thank you, Mr Commissioner. Mr Cox, all we will be saying is that it's been very unfortunate that you've come across these incidences in your work. You should be highly commended for dealing with them and we have no questions to ask you?... One thing I didn't - when you mentioned - thank you very much. The department did send me a letter of commendation on the behaviour that I did with the first incident which I quite treasure actually. I haven't received one from the Prison Department so, they did in fact recognise that it was an extraordinary act to do, because we had suspicions of hep B but not positive. Thank you very much.

COMMISSIONER IMLACH: Right.

MR SHIRLEY: All right, Geoff, that's it?... That's it.

Thank you very much?... That's okay.

COMMISSIONER IMLACH: Well thank you very much everyone. This matter is adjourned now till Tuesday, the 2nd February at 9.30 here in this room.

HEARING ADJOURNED